



United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS, FIRST SESSION

## SENATE—Tuesday, July 15, 1969

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

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

Almighty God, who hast made of one blood all races and nations to dwell together upon the earth, and who at the beginning breathed into man the breath of life and set him free under Thy divine sovereignty, look, we pray Thee, with compassion upon the captive peoples of this world, whose freedom is denied and whose spirits suffocate under regimes of thought control, property control and person control. Keep us ever faithful in the freedom in which we have been nourished, and by Thy grace give us wisdom to foster freedom among all the peoples of the world, until all mankind is drawn together in a firm spiritual alliance and the word of the ancient prophet is fulfilled:

*The Spirit of the Lord is upon me; because the Lord hath anointed me to preach good tidings unto the meek; He hath sent me to bind up the broken-hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound; to proclaim the acceptable year of the Lord—Isaiah 61: 1, 2.*

Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 14, 1969, be dispensed with.

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

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Nebraska (Mr. CURTIS), if the Senator from Colorado (Mr. DOMINICK) is not ready to proceed at that time for his 20 minutes, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

### ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the

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Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

### EXECUTIVE SESSION

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

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

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

### DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Bethel B. Larey, of Arkansas, to be U.S. attorney for the western district of Arkansas for the term of 4 years.

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

### U.S. ASSAY OFFICE AT NEW YORK, N.Y.

The assistant legislative clerk read the nomination of Nicholas Costanzo, of New York, to be Superintendent of the U.S. assay office at New York, N.Y.

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

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

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

### LEGISLATIVE SESSION

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

The motion was agreed to, and the

Senate resumed the consideration of legislative business.

### RECOGNITION OF SENATOR MURPHY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California (Mr. MURPHY) is recognized for 1 hour.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without the time coming out of his time?

Mr. MURPHY. I yield.

### U.S. DIPLOMATIC COURIER SERVICE COMMEMORATIVE MEDAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 310, H.R. 7215.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 7215) to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. Diplomatic Courier Service.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

(At this point Mr. ALLEN assumed the chair.)

### S. 2625—INTRODUCTION OF THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, I send to the desk a bill, the Urban and Rural Education Act of 1969. The measure would amend title I of the Elementary and Secondary Education Act of 1965 in order to alleviate and help with some of the critical problems that are besetting the field of education.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2625) to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MURPHY. Mr. President, today I address the Senate and introduce a bill on a most important and vital subject. I am speaking of the educational crisis

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that exists today in the Nation's big cities and depressed rural areas, where so very many disadvantaged youngsters are concentrated.

Almost daily, from these troubled schools, we pick up educational distress signals—bond issues defeated, cutbacks in educational programs, teacher shortages, classroom violence, dropouts, lack of discipline, drug problems, and an endless number of concerns that beset our educational system. While there is general agreement that these signals are both real and serious, little response has been made to them. The measure I introduce today, Mr. President, is a sorely needed reply to these insistent educational "S O S" signals. It would amend title I of the Elementary and Secondary Education Act to provide additional assistance to these schools in an effort to rescue them from the fiscal straits they are in and to enable them to compensate for the educational deficiencies of the disadvantaged youngsters found in disproportionate numbers and percentages in these areas.

My bill, the Urban and Rural Education Act of 1969, would authorize a 30-percent addition or "add-on" to regular title I funds for the first year and a 40-percent addition or "add-on" for the second and succeeding years to local education agencies with approval by the State education departments in which:

First, the number of disadvantaged, title I children, is double the national rate of low-income children; or

Second, the number of title I children is 5,000 or more.

Because we are in the midst of an educational crisis, first-year funds will go to local educational agencies without any preconditions. For second and succeeding years, however, my bill requires that the local educational agency develop and secure approval of a plan before receiving funds.

I have written into the amendment some requirements, which I am convinced are necessary. These requirements were framed after discussions with both classroom teachers and educational leaders. I believe they are essential to get maximum use out of limited resources and attain maximum results. First, my amendment requires that these add-on funds be used only at the elementary level. Classroom teachers, who daily struggle with this crisis, tell me that it is difficult at best to rescue youngsters who reach the secondary grades trailing their contemporaries by a number of grades. I do provide, however, for an escape clause which would allow funds to be used at the secondary level, with the approval of the local and State educational agencies, if the problems are equally urgent at the secondary level and if it can be shown that such expenditures are effective at the higher level.

Another important reason for emphasizing the elementary school years is the growing realization of their importance to a child's early development. A recent State of California evaluation of the Headstart program demonstrated that this program in California is producing "Dramatic and positive results." This study found that the children par-

ticipating in the Headstart program made twice the normal gains in language tests. The report also indicated that IQ scores were raised an average of 17 points over a 17-month period. With this program providing youngsters an equal start, it is important that the elementary grades continue this progress.

Mr. President, I ask unanimous consent that a June 13 article from the Los Angeles Times on the Headstart program be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. MURPHY. Mr. President, a second requirement is that preference must be given to schools having the greatest need within a qualifying district. Scattering of funds too thinly within a district has been a criticism voiced frequently to the use of the title I funds. It is my hope and intent that the elementary level requirement not only will help prevent the necessity for difficult remedial work at the secondary level, but also, when coupled with the preference provision, will result in the concentration of resources so as to achieve a substantial and a maximum impact.

My bill also would provide an additional 3 percent for the first year and 4 percent for subsequent years, to be used at the discretion of the Commissioner of Education. This is to avoid any inequities in the operation of the formula. While I am convinced that my formula is a fair one and will reach the most troubled schools in the country, I have added this amendment so that the Commissioner will have the needed flexibility to respond to schools in districts, not qualifying under my amendment, but nevertheless having similar needs. Mr. President, this bill will provide substantial new resources to school districts. Had my amendment been on the books in the last fiscal year, for example, it would have meant, based on the appropriations for title I, approximately \$200 million, and for this fiscal year, based on the administration's title I request, it would mean an additional \$220 million, which is badly needed.

In 1961, Dr. James Conant, the noted educator, warned:

We are allowing social dynamite to accumulate in our large cities.

The accuracy of his warning, the explosiveness of the "social dynamite" has been brought home to all Americans. Much of this "social dynamite" results from those who have dropped out of school. The Commission on Civil Disorders reported that the "typical riot participant was a high school dropout." The fact that 1 million youngsters drop out of school yearly, ill-prepared to find employment and a useful place in our competitive society which demands highly trained and educated citizens has greatly alarmed me and I know this is true of all Senators. As a result, I authored in 1967 a dropout prevention program to the Elementary and Secondary Education Act. This program, which was adopted by the Congress and is now part of our education laws, seeks to concentrate resources in an effort to find

approaches that will prevent dropouts. Strongly supported by both the Johnson and the Nixon administrations, this program has great promise and potential in finding long-term solutions to the dropout problem. However, it is just getting underway and only \$5 million of the \$30 million authorized was appropriated. The administration has requested \$23 million for the program for this new fiscal year, and I certainly hope the Congress will fully fund it, because I can think of no area where an expenditure could do a better job in connection with the future of our country.

I am convinced, however, that existing problems of our cities and depressed rural areas are too urgent to await these results. Our 50 large cities alone enroll one out of every four disadvantaged youngsters in the United States. What we have, Mr. President, is an intolerable situation where large numbers of students with significant education handicaps are found in school districts with resources unequal to the challenge of educating them. These youngsters are harder to educate and we simply must provide additional resources if we are to give them an equal educational opportunity. The following facts clearly reveal not only the enormity, but the severity of the educational problems in both our troubled urban and rural schools.

In our urban areas, Mr. President, youngsters from low-income families begin school with a handicap. Standardized test scores given to first graders indicate that minority children, many of whom are in the low-income group, on the average, rank 15 percent lower than other children. Quite obviously they have a much harder job to get started.

Starting behind, these children fall even further behind. The average minority group student is roughly two grades behind other students at grade 6, three grades behind at grade 9 and four grades behind at grade 12.

In our Nation's 15 largest cities, the school dropout rate varies from a high of 46.6 percent to a low of 21.4 percent. As bad as these statistics are, focusing on poverty area schools within our large cities, it is shocking that 70 percent of the youngsters drop out before completing high school. In California the McCone Commission, established in the wake of the 1965 Watts rioting, found that in three schools in a predominately Negro area of Los Angeles, two-thirds of the students drop out before completing high school.

And in our rural areas:

Youngsters receive less education than their counterparts in other sections of the country. Children in urban centers average 11 years of school whereas rural regions average about 9 years.

Approximately half of the 415,000 children of migrant parents have been estimated not to attend school on a regular basis.

In 1960 nearly twice as many urban as rural youngsters were enrolled in college.

Rural isolation and inadequate salaries make it difficult to secure trained teachers. As a result, twice as many rural teachers as urban teachers lack proper certification.



A September 1967, Presidential Advisory Commission on Rural Poverty reported:

There are still about 10,000 one-room schools in this country—mostly in rural America.

Mr. President, nearly two decades ago, the late, esteemed Senator Robert Taft, saw inequities in educational opportunities throughout the country, and reversed his earlier opposition to Federal aid to education and became its strong advocate. Senator Taft then eloquently explained this shift:

Two years ago I opposed very strongly the proposal which then was made for a general passing out of Federal funds in aid for education; but, in the course of that investigation and that debate, one fact became apparent, namely, that in many States the children were not receiving a basic education; and that some of the states although spending on education as much of a proportion of their income as the larger wealthier States, were not able to provide such basic education . . . It has always seemed to me that education is primarily a state function. I have not changed my views on that subject; but I believe that in the field of education the Federal Government, as in the fields of health, relief, and medical care, has a secondary interest or obligation to see that there is a basic floor under those essential services for all adults and children in the United States. I have particularly felt that the entire basis of American life is opportunity, and that no child can have an equal opportunity unless he has a basic minimum education.

Mr. President, as a nation, we have made substantial educational advances in the past two decades, both qualitatively and quantitatively. Sputnik jolted the Nation into enacting the National Defense Education Act of 1958. This was followed by the Elementary and Secondary Education Act, the vocational education amendments, as well as other Federal legislation which, along with a tremendous effort on the part of State governments and local communities, has resulted in more and more people receiving increased and better education.

Yet, education inequities, which so concerned and moved Senator Taft in the late forties, exist today and should, I believe, move Congress to adopt my proposal. Today, the inequities in education are both similar and drastically different than those of Taft's time. They reflect those very changes that have taken place across our country.

These changes have developed from perhaps one of the greatest internal migrations of people in history. Since World War II, a great exodus of Americans from rural to urban America has occurred. Over 20 million Americans have made that march until now, 70 percent of our citizens live in urban areas containing less than 2 percent of our land.

To produce such a dramatic population shift, obviously many factors were at work. Poor conditions and limited opportunities in rural America sent people to the cities, seeking greater opportunities and better conditions. This push-pull phenomenon often resulted in bringing both the best and the worst of rural America to the city. And, rural America, by this process, was stripped of needed educated and trained manpower and the arrival of the worst into the cities sub-

stantially magnified the serious situation that cities find themselves in today. The poorest of the migrants, in terms of training, education, and financial resources, and because of discrimination, have tended to stay in the cities while the best trained and educated, making up a rising middle class, joined in another significant internal migration—the movement of 33 percent of these cities' inhabitants to the suburbs. Today, more than half of our metropolitan population lives outside the central city. During the period of 1966–68, an average of 486,000 white Americans left cities. This was almost four times as many as the 141,000 whites who left the cities during the previous 6-year period. Sylvia Porter, the widely syndicated financial columnist commented recently on the consequences to the big cities of this outward migration. She wrote:

For a high proportion of those moving out of the cities are those in their young to middle financially able and independent years. A high proportion remaining in the cities are the poorer households—households headed by women or older citizens, households with a lot of children, broken families. These are the people most dependent on welfare, the people who can least afford to pay the taxes to finance the cost of essential public services. No sign of reversal in these new population trends is in sight. The financial outlook for our cities has never been bleaker.

In addition to the migration from cities of such citizens, industry, with its tax base and jobs, both of which are desperately needed by core city citizens, has also been moving out. Mr. Alan K. Campbell, in the January 11, 1969, edition of *Saturday Review* traced this industry decentralization trend, saying:

An examination of the central cities of twelve large metropolitan areas demonstrates that the proportion of manufacturing compared to that of suburban areas has clearly declined over the past three decades, especially in the post-World War II period. In 1929, these twelve cities accounted, on the average, for 66 per cent of manufacturing employment. This percentage decreased to 61 per cent by 1947, dropped to 49 per cent by 1958, and has since declined even further.

New jobs being created in the suburban areas, because of transportation problems, are often out of reach of the poor people from the central city.

Mr. President, it is not that our troubled cities and impoverished rural areas have not been trying. Although running as fast as they can, they slip farther and farther behind. With its financially better-off individuals and industry moving to the suburban areas, the tax base of the cities has seriously eroded. Mr. Alan K. Campbell described the meaning of this tax base loss to city education programs, and I quote:

Translated into educational terms, the tax base in large cities has not kept pace with the most recent growth and changing nature of the school population in the cities. Indeed, an examination of the per pupil taxable assessed evaluation over a five-year period shows that ten large cities out of fourteen experienced a decrease in this source of revenue. Since local property taxes are the major source of local educational revenues, large cities can barely meet ordinary education needs, let alone resolve problems resulting from shifting their population patterns.

The tax base of impoverished rural areas is equally distressing.

Mr. President, the population pattern shifts which we have been discussing have produced great changes in our society, changes we must appreciate, changes we must understand, if we are to deal with the crisis confronting us.

It is useful to recall that there was not always such a dilemma in our cities. On the contrary, from almost the beginning of the free public school education, cities with their concentration of wealth and talents were in the forefront of the Nation in education. The large cities had higher per pupil expenditures than outlying school districts. Their better education programs were an additional attraction to the cities. Around 1949, which is about the period Senator Taft was urging financial assistance to remove educational inequities, many large cities began to show a decline in the educational expenditures relative to their previous levels and with few exceptions relative to the national norm.

By 1965–66, only New York City of the top 36 cities in the Nation could boast of a per pupil expenditure significantly higher than the national norm. Economist Seymour Sacks, professor of economics at Syracuse University, traces the deterioration of the central city's favored financial position as follows:

It would not be amiss, however, to state that the period from about 1957 to the present witnessed the most fundamental shift in the fiscal position of large city educational systems in U.S. history. For as late as 1957 central cities were still able to spend slightly more than their own outside central city areas. Based on a representative cross-sectional study of 36 Standard Metropolitan Statistical Areas in the year 1957, the comparable current expenditures per pupil for the two areas were \$312 in the central cities and \$303 in the outside central city areas. In a short five-year period, that is by 1962, a gap of \$64 had opened up between the current expenditures per pupil in the outside central city area and the central city areas, \$438 compared to \$376. In this short period the historic preeminence of central city education had vanished. And within three more years the gap had widened to \$124 per pupil, \$573 per pupil as compared to \$449 per pupil. With only two exceptions, whatever per pupil expenditures in a given central city area were, those of its outlying areas were higher. In only two areas, Denver and Providence, R.I., were central city expenditures higher than those of their outlying areas, and they were nominal amounts. In two areas the same school districts provided public school education to both the central city and outside central city areas. In the remaining 32 areas the outside areas had higher levels than those of their central city areas. A clear pattern of dominance had been established.

Thus, from 1957, when the central city enjoyed a slight edge in per pupil expenditures, its educational system, compared to the school system outside the city, steadily deteriorated. By 1965, in the 37 largest metropolitan areas, the average per pupil expenditure was \$449 for the central city but \$573 for the suburbs—a gap of \$124. All indications are that this expenditure gap, already wide, is growing dramatically.

Mr. President, also entering the picture and compounding the fiscal crisis of our cities are the noneducation services and demands which confront them. Our

cities have monumental problems beside education. Air and water pollution, rising crime rates, transportation snarls, and housing are just a few. That noneducation costs are a greater burden to the city is demonstrated by the fact that non-educational expenditures make up 68 percent of the total public expenditures in the Nation's 37 largest central cities, as compared to only 47 percent in the suburban districts. This excessive demand for services, or what one author has called municipal overburden, on education in our cities has been described by the Fels Institute as follows:

The high cost of municipal services which produce much higher total tax burden on the urban districts significantly reduces the ability of the urban districts to provide fiscal support for education services.

In addition, Mr. President, State equalization formulas have not kept pace with the population movements and financial needs of the various districts within the States. Earlier in our history, the city's wealth was tapped to equalize educational opportunities in less affluent areas. Now that the situation is reversed and the cities are in desperate need of financial help, States must reexamine their allocation formulas in light of these changing circumstances. Mr. Alan Campbell describes the State equalization formulas, saying:

The shocker, however, is that state aid to schools, which one might think would be designed to redress the imbalance somewhat, discriminates against the cities. On the average, the suburbs receive \$40 more in state aid than the cities.

Governor Reagan, of California, is well aware of the failure to properly match resources and need. In a May 11, 1969, report to the people of the State, he said:

There is widespread agreement that we must overhaul the tax structure used to finance our public schools system. The existing financing program for elementary and secondary schools in California does not provide equal education opportunities for all children in the state. Elementary school district expenditures, for example, range from as little as \$289 per ADA—this means per average daily attendance, or \$289 per student—all the way up to \$2,662 per student per ADA in some school districts. Some low-wealth districts struggle under intolerable property tax burden, while some high-wealth districts are not so heavily burdened.

There is definitely an imbalance there that needs attention.

My good friend, Governor Reagan also made an innovative proposal to correct these traditions. Certainly he is to be commended for his efforts to right this mismatch of need and resources.

The picture that has emerged from the discussion so far is not a pleasant nor a pretty one. We have traced the great migrations that have taken place in our country. We saw that both the best and the worst of the rural areas poured into the cities. We examined a subsequent exodus from the city to the suburban community by a growing middle class with its higher income and by industry with its important tax base. This has left a high concentration of disadvantaged children with pressing educational needs in our core cities and rural areas which

simply do not have adequate resources to cope with the situation.

Mr. President, inadequate fiscal resources are a chronic complaint and concern at all levels of government. But in the case of our central cities their fiscal condition is acute. It is a tribute to our cities, given so many priorities, that they have been able to keep fiscally afloat. But tribute is not enough. We must provide help.

Mr. President, the urgency of responding to the education crisis can be shown by the fact that during an April meeting of the National School Board Associations, as many as 30 of the largest cities indicated they may not have enough money to begin school this coming fall year. I understand, however, that this is unlikely and that they will all open, but what will happen is what is happening in my city of Los Angeles, where needed programs will have to be curtailed or reduced. In a June 19 letter, Dr. Jack Crowther, superintendent of schools, Los Angeles, described the Los Angeles situation to me.

May I say I have had the privilege of knowing Dr. Crowther for a long time. I do not think there is a finer educator or superintendent of schools in this great land of ours. He said:

The financial crisis of education in large cities has received national attention this past year. The situation in Los Angeles is particularly acute as we find ourselves \$27 million short for the fiscal year 1969-70. The resulting cuts have seriously affected the quality of our educational program.

Secretary Finch, in testimony before the Senate Education Subcommittee, discussed this problem as follows:

One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles, and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made the most strenuous efforts to attain additional resources, and still finding their needs to be far beyond their capabilities.

The Secretary went on to discuss the educational crisis in the cities, saying:

The core cities contain the highest concentration of the poor and educationally deprived, and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities, and in rural areas is apparent not only for the sake of poverty's children, but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children.

Thus, Mr. President, one of the greatest concerns and priorities of our most capable Secretary of Health, Education, and Welfare is a search for programs to meet the rural-urban educational crisis.

Commissioner of Education, James Allen, in discussing this school crisis said:

The urban crises in education . . . has shaken society at its very roots. The situation is one which emphasizes a need for bold ac-

tion at the federal and there is no problem of higher priority or greater urgency and importance in determining what direction and form this action shall take.

Commissioner Allen has therefore echoed the deep concern of Secretary Finch for help to our troubled cities.

Dr. George Fisher of the National Education Association, in testimony before the Education Committee, emphasized the urban crisis and suggested an approach similar to that which I am making today. He said:

The major problem facing America's public schools today lies in our inner-city areas . . . We suggest a 30 per cent override on the appropriation proposed by the Administration with such funds to go to those cities with large centers. . . .

A similar plea was sounded by Boardman Moore, a Californian and president of the National School Board Association, who told the committee:

Core cities contain the highest concentration of the poor and educationally deprived. There is a dire necessity for providing compensatory education for the children from these backgrounds. Programs aimed at upgrading these educational opportunities are both expensive and are in addition to the regular educational system. At the same time, the tax base of these cities has been eroded. Medium and high-income families have moved from the cities, more and more industry is decentralizing its operation. On top of this, the cost of providing necessary city services, often called municipal overburden, is rising.

So, Mr. President, over and over again in testimony before the Senate Education Subcommittee, and in our communications media, the crisis in the cities and rural areas has been retold. Time is running out, however, and I agree with Secretary Finch, Commissioner Allen, the NEA, the National School Board, Governor Reagan, and so many others that we must indeed take "bold action." It is for that reason that I am proposing this bill today.

Mr. President, I am convinced that a new effort is needed to deal with the massive, critical educational problems. Why did I elect a two-prong attack targeted where the need is the greatest—in our core cities and our depressed rural areas? It is no secret that much of the educational problems in our cities today had their roots in rural America. With the mobility of our present population, which sees one-fifth of our citizens change their homes and approximately one million youngsters cross State lines annually, educational deficiencies in one area of the country produce problems in another area. We truly are a mobile people—a nation on the move. My State of California is aware of this mobility as much as any State, for enough people enter California each month to create a town of 30,000 citizens. Mr. President, the Chamber of Commerce of the United States, in a study entitled, "Rural Poverty and Regional Progress in Urban Society," urged a twin approach to eradicate "gross educational inequities between regions and between impoverished rural and urban areas and affluent suburban communities," emphasizing:

It is unrealistic to expect the eroding tax base of many of our core cities and rural areas to supply the additional money.



Continuing, the chamber's report reasoned:

Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents.

Mr. President, in 7 short years, this Nation will commemorate its 200th birthday. I know of no greater way of honoring this anniversary of the signing of our Declaration of Independence than by an effort to equal what Dr. Wilson Riles of the California State Department of Education, called "American education's most challenging problem in the latter half of the 20th century."

He said:

The top priority issue facing the city schools and in fact facing all education is how to improve the school achievement of the children of the poor, disadvantaged, groups that have in the past failed to receive the full benefits of American education.

Let us recognize that this has not always been the case. In the fifties, we were concerned over how many made it to college, and following sputnik, over the quality and quantity of our engineering and scientific talent. Our school systems served the country well during this period.

It was not until the sixties that we began to really concern ourselves with the challenge of adequately educating youngsters coming from disadvantaged backgrounds. Many forces converged to bring their education problems to the forefront. Education, always important because of the technical nature of our society which needed skilled and educated manpower, became a necessity. A high school diploma became a passport to employment. In addition, the country set out to reduce poverty and the country was determined to move more minority citizens into society's mainstream.

Providing equal education opportunities to all children, regardless of their background and place of birth, is a necessary challenge to a nation whose very history is one challenging chapter after another. Those who doubt we will be equal to this challenge might reread the history of the signers of the Declaration of Independence and those who followed them through the pages of history. For those who doubt we can do it, they had better reexamine the fact that our national response to sputnik will place a man—two men, really—on the moon ahead of our competitor. My amendment is in response to the city and rural school crisis—a challenge more difficult and as exciting as the moon race, and there are some who think it may be even more productive. My amendment will help us meet the challenge of providing truly equal educational opportunities to all disadvantaged citizens. As a member of

the Education Subcommittee of the Senate, I will do everything I can to see that this program, which I consider to be most worthy and most vital, is enacted this year.

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

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

The text of the bill follows:

S. 2625

A bill to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies

*Be it enacted in the Senate and House of Representatives in the United States of America in Congress assembled, That this Act may be cited as the "Urban and Rural Education Act of 1969".*

SEC. 2. Title I of the Elementary and Secondary Education Act of 1965 is amended (1) by redesignating part C, and all references thereto, as part D, (2) by redesignating sections 131 through 136, and all references thereto, as sections 141 through 146, and (3) by inserting before such part a new part as follows:

**"PART C—URBAN AND RURAL EDUCATION GRANTS**

"SEC. 131. (a) (1) For each fiscal year beginning after June 30, 1969, for which payments are made pursuant to part A, a payment shall be made to each State educational agency for a grant to each local educational agency in such State in which—

"(A) the per centum which the total number of children described in clause (A), (B), or (C), of section 103(a) (2) of this title in the school district of such agency for such year bears to the total enrollment in the schools of such agency for such year is greater than two times the average such per centum for all local educational agencies in all the States; or

"(B) the total number of such children in the school district of such agency in such year is five thousand or more.

"For the fiscal year ending June 30, 1970, such grant shall be in the amount of 30 per centum of the amount which such local educational agency is eligible to receive for such year pursuant to part A of this title, and for each succeeding fiscal year such grant shall be in the amount of 40 per centum of the amount which such agency is eligible to receive pursuant to part A.

"(2) For each such fiscal year the Commissioner may also make payments to State educational agencies for grants to local educational agencies which do not qualify pursuant to paragraph (1) but notwithstanding have an urgent need for grants pursuant to this part. The total such payments for the fiscal year ending June 30, 1970, may be in an amount not in excess of 3 per centum of the total authorized payments for such year under paragraph (1), and for each succeeding fiscal year, the total such payments may be in an amount not in excess of 4 per centum of the total authorized payments for such year under paragraph (1).

"(b) Grants pursuant to this section shall be used for the same purposes as grants pursuant to part A, but for elementary education only, unless the local educational agency and its State educational agency determine—

"(1) that the need for financial assistance for such purposes is as urgent in the secondary schools of the area; and

"(2) that the use of financial assistance pursuant to this part for secondary education will be as effective for the purposes of this title as the use of such assistance for elementary education;

and in such event such grants may also be used for secondary education. Preference in the use of such grants shall be given to schools with the greatest number of children described in clause (A), (B), or (C) of section 103(a) (2) of this title and to schools with the greatest percentage of such children in the enrollment.

"(c) (1) The provisions of sections 105, 106, and 107 (except subsection (b)) with respect to applications, assurances from States, and payments for the purposes of part A shall apply to applications, assurances from States, and payments for the purposes of this part, and the Commissioner may establish such additional requirements as may be necessary for the purposes of this part.

"(2) In addition to the requirements of paragraph (1), for the fiscal year ending June 30, 1971, and each succeeding fiscal year, each local educational agency applying for a grant pursuant to this part shall submit with the application for such grant a plan, approved by its State educational agency, for the use of such grant.

"(d) There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this section."

SEC. 3. Section 107(b) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "under this part" and inserting in lieu thereof "under this title."

SEC. 4. Sections 132 and 133(a) of title I of the Elementary and Secondary Education Act of 1965 are each amended by striking out "or 121(b)" and inserting in lieu thereof "121(b) or 131(c)".

**EXHIBIT 1**

[From the Los Angeles, (Calif.) Times, June 13, 1969]

**STATE'S VERSION OF PROGRAM: CHILDREN MAKE STRONG GAINS IN HEADSTART, STUDY CLAIMS**

(By Jack McCurdy)

SACRAMENTO.—Children in California's version of the Head Start program made twice the normal gains on language tests after almost a year in the classes, the first evaluation of the project showed Thursday.

They averaged a growth of 14 months in reading ability over a seven-month period, the study indicated.

The evaluation, presented to the State Board of Education, reflects the most dramatic improvement in pupils' achievement of any state program in the nation, state officials said.

The findings are in sharp contrast with conclusions from a widely publicized study of the National Head Start program reported several months ago by Westinghouse Learning Corp.

It indicated that children involved in Head Start summer classes in 1966 had received little benefit from the instruction.

However, California's program is producing "dramatic and positive results," Mrs. Jeanada Nolan, head of the state's preschool program, told the board.

The study of California's preschool classes, she said, is the first since the program began in 1965. It was recommended by the Legislature two years ago and launched last fall.

About 1,550 children, representing approximately 10% of the youngsters enrolled in the state program, were tested last October and last May in an attempt to measure any changes in their achievement level over the seven-month span.

The pupils were located in Los Angeles, the San Francisco Bay Area, other parts of Northern California and the San Joaquin Valley. All major racial and ethnic groups were included, she added.

The Peabody Picture Vocabulary test, a widely used test to assess the intellectual status of very young children, was used.

The test is reliable, and the children involved were carefully drawn to fairly repre-

sent a cross section of the preschool pupils, the report said.

As a result, it added, "it can be safely concluded that the increase (in achievement) can be attributed to the effects of the preschool educational program."

The report also indicated that the children who were tested raised their IQs (intelligence quotients) an average of 17 points over the seven-month period.

On the first test, their average IQ was 88. By the May test, it had risen to 105.

In another analysis of the test scores, the study showed that the average growth in "mental age" of the pupils totaled 16 months over the seven-month period.

This was arrived at by averaging the tested mental age of the pupils in October and May and then comparing them.

They averaged three years, nine months in October when their actual age averaged 4 years, three months.

In May, they averaged 5 years, 1 month in mental age, and in actual age they had remained an average of 4 years, 10 months.

This analysis showed that after seven months in the classes, their mental age as reflected on the test had exceeded their actual age by three months—making them above-average age in language ability.

Max Rafferty, state superintendent of public instruction, told the board that despite what the Westinghouse study showed, "Head Start did make a difference in California."

Mrs. Nolan challenged the validity of the Westinghouse study, pointing out that the children who were tested only were involved in about eight weeks of Head Start classes.

She said no pretests were used and that when the children were tested, about two years had elapsed since they had been in Head Start classes.

The study was based on a comparison of their test scores with those of children who had not been in the program, showing little difference.

Mr. MURPHY. Mr. President, I yield back the remainder of my time, and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIER) is to be recognized for 1 hour at this point. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous order, I ask unanimous consent that there may be a brief quorum call, without the time being charged against the Senator who is next in order of appearance.

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

Mr. BYRD of West Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous order under which the distinguished Senator from Wisconsin would be now recognized, I ask unanimous consent that the able Senator from Alaska (Mr. STEVENS) be recognized for not to exceed 5 minutes.

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

Mr. STEVENS. Mr. President, I thank my good friend the Senator from West Virginia for his courtesy.

# S. 2626—INTRODUCTION OF A BILL DESIGNATING THE POST CEMETERY AT FORT RICHARDSON, ALASKA, AS A NATIONAL CEMETERY

Mr. STEVENS. Mr. President, the citizens of Alaska have never hesitated to step forward when their country has called. The service record of Alaska's veterans is long and distinguished, ranking proudly with any State in the Nation.

However, the veterans of my State are being denied one of the basic privileges that all veterans in this Nation receive. This is the privilege to be buried in a national cemetery.

Currently, there is a national cemetery in Alaska, located in Sitka. However, it is far removed from many population centers of the State, and it works an extreme hardship and expense upon the families of many veterans who wish to bury their deceased veterans there. Transportation costs are high, and the final resting place of the veteran is far away from his loved ones in other parts of Alaska. Alaska is a huge State, being over one-fifth the size of the entire continental United States together. Our transportation system is very inadequate, and travel between different areas is difficult and expensive. Often, the only method of travel is by sea or air. For an area as large as Alaska, having only one national cemetery is a hardship. The Sitka Cemetery is adequately located for citizens of southeastern Alaska but very much removed from the citizens of the central and southcentral areas. The situation is the same as if the people of Los Angeles had to bury their loved ones in Sacramento and then were only able to visit the cemetery by air or boat. I think the inadequacy of the present situation is evident.

For several years there has been discussion of establishing a new national cemetery in central or south-central Alaska to better serve the large population of the rail-belt area. However, the entire national cemetery program is currently under review, and it is presently impossible to establish an entirely new national cemetery until the administrative problems of that review are settled.

Nonetheless, I feel that, in the interim, the veterans of Alaska should have access to a proper national cemetery, convenient to their homes and loved ones.

Consequently, I am today introducing S. 2626 which would designate the existing post cemetery at Fort Richardson, Alaska, as a national cemetery. The cemetery facilities already exist there, and it is a matter of little or no money and a minor administrative change to provide the veterans of this area with a national cemetery within reach of their homes. This is a step which would not conflict with the current policy of not establishing entirely new national cemeteries and yet provide a basic service to many deserving veterans.

The people of Alaska are extremely interested in seeing that a centrally located national cemetery is established in Alaska. The State legislature has passed a resolution calling for the establishment of a national cemetery in the Cook Inlet-Tanana Basin area of Alaska and all of the veterans organizations in the State have expressed their wholehearted approval and support for such a measure.

Despite the fact that there is a moratorium on establishing new national cemeteries, I feel that it is both desirable and feasible to designate the existing facility at Fort Richardson as a national cemetery without upsetting the national review now underway. This is a simple thing to do, but it would have the greatest benefit for thousands of veterans in my State. I hope that the Congress will see fit to accord these veterans the same rights and privileges that veterans in all the rest of the Nation receive.

At this point, I ask unanimous consent that the text of S. 2626 be printed in the RECORD.

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

The bill (S. 2626) to provide for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery, introduced by the Senator from Alaska (Mr. STEVENS), 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. 2626

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to establish a national cemetery at Fort Richardson, Alaska. The Secretary shall include within the boundaries of such national cemetery the grounds presently set aside for use as a post cemetery at Fort Richardson and shall include within the boundaries of such national cemetery such other lands under his jurisdiction at Fort Richardson as he deems necessary or appropriate.*

SEC. 2. The Secretary of the Army shall provide for the care and maintenance of the national cemetery established under authority of this Act.

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

## CONTINUANCE OF INCOME TAX SURCHARGE AND CERTAIN EXCISE TAXES—AMENDMENTS

### AMENDMENTS NOS. 74 AND 75

Mr. STEVENS. Mr. President, I send to the desk, for referral to the Committee on Finance, a series of amendments to be proposed to H.R. 12290, the income tax surcharge and the repeal of the investment credit.

I ask unanimous consent that the economic reasons for retention of the investment credit for the mining industry be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred; and, without



objection, the material will be printed in the RECORD, as requested by the Senator from Alaska.

The amendments were referred to the Committee on Finance.

The material, presented by Mr. STEVENS, is as follows:

**ECONOMIC REASONS FOR RETENTION OF THE INVESTMENT CREDIT FOR THE MINING INDUSTRY**

Repeal of the seven percent investment credit will probably have its greatest impact on the mining industry, which has the *highest ratio of investment in facilities and equipment per employee*. New and bigger mining equipment and minerals processing facilities are the key to profitable utilization of *lower grade deposits* on which this nation is becoming increasingly reliant in many areas. Because of the long lead-times involved such projects must be undertaken now and on a continuing basis if this nation is not going to become less self-sufficient in its raw material supply in the face of a *four-fold increase* in the projected demand for minerals by the turn of the century.

The credit has had, and continues to have, a valuable role in encouraging investment in the minerals industry to increase productivity, which is a constructive way to combat inflation; with mineral demands constantly increasing, it is imperative that this country have available an adequate supply of the raw material industrial input at reasonable prices. Inflation would be fed by either a reduction in supply of raw materials or an increase in the minerals industry's costs, which in effect the repeal of the credit would amount to.

Retention of the seven percent investment credit is one essential step toward providing feasible and economic financing of vitally needed expansion of mining facilities; the favorable effect of its cash flow helps prevent undue strains on the capital market. The need for borrowing is reduced particularly for small companies who, even if they could get the money, would find today's high interest rates prohibitive in many projects.

During 1962 Congress adopted the seven percent investment credit and the Administration promulgated new depreciation guidelines for the purpose of placing U.S. industry on a *competitive basis* with industries of other major industrialized nations of the free world that used their tax systems to encourage investment in machinery and equipment. One of the main goals of this two-pronged attack on the obsolete character of our nation's industrial machine was to make our industry competitive both at home and abroad and thus help correct our adverse balance of payments.

Finally, the mining industry in particular is faced with rising costs for air and water pollution, for land reclamation, and for mine safety, which seldom, if ever, produce an economic return. It would be unwise to put an additional burden on this industry by repealing the investment credit, and it should be retained as a permanent feature of our tax laws.

Mr. STEVENS. I should like to point out that the second amendment I propose would exempt from the repeal of the investment credit small business properties as defined by Small Business Administration, intrastate pipeline properties, and investments made in depressed areas. These are these areas which are vital to my State; and I urge that the chairman of the Committee on Finance, our good friend, the Senator from Louisiana, give consideration to these, as he indicated to me on the floor yesterday he would do.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, not-

withstanding the previous order, the distinguished Senator from Pennsylvania (Mr. SCOTT) be recognized for a unanimous-consent request at this time.

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

**STATEMENT EXPRESSING SUPPORT FOR MEANINGFUL EFFORTS TO ESTABLISH PERMANENT PEACE IN THE MIDDLE EAST—ADDITION OF NAME OF SENATOR FONG TO LIST OF SIGNERS**

Mr. SCOTT. Mr. President, on April 25, 1969, I had the pleasure to join in a statement expressing strong support for meaningful efforts to establish permanent peace in the Middle East. This statement was made on the occasion of Israel's 21st anniversary. I ask unanimous consent that the name of the Senator from Hawaii (Mr. FONG) be added to the list of Senators who signed this statement.

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

**EXECUTIVE COMMUNICATIONS, ETC.**

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

**PROPOSED LEGISLATION AUTHORIZING THE SECRETARY CONCERNED TO APPLY THE PAY AND ALLOWANCES OF A MISSING MEMBER OF AN ARMED FORCE TO THE PURCHASE OF U.S. SAVINGS BONDS AND SAVING NOTES**

A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the Secretary concerned to apply the pay and allowances of a missing member of an armed force to the purchase of U.S. savings bonds and savings notes under certain circumstances (with an accompanying paper); to the Committee on Armed Services.

**REPORT OF THE FEDERAL DEPOSIT INSURANCE CORPORATION**

A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report of the Corporation for the calendar year 1968 (with an accompanying report); to the Committee on Banking and Currency.

**PROPOSED WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1969**

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal Program, and for other purposes (with accompanying papers); to the Committee on Commerce.

**PROPOSED AMENDMENT OF INTERNAL REVENUE CODE**

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to make qualification under State law a prerequisite to registration under the drug and marihuana law; to eliminate the provision permitting payment of tax to acquire marihuana by unregistered persons, and for other purposes (with ac-

companying papers); to the Committee on Finance.

**REPORTS OF THE COMPTROLLER GENERAL**

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a review of status of development toward establishment of a unified national communications system, dated July 14, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on administration and effectiveness of work experience and training project under title V of the Economic Opportunity Act of 1964, St. Louis and St. Louis County, Mo., Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on administration and effectiveness of work experience and training project under title V of the Economic Opportunity Act of 1964, Jackson County, Mo., Department of Health, Education, and Welfare, dated July 15, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the reasonableness of prices questioned for bomb and hand grenade fuses under three negotiated contracts, Department of the Army, dated July 15, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program administered by the White Earth Reservation Business Committee under title II of the Economic Opportunity Act of 1964, White Earth, Minn., Office of Economic Opportunity, dated July 15, 1969 (with an accompanying report); to the Committee on Government Operations.

**PUBLIC LAWS ENACTED BY THE NINTH GUAM LEGISLATURE**

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, one copy each of the public laws enacted by the Ninth Guam Legislature in its 1968 sessions (with accompanying papers); to the Committee on Interior and Insular Affairs.

**PROPOSED AMENDMENT OF THE FEDERAL WATER POLLUTION CONTROL ACT**

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

**PETITIONS AND MEMORIALS**

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

By the ACTING PRESIDENT pro tempore:

Resolution of the House of Representatives, Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTION OF THE HOUSE OF REPRESENTATIVES, COMMONWEALTH OF MASSACHUSETTS

"Resolution requesting the Department of Transportation to purchase ships built in the United States

"Whereas, The Department of Transportation has expressed interest in purchasing ships built in foreign countries to break ice for the Alaskan oil fields; and

"Whereas, Said Department has the responsibility of enhancing shipbuilding in the United States and its trade and labor forces; and

"Whereas, The purchase of foreign ships would create a definite hardship on United States shipbuilding, manufacturing and jobs; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully requests the Department of Transportation to purchase ships built in the United States; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, John A. Volpe, Secretary of the Department of Transportation, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, July 7, 1969.

"WALLACE C. MILLS,  
"Clerk.

"A true copy. Attest:

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

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. WILLIAMS of New Jersey, from the Committee on Labor and Public Welfare, with amendments:

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects (Rept. No. 91-320).

#### EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. RANDOLPH, from the Committee on Public Works:

Orville H. Lerch, of Pennsylvania, to be alternate Federal cochairman of the Appalachian Regional Commission; and

Brig. Gen. Willard Roper, U.S. Army, to be a member of the Mississippi River Commission.

#### BILLS INTRODUCED

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

By Mr. MURPHY:

S. 2625. A bill to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies; to the Committee on Labor and Public Welfare.

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

By Mr. STEVENS:

S. 2626. A bill to provide for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery; to the Committee on Interior and Insular Affairs.

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

By Mr. YARBOROUGH:

S. 2627. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

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

By Mr. STEVENS:

S. 2628. A bill to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment

entered by the Court of Claims against the United States; to the Committee on Interior and Insular Affairs.

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

By Mr. HATFIELD:

S. 2629. A bill designating the third Monday in July of each year a legal public holiday to be known as "National Achievement Day"; to the Committee on the Judiciary.

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

By Mr. HARTKE (for himself and Mr. BAYH):

S. 2630. A bill to provide for the establishment and administration of the Wabash River National Parkway in the State of Indiana; to the Committee on Interior and Insular Affairs.

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

By Mr. LONG:

S. 2631. A bill relating to the income tax treatment of treble damage payments under the antitrust laws and certain other payments; to the Committee on Finance.

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

By Mr. FONG:

S. 2632. A bill to authorize and request the President to call in 1970 a White House Conference on Population Growth and Family Planning; to the Committee on Labor and Public Welfare.

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

S. 2633. A bill for the relief of Nina Raas; and

S. 2634. A bill for the relief of Vilaketi Bloomfield; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2635. A bill to provide for adjustments in the lands or interests therein acquired for the Hartwell Dam project, South Carolina and Georgia, by the reconveyance of certain lands or interests therein to the former owners thereof; to the Committee on Armed Services.

#### S. 2627—INTRODUCTION OF A BILL TO CREATE AMISTAD NATIONAL RECREATIONAL AREA

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill which will create the Amistad National Recreation Area. This recreation facility, to be developed at the Amistad Dam site on the Mexican-American boundary, will provide opportunities for healthy activity for 2½ million people who reside within 250 miles of the Dam and the more than 2 million annual visitors who are anticipated by 1972.

Since 1965 when the proposal for the Amistad Recreation Area was first presented, I have watched with considerable pleasure the growth of public and administrative support. It was my privilege to introduce the Amistad National Recreation legislation, S. 2168 of the 89th Congress, on June 21, 1965. In August 1966, the Interior Department's formal report endorsing the project was received. On December 3, 1966, while speaking at the Amistad Dam construction site, President Johnson himself underscored the value of this project when he said that the dam would, "enable development of a great inland water recreational facility for the benefit of

this region in two countries." So I think the time is ripe, and I hope that this session of Congress will see the enactment of this bill.

At a time when envy, fear, and misunderstanding are fanning the flames of hate on international boundaries around the world, we and our Mexican neighbors can be justly proud of creative and socially significant efforts like the Amistad Dam. On December 3, 1966, President Johnson at the dam construction site, said:

And looking into the future—we will see millions of farmers and townspeople on both sides of this great river enjoying the protection which this great dam will afford and the resources and recreation which this great lake will provide.

However, important as the Amistad Dam is to the economic life of several million Mexicans and Americans, its human and social value would be incomplete without the recreation area provided in the bill which I am introducing today. A dam is a design and construction achievement which uses nature for limited economic and scientific purposes. A park, on the other hand, is an expression of a man's search for opportunities to serve himself spiritually and physically within scenic areas which nature has provided.

Mr. President, the Amistad Dam, a dam of friendship, will be a joint achievement of American and Mexican technology and labor. The Amistad Recreation Area, which I am introducing today, will be a useful monument to the happy relationship which now exists along the 2,000-mile Mexican-American boundary.

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

The bill (S. 2627) to establish the Amistad National Recreation Area in the State of Texas, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

#### S. 2628—INTRODUCTION OF BILL RELATING TO TLINGIT AND HAIDA INDIANS

Mr. STEVENS. Mr. President, I introduce, for appropriate reference, a bill pertaining to the Tlingit and Haida Indians of Alaska.

In 1968 the Tlingit and Haida Indians recovered a judgment against the United States in the gross amount of \$7,546,053.80. The case was prosecuted in the Court of Claims under the act of June 19, 1935 (49 Stat. 388), as amended, and funds to pay the judgment were appropriated by the act of July 9, 1968 (82 Stat. 307). After payment of attorney fees and after reserve for expert witness fees and other expenses of the litigation, the net amount available to the Tlingit and Haida was approximately \$6.7 million.

At the present time, the Tlingit and Haida have funds, in an amount in excess of \$6,500,000, invested in various U.S. Government securities and other obligations unconditionally guaranteed by the United States. There are also bal-



ances of Tlingit and Haida funds on deposit in accounts in the U.S. Treasury. We estimate that, taking account of accrued interest earnings, the Tlingit and Haida funds currently exceed \$7 million.

The funds are presently subject to section 8 of the act of June 19, 1935, supra, as amended by the act of August 19, 1965 (79 Stat. 543). In part, section 8 provides:

The amount of the appropriation made to pay any judgment in favor of said Tlingit and Haida Indians of Alaska shall be deposited in the Treasury of the United States to the credit of the Tlingit and Haida Indians of Alaska, and such funds shall bear interest at the rate of 4 per centum per annum. Such funds, including the interest thereon, shall not be available for advances, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, organizational, operating and administrative expenses of program planning, until after legislation has been enacted that sets forth the purposes for which such funds shall be used. The Council is authorized to prepare plans for the use of said funds, and to exercise such further powers with respect to the advance, expenditure, and distribution of said funds as may be authorized by Congress.

The program planning committee of the central council of the Tlingit and Haida Indians proposed plans for the use of the judgment funds in November 1968, which plans were approved by the executive committee. The program committee reviewed and supplemented the plans during the meeting of the central council held at Sitka in April of this year. As revised the plans were approved by the central council. The central council has requested this important legislation be introduced. The needs of the Tlingit and Haida people are critical. It is their judgment that these funds should be made available to promote their economic and social advancement. I request that early consideration be given to this legislation.

I ask unanimous consent that the resolution of the Tlingit and Haida Council and the full text of the bill be printed in the RECORD.

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

The bill (S. 2628) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, introduced by Mr. STEVENS, 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. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended funds and interest thereon on deposit in the Treasury of the United States to the credit of and otherwise invested by the Secretary of the Interior for the account of the Tlingit and Haida Indians of Alaska which were appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case entitled *The Tlingit and Haida Indians of Alaska, et al. v. The United States*, No. 47900, after payment of attorney fees and expenses, may

be advanced, expended, invested or used for any purpose and in any manner authorized by the Central Council of the Tlingit and Haida Indians of Alaska and approved by the Secretary of the Interior. Any of such funds that may be distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

The resolution presented by Mr. STEVENS is as follows:

RESOLUTION OF THE CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIANS OF ALASKA

Whereas, the Program Planning Committee of the Central Council of the Tlingit and Haida Indians of Alaska, in meeting at Juneau, Alaska on November 8, 9 and 10, 1968, did give careful consideration to the formulation of plans for the use of the Tlingit and Haida Judgment Funds in order to promote and advance the economic and social progress of each of the Communities of the Tlingit and Haida Indians and the members thereof; and

Whereas, the Program Planning Committee formulated and reviewed a statement entitled, "Statement of Plans for the Use of Tlingit and Haida Funds," dated November, 1968; and

Whereas, the Program Planning Committee presented the statement to the Executive Committee; and

Whereas, the Executive Committee by Resolution (Resolution No. 68-69, Ex. 8) adopted on November 10, 1968, did approve said Statement of Plans and did direct that the statement shall be made the basis of a presentation and report to Congress of plans for the use of the Tlingit and Haida Judgment Funds subject to consideration of modifications of the plans in the event that during the interim period before the plans are presented to Congress changes in circumstances should make such modifications appropriate and desirable; and

Whereas, the Program Planning Committee in meeting assembled at Sitka, Alaska, has formulated a Supplement to the Statement of Plans and has presented to the Central Council said Statement of Plans and the Supplement to the Statement of Plans:

Now therefore, be it resolved by the Central Council in meeting assembled in Sitka, Alaska, on April 26, 1969, that:

(1) The statement dated November, 1968, entitled "Statement of Plans for the Use of Tlingit and Haida Funds," as modified by the supplement dated April, 1969, entitled "Supplement to Statement of Plans for the Use of Tlingit and Haida Funds," which has been presented and recommended by the Program Planning Committee to the Central Council is hereby approved; and

(2) The President of the Central Council is hereby authorized to make said Statement of Plans dated November 1968 as supplemented by the Supplement to Statement of Plans dated April 1969 the basis of the presentation and report to Congress pursuant to Section 8 of the Act of June 19, 1935, as amended by the Act of August 19, 1965; and

(3) The President is authorized to take all appropriate steps in order to obtain, as promptly as possible, the enactment by Congress of a law permitting the advance, expenditure and use of the Tlingit and Haida Judgment Funds for the purposes of, and in accordance with, the said Statement of Plans and the said Supplement to the Statement of Plans.

S. 2629—INTRODUCTION OF A BILL DESIGNATING THE THIRD MONDAY IN JULY AS NATIONAL ACHIEVEMENT DAY

Mr. HATFIELD. Mr. President, on the eve of man's most ambitious undertaking, I think we need to reflect on what

it represents. The media has told the story well in terms of the scientific and technological milestones represented by this and prior space missions.

To me, the day an American first leaves his footprint on the moon should represent more than paeans to our scientific prowess. It really represents a day of national achievement in many allied fields as well.

My colleagues, I am sure, are aware of the uplift that this moonshot has given the entire country. From liftoff to splashdown, all Americans have a common interest in the safety of the men and the success of the mission. Strangers will strike up conversations about the mission, knowing that the moonshot represents a topic in which everyone has a great interest. This uplift, this pride, this sense of accomplishment is all too rare in a time when much news reflects the painful side of our life.

The space shot focuses our attention on this particular facet of our achievement as a nation. A personal sense of achievement, however, is just as important to every American, in his mental and moral well-being. It is true that today the scientific and technology phase of our achievement is well publicized, but this highlights the need to focus on man's personal achievement.

I propose that we as a nation recognize achievement: on a national scale, on a local scale, and, most important, on the personal level. I am introducing a bill which designates the third Monday in July of each year as a legal public holiday to be known as "National Achievement Day."

As I indicated, this would reflect achievement in three areas—the national, the local, and the personal. Just as the word "achievement" indicates success at past endeavors, the word "commitment" indicates a pledge for future goals. "Achievement" and "commitment"—one looking back and one looking forward—would provide the core of this day of reflection. The particular day itself is chosen to be near the date of our landing on the moon.

First, the impending manned lunar landing makes it appropriate for each individual to reflect on his personal goals and achievements. Each American should use National Achievement Day to examine what he has accomplished to better himself as a person.

He also should ask what he has done to ease the many tensions and problems of our cities and rural areas. He also should ask how he has bettered his nation. As the coordinate of this, he should pledge himself to a commitment to work in these areas of personal concern so he can be a part of this sense of achievement.

Second, just as individuals need this self-examination, so should State and local governments use this day to focus on their problems. Government on the local level always must remain accessible to the people they serve and not withdraw behind bureaucratic curtains. Many frustrations of people today can be traced to this feeling of helplessness as they attempt to thread through the governmental maze. We at the Federal level also are guilty of this removal from

close contact with the people. At the local level, however, this accessibility must be present, so that people have more contact with their State and local governments than merely in tax and school budget elections.

State and local governments should use the time surrounding this day of achievement to initiate action on their part to cope with the many problems plaguing their governments. Local achievement is the best way to prevent Federal action in any area.

Work at the State and local level should replace the increasing cries of "Let Washington solve it," or "Let the Federal Government pay for it."

The third aspect of National Achievement Day should reflect concern at the national level for solving national problems. These problems are well known: hunger, racial tensions, pollution, military manpower, alienation of youth, and problems of the aged all are well known. In addition, we as a nation and we in the Senate must pledge ourselves to bring about world peace and harmony. We must not let success on the moon mock failure in the cities and abroad.

It was a pleasant coincidence that a newspaper article echoing my thoughts appeared in the Washington Post last Sunday, July 13. The article was written by the distinguished Arnold Toynbee. Because this article capsules the thoughts of so many of us, I ask unanimous consent to have it printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HATFIELD. In conclusion, I can see no better way to commemorate our lunar success than by designating a National Achievement Day, at which time every American can reflect on his achievements and can commit and involve himself in working to solve mankind's many problems.

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

The bill (S. 2629) designating the third Monday in July of each year a legal public holiday to be known as National Achievement Day, introduced by Mr. HATFIELD, was received, read twice by its title, and referred to the Committee on the Judiciary.

The article presented by Mr. HATFIELD, is as follows:

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

THE MOON AND WORLD SOLIDARITY  
(By Arnold Toynbee)

The most obvious aspect of a landing on the moon is that it is a sensational new triumph for technology—a triumph in the same field as the conquest of the ocean in the 15th century and, within living memory, the reaching of the North and South Poles and the conquest of the air. Like these previous achievements, a landing on the moon increases man's range of action but does not enlarge his habitat. Human beings cannot live on the water or in the air or on the solid surface of a starlet that has no atmosphere.

In this important point, all these extensions of the range of action of the human race must be distinguished from the effect, for Europeans, of the discovery of the Americas. This discovery brought with it an im-

mense extension of the habitat of the European peoples. For them it signified the acquisition of a New World in which they could breathe, stand, sit, sleep, sow, reap, spin, weave and mine. (For the pre-Columbian inhabitants of the Americas, the Europeans' arrival there was, of course, a supreme disaster, but the sequel is seldom looked at from the pre-Columbian Americans' point of view.)

However, the technological aspect of a landing on the moon is not the most important feature of this historic event. Man's technological prowess and progress can be taken for granted. Our ancestors may have been making, as well as using tools already even before they became fully human, and though technological progress in the Lower Paleolithic Age is hardly perceptible when we look at the Lower Paleolithic tools displayed in chronological order in a museum, technology has been accelerating recently at an ever increasing rate. After the virtual stagnation of technology during Man's first million years, it began to get up speed at the beginning of the Upper Paleolithic Age, perhaps about 30,000 years ago.

Since then, the acceleration of technological progress has been increasing; in our own day it is being keyed up to an unprecedented degree; and no end of this progress is in sight—unless, of course, mankind misuses its technology to liquidate itself by polluting its habitat by the poisonous atomic waste of "atoms for peace" or by deliberately devastating this planet in a world war fought with atomic weapons.

This choice that is open to us for using our technological achievements for either good or evil is a reminder that technological virtuosity is not Man's only distinctive gift. Besides being makers and users of tools, we are social, moral and spiritual creatures—or, alternatively, antisocial, immoral and diabolic creatures, if we choose death and evil instead of life and good. This aspect of human nature is more important than its technological aspect. At a pinch, we could survive without apparatus, but we could not survive without at least a minimum of good behavior. What, then, is the significance of a moon landing from the spiritual point of view?

The good spiritual aspects of this enterprise are impressive. The adventurousness and the courage of the astronauts are wholly admirable. But we must also remind ourselves that these human stars could never have got off the ground—and certainly could never have reached the moon and then come safely back to earth again—if they had not been supported by the skill, toil, devotion, loyalty and cooperativeness of the hundreds and thousands of scientists and technicians who have made the astronauts' feat possible. The huge ground staff's feat is morally still more impressive—and more encouraging—than the feat of the astronauts; for loyal cooperation is evidently very difficult for human nature. The tragedies in human history—private and public—all stem from failures in the field of moral endeavor.

The political aspect of the international competition for the conquest of outer space is also impressive and encouraging. In applauding each others' achievements in space-manship, the Russians and Americans have shown a chivalry and a generosity that have been lacking all too often, in their dealings with each other over terrestrial affairs. Each of the two parties is eager to outstrip its rival, yet this thirst for victory has not made the competitors petty-minded or rancorous or unfair in their attitude toward each other. The pleasure taken by each of them in the other's successes is not a diplomatic pretense; it is genuine; it is a pleasure in a victory that is felt—and rightly felt—to be, not just a triumph for one fraction of the human race, but a triumph for mankind, one and indivisible. The spirit is that of sports-

manship at its best; it is not the spirit in which human beings play politics and wage wars.

Will a landing on the moon create a feeling of human solidarity that will be strong enough to overcome the divisive effects of nationalism? This is the crucial question, and we cannot foretell the answer. When the European peoples discovered the Americas and made their way by sea to India, they did not treat this enlargement of their domain as a common patrimony to be administered by them jointly for the good of all. They fought each other for land and trade overseas as furiously as they had fought each other in Europe for these prizes. From the close of the 15th century onward, every fresh war in Europe was accompanied by a war, between the same belligerents, in India and in the Americas, and the last two great wars have been worldwide. When the European and American peoples discovered the South Polar Continent, they carved it up into slices, coming to a point at the South Pole itself, and they quarreled with each other acrimoniously over the size of their respective portions of this iced cake.

On these precedents, it is conceivable that, after landing on the moon, the Americans and Russians will convey to the moon from the earth barbed-wire netting for setting up an "Iron Curtain" around the moon, to match the one that the Russians have already set up round the frontiers of the Soviet Union. This would be ludicrous, but it is not inconceivable, considering mankind's deplorable past practice.

Fortunately, human beings have a sense of humor, and there is perhaps some hope in this. The successive extensions of mankind's range of action from our planet's dry-land surface to the seas, from the seas to the planet's air envelope, and from the stratosphere to the moon have surely made it ludicrous for us to continue to partition this planet's land surface politically into about 125 sovereign independent states. The incongruity between our technological progress and our political backwardness has now become glaring. It is enough to make us both laugh and weep, and our laughter may be more profitable than our tears, for there is perhaps a chance that we may laugh ourselves out of our present anachronistic obsession with nationalism.

Today, nationalism is about 90 per cent of the religion of about 90 per cent of mankind. It is a fanatical religion, and our technology has now armed our local sovereign national states with annihilation weapons. If, when we have reached the moon, we do not either weep ourselves or laugh ourselves out of this deadly political folly, the prospects for our survival will be dark indeed.

The significance of a landing on the moon lies in its forcing us to face—and, we may, hope to deal effectively with—the ludicrous, but also perilous, discrepancy between our attainments in technology and in morals. This gap is now very great, and it is growing greater day by day. Our generation's task is to try to raise our morals to a level at which they will be spiritually adequate for wielding the enormous power, for either good or evil, that our technological progress has already thrust into our hands.

Will mankind's common feat of landing on the moon move us to put our terrestrial habitat in better order, morally and politically? Will it move us to subordinate our 125 local states to some form of world government that will be effective enough to be able to put a stop to our cherished practice of waging wars with each other? If landing on the moon is going to serve as a substitute for waging a Third World War, the courage and skill and wealth that have been spent on this enterprise will have been spent to good purpose.

But if we are going to go on behaving on earth as we have behaved here so far, then



a landing on the moon will have to be written off as just one more shocking misuse of mankind's slender surplus product. It will be remembered (if we survive to remember anything) as an extravagance on a par with the building of the Pyramids and Angkor Wat and Louis XIV's palace at Versailles. In themselves, these extravagant expenditures on superfluties are shocking when a majority of mankind is still desperately short of food and clothes and housing.

**S. 2630—INTRODUCTION OF A BILL RELATING TO ESTABLISHMENT AND ADMINISTRATION OF THE WABASH RIVER NATIONAL PARKWAY, INDIANA**

Mr. HARTKE. Mr. President, I introduce, on behalf of myself and Senator BAYH, a bill which would establish a scenic highway in Indiana to be known as the Wabash River National Parkway. This bill would authorize the Secretary of the Interior, in consultation with the Secretary of Transportation, to survey and select a right-of-way for a broad meandering roadway which would originate near Fort Wayne, Ind. The parkway would then follow the scenic and historically significant Wabash River to the "toe" of Indiana where the Wabash meets the Ohio and Tradewater Rivers in Kentucky.

The Wabash River National Parkway would provide easy access for the first time to areas of scenic wonder which are also rich in Indian lore and historical significance. A traveler along this proposed parkway would be able to stop and see such sights as a prehistoric Indian village located near Evansville; the first capital of the Northwest Territory located at Vincennes; Indiana battlefields such as those found at Mississinewa; remnants of the old Wabash and Erie Canals; and New Harmony, the site of the utopian colony founded by Robert Owens. As well, the Wabash River area abounds with natural rock bridges, old grist mills, covered bridges, reservoirs, lakes, and heavily wooded sections.

It is my opinion that national scenic parkways and roads are desperately needed if we are to effectively display the historically significant sites within the various States. Moreover, a national system of scenic parkways would help us to save many of our areas of natural beauty while at the same time providing safe access roads across this great land.

The Wabash River route more than fulfills the preliminary criteria for a national system of scenic parkways and roads which were first outlined in a study published in 1967 entitled "A Proposed Program for Scenic Roads and Parkway." These criteria are, as follows: First, a quantity of existing or potential scenic features having recreational, historical, educational, scientific or cultural values and potential access to them; second, a variety of experiences for persons using the highway and complementary facilities; third, proximity to urban areas; fourth, economic feasibility; fifth, location as related to general geographic distribution of similar features and facilities; sixth, adaptability to development and public use; and seventh, compatibility with recreational,

esthetic and conservation needs of the area and consideration of competing transportation needs. This study was prepared for the President's Council on Recreation and Natural Beauty which President Nixon has replaced with the Council on Environmental Quality.

Certainly the concept of a national system of scenic parkways and roads is one which merits continued discussion. It is my hope that this bill which I introduce today will mark but the beginning of renewed interest in the national scenic parkway idea.

The time for action is now, Mr. President, for there is no remaining time to spare. Land values increase daily while our expanding urban and industrial society continues to infringe on these relatively unspoiled areas which are adjacent to the proposed parkways. If we are to succeed in saving what is unique historically and scenically in this country, while still making it accessible to our population, we must continue to seriously consider the implementation of the scenic highway concept.

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

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. 2630) to provide for the establishment and administration of the Wabash River National Parkway in the State of Indiana, introduced by Mr. HARTKE (for himself and Mr. BAYH), 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. 2630**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to enhance the public enjoyment and accessibility of certain areas in the State of Indiana having a scenic and historical value, including the Wabash River, vast and dense forests, historical sites, and spectacular scenery, the Wabash River National Parkway is authorized to be established and administered in the manner hereinafter provided.*

SEC. 2. The Secretary of the Interior is authorized, in consultation with the Secretary of Transportation and the Governor of the State of Indiana, to survey and select a right-of-way for the Wabash River National Parkway beginning at a point at, or in close proximity to, Aboite, Indiana, and extending generally along the eastern banks of the Wabash River to a point ending at, or in close proximity to, the Wabash River levee numbered 2 in Posey County, Indiana. The Secretary of the Interior is authorized to acquire, in such manner as he finds to be in the public interest, lands and interests in lands for such right-of-way of sufficient width to include the road and all bridges, ditches, cuts, and fills appurtenant thereto, together with sites of recreational and historical areas in connection with the parkway.

SEC. 3. The Wabash River National Parkway shall be administered and maintained 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), the provisions of which Act, as amended and supplemented, are hereby extended over and made applicable to such parkway.

SEC. 4. In the administration of the Wabash River National Parkway, the Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, for such purposes and under such terms, regulations, and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

SEC. 5. There are authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act.

**S. 2632—INTRODUCTION OF A BILL RELATING TO A WHITE HOUSE CONFERENCE ON POPULATION GROWTH AND FAMILY PLANNING**

Mr. FONG. Mr. President, as we all know, one of the most pressing problems that face mankind is the frightening growth of the world's population. Unless more is done to improve family planning and population control programs, this problem will explode into one of the most critical crises of the 20th century.

The rampant increase in the number of human beings threatens to smother the economic growth of many nations and endangers our struggle for peace and security.

Because of these and other pressing reasons, I introduce today a bill to authorize and request the President of the United States to call in 1970 a White House Conference on Population Growth and Family Planning.

The Secretary of Health, Education, and Welfare will be responsible for planning and conducting the Conference which will be composed of professional people working in the area of population growth and family planning and individuals who are representative of the general public.

In addition, a sum to be determined by the Secretary which is not less than \$5,000 nor more than \$25,000 will be authorized to be paid to each State for the purpose of planning and conducting a State conference on population planning prior to the White House Conference and for other related purposes.

At a later date, I will have further remarks on this critical issue.

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

The bill (S. 2632) to authorize and request the President to call in 1970 a White House Conference on Population Growth and Family Planning, introduced by Mr. Fong, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

**ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION**

**S. 203**

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTROYA) be added as a cosponsor of S. 203, to amend the act of June 13, 1962, with respect to the Navajo Indian irrigation project.

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

S. 740

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTROYA) I ask unanimous consent that, at the next printing, the name of the Senator from Alabama (Mr. SPARKMAN) be added as a cosponsor of S. 740, to permanently establish the Inter-Agency Committee on Mexican-American Affairs.

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

S. 2499

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE) I ask unanimous consent that, at the next printing, the names of the Senator from Maine (Mr. MUSKIE), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Wyoming (Mr. McGEE) be added as cosponsors of S. 2499 to provide for the regulation of the maximum rates of interest which may be charged by federally supervised banks.

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

## SENATE JOINT RESOLUTION 108

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that, at the next printing, the name of the Senator from Hawaii (Mr. FONG) be added as a cosponsor of Senate Joint Resolution 108, to provide for a study and evaluation of the relationship between underground nuclear detonations and seismic disturbances.

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

## CONTINUANCE OF INCOME TAX SURCHARGE AND CERTAIN EXCISE TAXES—AMENDMENTS

AMENDMENTS NOS. 74 AND 75

Mr. STEVENS submitted two amendments, intended to be proposed by him, to 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 for a low-income allowance for individuals, and for other purposes, which were referred to the Committee on Finance, and ordered to be printed.

(The remarks of Mr. STEVENS when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

## COLLECTION OF FEDERAL UNEMPLOYMENT TAX IN QUARTERLY INSTALLMENTS—AMENDMENTS

AMENDMENT NO. 76

Mr. MILLER submitted amendments, 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 each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise

the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, which were ordered to lie on the table and to be printed.

## AMENDMENT OF LABOR-MANAGEMENT RELATIONS ACT OF 1947—AMENDMENT

AMENDMENT NO. 77

Mr. FANNIN submitted an amendment, intended to be proposed by him, to the bill (S. 2068) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees, which was ordered to lie on the table and to be printed.

## 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:

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.

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 22, 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.

## RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, but with the understanding that the recess not extend beyond 12:30 p.m. today.

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

Thereupon (at 12 o'clock and 15 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12:30 p.m., when called to order by the Presiding Officer (Mr. ALLEN in the chair).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 257. An act to prohibit the intimidation, coercion, or annoyance of a person officiating at or attending a religious service or ceremony in a church in the District of Columbia;

H.R. 4181. An act to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 4184. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 9548. An act to amend section 15-503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia;

H.R. 9549. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended;

H.R. 12677. An act to authorize the Commissioner of the District of Columbia to lease to the Jewish Historical Society of Greater Washington the former synagogue of the Adas Israel Congregation and real property of the District of Columbia for the purpose of establishing a Jewish Historical Museum; and

H.R. 12720. An act to provide for the conveyance of certain real property of the District of Columbia to the Washington International School, Inc.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegener;

H.R. 1948. An act to confer U.S. citizenship posthumously upon PFC Joseph Anthony Snitko;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz; and

H.R. 10060. An act for the relief of LCpl. Peter M. Nee (2465662).

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 257. An act to prohibit the intimidation, coercion, or annoyance of a person officiating at or attending a religious service or ceremony in a church in the District of Columbia;

H.R. 4181. An act to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 4184. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 9548. An act to amend section 15-503 of the District of Columbia Code with respect



to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia;

H.R. 9549. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918, as amended;

H.R. 12677. An act to authorize the Commissioner of the District of Columbia to lease to the Jewish Historical Society of Greater Washington the former synagogue of the Adas Israel Congregation and real property of the District of Columbia for the purpose of establishing a Jewish Historical Museum; and

H.R. 12720. An act to provide for the conveyance of certain real property of the District of Columbia to the Washington International School, Inc.

### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE).

### RUSSIAN MILITARY POWER LIMITED BY ECONOMIC WEAKNESS

Mr. PROXMIRE. Mr. President, the speech I am about to deliver is, in part, a reply to the distinguished Senator from Washington (Mr. JACKSON). As we all know, he is an able member of the Committee on Armed Services and is an outstanding expert in the military area. Indeed, I understand that he was offered the post of Secretary of Defense in the Nixon administration. I notified Senator JACKSON that I was going to give this speech. I told him personally on the floor of the Senate yesterday. I understand that my staff has called him and has told him that I am in the Chamber now and am about to speak.

Mr. President, I compliment the Senator from Washington (Mr. JACKSON) for the speech he delivered on July 9, last Wednesday. I disagree with some of his conclusions. But I think he was right when he said that we have not been debating the central issue. He said:

The central issue which you have to decide first, before you can decide what kind of military budget you should have or what kind of foreign policy you should have, is, What kind of adversary do you face, and what is he up to?

Senator JACKSON also said:

I can think of nothing more essential for the Congress than clear thinking about the Soviet Union.

He asked:

How can we reach sound judgments on the national defense budget if we do not understand the nature of the Soviet adversary?

Of course, Senator JACKSON is right. But unfortunately, Mr. President, there is no record in the hearings on this bill of any testimony of any kind—expert or amateur, responsible or irresponsible—on the Soviet Union's capability, its economic capacity to challenge this Nation militarily. There is not a witness who has appeared before the Armed Services Committee during these hearings on what the Soviet Union is economically capable of doing.

Senator JACKSON has helpfully come to the floor to give the Senate the bene-

fit of his own opinion of what we face in the Soviet Union.

Now, Mr. President, the junior Senator from Washington is a remarkable man. He is competent in many fields. His advice to the Senate on the Soviet Union deserves the most careful and respected attention, because he is competent, and even more so because he is the only Senator who has until today chosen to address himself in a thoughtful, prepared speech to what I would agree with him is the central issue.

### NO EXPERT RECORD ON U.S.S.R. IN HEARINGS

But, Mr. President, if Senator JACKSON's speech is based on any record—on the up-to-date advice of any experts on the Soviet Union to his committee in formal session—where there could be consideration and cross-examination—if this speech by Senator JACKSON is the result of such a record, the Senator from Washington has not revealed it. I have scrutinized the more than 2,000 pages of the hearing record of this committee and if any expert on the basic economic capability of the Soviet Union of any kind or description appeared at these hearings, he must have been wearing quite a disguise.

There is nothing from anyone with any qualifications to speak on the Soviet Union's economic resources. The committee has given us no record—none—on what Senator JACKSON calls the central issue.

### JOINT ECONOMIC COMMITTEE PROVIDES RECORD

Now, Mr. President, the Economy in Government Subcommittee of the Joint Economic Committee completed hearings only a relatively few days ago on the very central issue to which the Senator from Washington refers.

This subcommittee had just previously completed 3 weeks of intensive review of the U.S. military budget in the context of overall national priorities. In the course of those hearings, it was repeatedly emphasized that the actual and potential threat of the Soviet Union to the United States and, indeed, to the world is the central fact which dominates our military planning.

It is obvious that the military potentiality of a Soviet economy that is half the size of America's has a central bearing on the size and shape of our own military budget. Our military thinking, and indeed the concern of all Americans, with respect to military preparedness is shaped by the threat—actual and potential—which the Soviet Union represents to this Nation.

Thus, the relevance of those hearings by the Joint Economic Subcommittee is beyond question. Just as the subcommittee had been examining the ordering of our national priorities at home, we then asked our experts to help us understand the political, social and economic processes at work within the Soviet Union. Our witnesses were specialists who gave us a firmer grasp of the source and political forces shaping the vital decisions which the Russian authorities must make in allocating the resources available to that country.

It is exactly because the military capability of the Soviet Union is indeed the

central issue in determining our military budget in relation to our other priorities that we held these hearings.

And, Mr. President, I submit that the record of these hearings provides a thoughtful, balanced, reasonably objective basis for evaluating the Soviet challenge. This evaluation comes not on the basis of the views of one Senator, but on a record made by professionals.

Here are the witnesses who testified and their qualifications to speak on the nature of the Russian challenge:

### EXPERT WITNESSES

First. Prof. Merle Fainsod is professor of government and former director, Russian Research Center, Harvard. Incidentally, I had the privilege of sitting at Professor Fainsod's feet for 3 years when I was at graduate school at Harvard. He is as fine a teacher as I have known. He is a superb teacher. He is the author of the classic book on Soviet government, "How Russia is Ruled."

Second. Prof. Alex Inkeles is professor of sociology at Harvard. He has been a long-time student of Soviet social system, for Russian Research Center and U.S. Air Force. He also specializes in public opinion in the U.S.S.R.

Third. Dr. Thomas Wolfe—senior specialist on Soviet military in RAND—is a former Assistant Air Attaché in Moscow, and author of "Soviet Strategy at the Crossroads."

Fourth. Prof. Abram Bergson is professor of economics and former director, Russian Research Center, Harvard. He is the architect of a reconstructed series of Soviet national income and product for RAND and USAF. He has supervised more doctorates in the field of Soviet economics than any other professor in the West.

Fifth. Prof. Joseph Berliner is professor of economics and chairman of economics department, Brandeis; he was the economic member of Russian emigre interview project in early 1950's; and has special interests in Soviet management, foreign trade, and technology.

Sixth. Prof. Holland Hunter is professor of economics, Haverford—one of the finer small higher education institutions in the country.

His special interests are Soviet transportation, including passenger cars, Soviet planning and the economic effects of arms control.

Seventh. Prof. William Kintner is deputy director of the Institute of Foreign Relations at the University of Pennsylvania. A former army colonel, Dr. Kintner recently released publications on strategic Soviet development which stressed the growing danger of Soviet strategic superiority.

Eighth. David E. Mark is currently serving as Deputy Director for Research, Bureau of Intelligence and Research, Department of State. He has had long record of service to his government: political adviser to U.S. Armed Forces in Korea; member of U.S. mission in Berlin; first secretary to our embassy in Moscow; director of Office of West European Research and Analysis, State Department. He is the author of "Cessation of Nuclear Weapons Test Problems and Results of Negotiations to Date—1965."

Mr. President, I submit these eight wit-

nesses are certainly among the best informed experts in America on the Soviet Union. They have in most cases devoted much of their professional lives to studying the Soviet Union.

Their views on the Soviet Union have been challenged and tested.

Their perception and understanding has been widely acknowledged.

And they represent a reasonably balanced diversity of opinion on U.S.S.R. economic and military strength.

Mr. President, because of the central importance of these hearings to this debate, I ask unanimous consent that some substantial excerpts from the testimony of a number of these expert witnesses be printed in the *RECORD* following my remarks.

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

(See exhibit 1.)

#### LEADERSHIP ATTITUDE UNSTABLE, UNPREDICTABLE

Mr. PROXMIER. Mr. President, it may be helpful to some Senators to consider the ups and downs of the men who are running the show in the Soviet Union. It is interesting to know who among the leaders stresses a military buildup as the dominant priority at all times and under all circumstances, and to know who stresses greater agricultural investment on greater long-range investment in basic capital facilities, or who is the champion of providing more consumer goods.

But it is hard to come to any useful conclusion on the basis of this kind of analysis, for many reasons. First, most of these leaders are unpredictable. Second, effective leadership shifts swiftly and drastically and at times with little or no warning in the Soviet Union.

Furthermore, even if these were stable and secure men with an established system of authority, technological or foreign policy changes, death, or disability could change their posture suddenly and dramatically.

So I suggest that juggling the names and histories of the men in the Kremlin will tell us very little about what we have to do to be prepared to defend this Nation against our principal potential adversary.

What we need is not speculation about personalities and attitudes, but an understanding of the capability of Russia. What can the leaders do? What is potential military capacity, given the problems that confront them and the resources they have available to meet those problems?

What do the Soviet leaders have to work with? What are they up against?

#### SOVIET ECONOMIC WEAKNESS

The first big fact to recognize is that the Soviet Union has perhaps 10 percent more people than the United States, but it has only one-half the economic production. I repeat, it has only one-half—think of it, one-half—the production of this country.

Russians are not 10 feet tall. From an economic standpoint, if Americans are 6 feet, Russians are literally 3-foot pygmies compared to Americans.

Russia is constrained, for example, to devote seven times as large a proportion of its population to agriculture—to farm-

ing—than this country, and yet it produces about 20 percent less food. This single factor—agricultural inefficiency—chews up so much Soviet manpower that it greatly retards Soviet economic effort elsewhere.

#### MILITARY BUDGET COMPARISON

The total amount that Russia devotes to defense is estimated in rubles at around 20 billion which converts in dollars to about \$22 billion.

But I hasten to add, this is not a fair comparison because prices and wages are not comparable in the Soviet Union and in this country. The amount actually devoted to the military is estimated to vary on a full equivalent basis—making allowance for price and wage differences—from about \$40 billion to \$50 billion.

The most reliable estimate from the London Institute of Strategic Studies places the U.S.S.R. military budget at less than \$40 billion, or about half of that of the United States.

At any rate, it is substantially less than the United States expends militarily.

With its difficulties on its long China border and its practice of intervention with its satellites, Russia obviously needs manpower in its military force. Even still, that Russian military manpower is estimated at 3 million—about half a million less than the United States has.

Unquestionably, the Soviet Union, if directly attacked or invaded, could mobilize and sustain for some time an immense military capability.

#### MILITARY CAPABILITY UNDER PRESENT CIRCUMSTANCES

But is this the question? Or is the question what kind of capability can the Soviet Union put together in the context of a cold war over a period of years—or decades?

This context is quite different. The Soviet Union has discovered that industrial efficiency and motivation over the years depends importantly on economic reward. The Soviet worker whose efforts are not rewarded with improved consumer goods—food, housing, and so forth—like any other human being loses his drive, his willingness to work hard, to contribute.

The partial shift of resources to consumer goods in some recent years in the Soviet Union was motivated not because feeding and housing people better was the prime national goal, but because a better fed, better housed people were more productive. Industrial efficiency benefited. The country increased its economic growth and therefore its military potential more swiftly—not less swiftly by putting more into consumer goods—even if that meant less temporarily into the military. If the production of consumer goods is now reduced so that more resources can be poured into military hardware, productive efficiency will again decline—and I think surely and certainly.

Let me quote Professor Fainsod in this regard. He says:

Even at the base of the Soviet social pyramid rank and file, peasants and workers are now in a position to exert greater influence on the course of elite decision-making. When collective or state farm workers respond to inadequate incentives by listless performance

in the public sector, by transferring their energies to private plots, or by abandoning their jobs to seek better paid work in the industrial centers, they in effect bargain to improve their position. They vote with their feet, in the absence of large-scale terror, there is a point beyond which they cannot be driven. If more production is to be extracted from them, improved incentives have to be provided. The state and party functionaries responsible for increasing agricultural output find themselves forced to plead the case of their peasant clients. In a perhaps perverted form, what takes place is a form of indirect representation.

During the hearings, I asked Professor Fainsod the following question:

Do you see any signs that this pressure for domestic commitment is growing, or can the leadership continue indefinitely to be subjected to military demands?

Professor Fainsod's answer was thus:

I think there are limits. If the leadership is prepared to turn to the kind of patterns that Stalin used, I am sure that it can put a much greater squeeze on the people in terms of standards of living sacrifices. But I think in the present state of development of the Soviet economy this kind of pressure has become counterproductive, that essentially the case for using economic incentives rather than mass terror is a kind of productive case. If of course the leadership feels itself in very great danger, I have no doubt that it would not hesitate to use very repressive means. But if it sees its future in terms of increases in productive or increases in production against, whether it be on the military or non-military side, it seems to me it must and has turned increasingly toward the use of incentives as a way of evoking contributions to productivity.

So that in this sense the groups of which I spoke, and even just ordinary workers, ordinary farmers, are in a position to affect priorities to a degree which they weren't able to effect them before.

The appeal of industrial investment is even clearer. Our witnesses unanimously agreed that the continued economic growth of Russia at past rates will require an increasing allocation of Soviet resources into investment.

If resources are taken from industrial investment for the military, the Soviet economy will suffer and quickly. It will slow its growth and within a very few years its capacity to provide military hardware and support will suffer.

I should like to quote just briefly from Professor Abram Bergson, of Harvard University, who is probably the outstanding economic expert in this country on the Soviet Union.

He says:

Soviet growth for long has been notably expensive in terms of the additional capital that it has required. Even in the 'fifties, rapid growth of output could be achieved only through decidedly more rapid growth of capital, and more recently the disproportion between the two trends has become still more marked. Over the ten-year period 1950-60, the stock of Soviet capital per unit of output grew 22 percent. By 1965, or in the interval half as long, it had grown another 14 percent. A corollary is that in order to assure continued expansion of output, the government must plow back an ever larger share of that output in new investment. This is necessary merely to maintain the tempo of growth of output, never mind to raise it.

#### AGRICULTURE NEEDS SERIOUS

Most conspicuously of all, the Soviets must pour more of their resources into



agriculture. Here is the real economic Achilles heel of Russia compared to America. The only way the immense manpower commitment to farming in the Soviet Union can be eased is to push more resources into fertilizer, irrigation, and agricultural implements.

Failure to make this allocation of resources means a continuing, dragging handicap with tens of millions of productive workers toiling in the fields who could be building a stronger Soviet economy and an improved Soviet military force.

So whether the Soviet masters are or are not becoming more Stalinist, whether they engage in more or less repression, whether they lock up or murder more or less of their dissident intellectuals does not really determine the Soviet military potential.

Whether a Stalin on the one hand or a Khrushchev on the other is leading the Soviet Union, the leader still has the terrible predicament of challenging a military force in the United States that is supported by an economy twice as productive as the Soviet Union and that therefore has twice the military potential.

Mr. President, I yield to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I regret that more Senators are not present in the Chamber this afternoon to hear what in my opinion could be at least as important as any address delivered in the Senate during this session.

As the able Senator from Wisconsin has pointed out, the central issue is, before we can decide what kind of military budget we should have or what kind of foreign policy we should have, is what kind of adversary do we face and what he is up to.

Mr. President, I commend with respect the magnificent job done by the chairman of the Joint Economic Committee during this session of the Congress with respect to certain aspects of the military budget he has brought to the attention of the Congress and the American people.

Mr. President, we had information in the early fifties as to the thousands and thousands of bombers being built by the Soviet Union. That information turned out to be wrong. But it resulted in a great many billions of our dollars being spent, as it turned out, unnecessarily.

Later, we had what was called the missile gap. I have written one article on that subject. It was created by the Central Intelligence Agency and destroyed by the Central Intelligence Agency within a period of 21 months.

The number of ICBM's on launching pads estimated by top intelligence was reduced, in four separate reductions, 96.5 percent.

Now, Mr. President, we have before the Senate a new discussion as to various weapons systems. The military budget is being analyzed this year as all other budgets are being analyzed; and a great deal of credit for this goes to the distinguished senior Senator from Wisconsin.

When we had the witnesses before the Committee on Armed Services, we picked

four proponents and four opponents. The four proponents, as the record will show, spent much, if not most, of their time emphasizing the grave danger this country faces because of the determination of the Soviet Union to destroy the United States. The four opponents spent nearly all of their time explaining, first, why they did not think the system would work; and, second, even if it did work, it would be relatively easy to knock out the radar; and, third, even if the radar worked, a relatively small additional production of Soviet missiles would totally nullify billions of dollars the American people are now being asked to put up on the same basis—fear—fear of the Soviet Union.

Mr. President, this is why I believe this talk is so important. The distinguished senior Senator from Wisconsin—and I say this without fear of refutation, as is evidenced by this talk—has spent more time and effort to analyze what is going on in the Soviet Union than any other Member of this body. For that he deserves our gratitude; because if these weapons systems, costing tens of billions of dollars, must continue, we know they will be voted for only through fear of the Soviet Union—that has been made clear. Second, if they are voted for, there will not be enough money to consider other matters which many of us believe are also important to our national security and well-being; the condition on the rural farms of America today, the family farms; the conditions in the cities; the question of water and air pollution, and, perhaps above all, the whole question of education.

How many Americans realize that just \$44 is being requested by the Federal Government for every child and youth of primary and secondary school age, up to college: whereas \$21,600 is being requested for every enemy in South Vietnam in ammunition alone? How many Missourians realize that the Vietnam war is costing every Missourian \$18 a day, whereas, although floods have created hundreds of millions of dollars of loss in my State, the amount per day being spent on flood control is 4 cents per Missourian; \$18 a day versus 4 cents a day.

Mr. President, either these statements made this afternoon by the distinguished Senator from Wisconsin on this floor are true or they are not true. If they are not true, somebody should take the floor of the Senate and explain why. If they are true, we should, indeed, take an even more serious look at billions and billions of dollars of the taxpayers' money now being expended on the basis of a danger which, if Senator PROXMIRE is right, is not nearly as great as some would believe. I say this as one totally dedicated to a completely adequate national defense posture on the part of the United States.

Mr. President, I am already late for a delegation meeting, but cannot leave without congratulating the distinguished senior Senator from Wisconsin for what we in the Senate have really become used to from him—another job well done.

Mr. PROXMIRE. Mr. President, I thank the distinguished senior Senator from Missouri from the bottom of my

heart. There is no Member of the Senate I would rather have support me on any issue, and I think we all know that on this issue he is an expert. He has a remarkable background in defense.

The Senator from Missouri certainly recognizes the overwhelming importance of having a secure nation and that it depends on a strong Army, Navy, and Air Force. At the same time, he is well aware that a strong nation militarily also depends on a strong and sound economy and that we must make the hard, tough, sometimes unpopular political decisions if we are going to keep the kind of strong military force we believe in. I think that what the Senator from Missouri has been stressing will give us a stronger military force in the long run and, as a matter of fact, in the short run, too.

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

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. Does not the Senator agree that what we in the Senate and the country must face up to today is the question of what is a definition of true security?

Mr. PROXMIRE. This is exactly right. We have neglected this. We have just assumed that if we pour money into hardware, we are going to get more security. The fact is, as I indicate at the close of my speech, whether it is Russia or the United States, this can be the most serious kind of military blunder.

The skill, the training, and the ability of our people is the greatest resource. If we neglect education in order to build weapons systems that are of marginal, if any, use, we are weakening our country, not strengthening it. We are enfeebling our true security.

I thank the Senator from Missouri.

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

Mr. PROXMIRE. I yield.

Mr. MONDALE. Mr. President, I have had the privilege of reading the prepared statement now being delivered by the distinguished Senator from Wisconsin, and I commend him for his very gifted insights into the key question of the Soviet intention vis-a-vis the imagined or real U.S. military efforts. I think it is a point that is exceedingly well taken. It is not just, as the Senator from Wisconsin points out, what the Soviet leaders say they are going to do; it is far more important, as the Senator puts it, to ask, "What can they do?" Just as it is true in our country or any other country, it is true in the Soviet Union that the range of possibilities is limited by the economic capacity to achieve them. The searching hearings conducted by the distinguished Senator from Wisconsin have helped to bring forth the facts that bear directly on this issue.

As I understand the Senator, one of the key facts is that the gross national product of the Soviet Union is only one-half of our own.

Mr. PROXMIRE. The Senator from Minnesota is exactly correct.

Mr. MONDALE. To put it differently, every dollar of its currency that the Soviet Union spends on its military effort costs it twice as much, relatively, as the dollar the United States spends.

Mr. PROXMIRE. That is correct.

Mr. MONDALE. I also note some other distortions in the Soviet economy that are particularly serious, notably the agriculture problem. I see in the Chamber the distinguished senior Senator from Louisiana (Mr. ELLENDER) who has just returned from a searching, thorough, on-the-scene view of the Soviet economy. As I understand, the statistics indicate that seven times as many people are devoted to producing agricultural products in the Soviet Union as are engaged in this activity in the United States.

Mr. PROXMIRE. Our agricultural economy is so much more efficient that although the Soviets have to use seven times as many people in their farming and agriculture, they produce 20 percent less food than we produce. This has obvious overall economic and military implications. What happens is that agriculture chews up such a large proportion of the total work force of the Soviet Union to produce the essential food that it cannot be producing the weapons of war and cannot be in the armed services.

The reason I make the point is that Russia recognizes this and recognizes that while she may achieve superiority in some military areas between now and 1975, she will cripple her agriculture investment and enfeeble her incentives. It is very doubtful if Russia can do that, even if she tries. If she does, I cannot believe that our intelligence is so feeble that we will not know what she is doing. We can match Russia weapon for weapon and beat her. We can if necessary surpass her, for that matter, with our economy.

Mr. MONDALE. Did the hearings held by the joint committee, of which the Senator from Wisconsin is chairman, disclose the nature of the average Soviet citizen's desires for an expanded and improved availability of consumer goods? Is not that factor becoming serious and imperative?

Mr. PROXMIRE. The answer most people give is: "What difference does it make? After all, Stalin, Brezhnev, or whoever happens to be in charge can cut down the consumer demand ruthlessly." However, as Professor Fainsod points out to the contrary, there really are significant limitations, because as dictators in the Kremlin do this they reduce the incentive, the productivity, and they sharply reduce their workers' willingness to work and their ability to work. This is the reason the Soviet Union increased consumer consumption. Everything we know about the Soviet Union indicates that they may be motivated by many forces but the dominant force is power. The leaders want power in the Soviet Union. I do not assume they are idealistic humanists. If one makes the assumption they want to increase productivity, to do that they must increase consumer goods. This is a fairly harsh judgment on them and it may or may not be correct. If one takes the harsh line they cannot starve the human sector without reducing effectiveness.

Mr. MONDALE. When I visited Eastern Europe and the Soviet Union over a year ago, I was struck by the fact that in each of the Eastern European coun-

tries the state-controlled economies were all hardpressed by the growing demand of consumers for a greater share of the gross national product. They had been denied consumer goods for over one generation in the name of increased military buildups and investment in industrial goods; and increasingly they were demanding a greater share for themselves, such as housing, clothing, and a greater number of automobiles.

It is interesting to note that throughout Eastern Europe and possibly in the Soviet Union there is a tremendous investment in Fiat automobiles and other automobiles because the consumers are demanding them. This is going to take a larger share of their capacity, is it not?

Mr. PROXMIRE. Absolutely.

(At this point Mr. CRANSTON assumed the chair.)

Mr. MONDALE. The other day Soviet Foreign Minister Gromyko, in a speech before the Supreme Soviet, expressed a desire for improved friendship with the United States. There may be totally selfish reasons for that interest. We know about their problems on the Chinese border and we know of their economic problems. Would it not seem wise to the Senator from Wisconsin for us to take up this offer, not that we would do it foolishly or romantically, but that we find out how serious they are about arms limitations and what kind of an enforceable agreement we might reach to prevent the latest escalation? We could test it out. Does that not make sense?

Mr. PROXMIRE. It does make sense because it would be in the interest of the Soviet Union for the reasons the Senator has stated, and we all know what the benefits would be to us. We could get inflation under control, ease the tax burden and get to work on our poverty and education problems. All these things depend on some kind of a working agreement with the Soviet Union; but the pressure is on them because they have a smaller economy. At the same time I stress, as I am sure the Senator from Minnesota would, that we cannot rely on any kind of negotiations of agreements in good faith. We have to rely on something that can be enforced by unilateral inspection so we know the agreement is being kept.

Mr. MONDALE. At this point in history most of the items we would seek to agree upon could be observed by air surveillance. Is that correct?

Mr. PROXMIRE. The Senator is correct.

Mr. MONDALE. I think the Senator has made a remarkable contribution today and one that was very much needed.

Mr. PROXMIRE. I thank the Senator.

Mr. President, I would like to close by quoting from Professor Abram Bergson, who is probably the outstanding expert on the economy of the Soviet Union. He said:

Now, Senator, I want to repeat, I do feel that the alternative claims are becoming more onerous rather than less onerous, the claims that are competing with the military claim. The Soviet government cannot ignore them. Under Stalin it did ignore consumption to an extraordinary degree, probably unparalleled in the history of industrializa-

tion of major economies. I sometimes feel that in this area the present government is suffering partly from Stalin's success. It happens that he was so successful in limiting consumption that he left very little opportunity for his followers to limit it more, and on the contrary they have found, for reasons of maintaining morale and incentives, and for reasons of political expediency generally, they have found that they have to do more for consumers rather than less.

Well this is limiting what is available for other uses. And I repeat, investment possesses a growing claim. In my judgment the Soviet government cannot ignore these claims. And this tends to limit what they can do, the kind of defense budget they can project to support one or another foreign policy. I think of this as a quite significant constraint. You can't rule out extremes, but nevertheless realistically I do feel that any talk of a larger effort which would enable the Russians to go much beyond the United States effort overall is not very realistic.

#### ALL-OUT RUSSIAN MILITARY EFFORT WOULD CRIPPLE ECONOMY

Mr. President, if Russia chooses to go all out in the next 10 years in building the biggest and most threatening navy, air force, missile force of which it is capable by 1975, giving short shrift to consumer goods or industrial investment or agriculture in the process—if it does this—this Nation can easily match that Soviet military concentration and the Soviet leaders know that. They may be incompetent. They may be super hawks. They may have bad judgment. But they do know a lot about this open society of ours even if they just read our newspapers.

And they know that whatever they do, we can double and we can do it without even breathing hard.

So what do they have by 1975 if they throw all of their resources into the military? They will then have a far weaker economy: a Russian worker poorly motivated and maybe dangerously alienated, an industry that has fallen even farther behind the West in capital equipment, and an agriculture that continues to absorb nearly a quarter of their entire productive manpower.

And meanwhile we can, as they know, double whatever they do—plane for plane, missile for missile, rifle for rifle.

#### CONCLUSIONS

This adds up to several things:

First. Regardless of who is in charge in the Kremlin, the prospect of a Russian breakneck race to beat us by developing superior military hardware in the next 5 or 10 years is very unlikely. If it develops, we can meet it and beat it.

Second. The Russians have every reason to want to enter into an arms agreement with the United States, as the distinguished Senator from Minnesota brought out so well. While such an agreement based on unilateral inspection would not give the Soviet Union any advantage over the United States, it would provide a chance to build its consumer goods, its industrial plants, its agriculture in a balanced way that would give it far greater overall strength—including potential military strength than it now has—within the next 5 or 10 years.

Third. Such an agreement would help the Soviet Union in every area where they have serious problems. It would permit them to continue their superiority



over the Chinese. That superiority could deteriorate if the nonmilitary sectors were to be starved for a number of years.

Russia could strengthen its position with satellite countries whether this meant the so-called Brezhnev doctrine of interference to keep Soviet stooges in power, as applied in Czechoslovakia, or whether it simply meant potential military superiority that would be feared and followed. Obviously, an economic deterioration could enfeeble that domination and probably force more Czechoslovakias on Russia.

Russian leaders could strengthen their domestic position as consumer goods, industries, and agriculture improved.

I should like to quote again from Dr. Bergson's testimony:

In sum, the Soviet government has been seeking to support a military establishment of the first-class with an economy that by U.S. standards has been of the second class. This is a difficult feat, and it is apt to become more difficult in the future, as the competing claims of capital investment and consumption become more demanding. Still the government has found the necessary means so far, and it should be able to continue to do so, but it may well be led to scrutinize marginal requirements for additional military outlays more closely than hitherto. It also goes without saying that for the USSR there has always been an economic case to join in arms control and disarmament measures. That should certainly still be so in the future.

Then, as Prof. Joseph Berliner of Brandeis University stated:

Military and space expenditures in the USSR, as in the United States, employ resources that are deflected from other highly pressing national needs. One class of such needs is the long-postponed rise in the living levels of the population, particularly in the areas of agriculture and housing. The other high-priority goal is the need to advance the long-term objective of gaining economic parity with the major capitalist countries, which requires heavy expenditures on investment. The urgency of these needs is not such that the Soviet leaders would neglect the nation's defense requirements in order to meet them. Nor is it such as to overcome the pressures to expand their strategic, military and naval forces in support of their longer-run foreign policy objectives. These pressures are likely to be dominating as long as the USSR maintains military inferiority to the United States, both in general and in areas of particular strategic interest like the Mediterranean. But it does mean that the Soviet leaders—perhaps one should say some Soviet civilian leaders—may be expected to view with great alarm the prospect of future large increases of military and space expenditures for such reasons as the defense of the Chinese border, or war in the Middle East, or a major new escalation in nuclear weaponry.

This is not to say that the Soviet leaders are desperate for any form of arms control agreement. One can say, however, that because of their pressing national needs the Soviet leaders may be expected to be seriously interested in the prospect of a satisfactory arms control agreement.

#### NEED U.S. MILITARY STRENGTH

Now Mr. President, none of this is to argue that the United States should not maintain sufficient military strength. We can do so and, of course, we must do so. But if we take a calm and clear look at what we are up against in the Soviet Union, it is clear that we can maintain that sufficiency without insisting that

whatever the Soviet Union does militarily we must do more in that particular respect.

We have three times as many long-range bombers as the Soviet Union. We have 15 attack aircraft carriers, each carrying scores of attack aircraft, and surrounded by an armada of support vessels. We invest in any new sea-fortress complexes of this kind more than \$1.7 billion each, and, as I say, we have 15 of them. How many does the Soviet Union have? None. Not one.

They have some things we do not have. They have anti-ballistic-missile systems. We do not. It is my understanding that we can get through their ABM's without difficulty.

We have far more missiles but they have greater megatonnage in their missiles. This simply means we can destroy them. They can destroy us.

#### U.S. SECURITY, TOO, CAN BE HURT BY MILITARY OVEREMPHASIS

Mr. President, all of this should provide a lesson for us. Our economic options are far broader for the United States than those facing the Soviet Union.

The United States does have some economic leeway. It can, if necessary, continue to invest \$80 billion a year in the military—even after Vietnam—without a sudden or sharp deterioration in our marvelous economic system.

But let there be no mistake—there would be some definite and serious economic attrition for such a decision on our part.

I intend to address this subject before the Senate at a later date. But the witnesses before our Joint Economic Committee in testifying on the military budget and the Nation's priorities did convince this Senator that the United States, too—in the long run—will have a stronger country—militarily as well as socially—if we not only reduce the present high level of waste in our military spending, but also eliminate our investment in some of the marginal but enormously expensive weapons systems that contribute little to our national security. Such a decision would free resources to slow inflation and provide a stronger society as well as a sounder economy.

Just as the Russians could enfeeble themselves militarily by denying resources to investment in industry and agriculture in order to secure a temporary military hardware buildup, so we could reduce our military—I repeat, our military—potential by neglecting education in order to build highly questionable weapons systems.

#### EXHIBIT 1

#### TESTIMONY BEFORE THE ECONOMY IN GOVERNMENT SUBCOMMITTEE OF THE JOINT ECONOMIC COMMITTEE

##### EXCERPT, TESTIMONY OF MERLE FAINSOB

Even at the base of the Soviet social pyramid rank and file, peasants and workers are now in a position to exert greater influence on the course of elite decision-making. When collective or state farm workers respond to inadequate incentives by listless performance in the public sector, by transferring their energies to private plots, or by abandoning their jobs to seek better paid work in the industrial centers, they in effect bargain to improve their position. They vote with their feet, in the absence of large-scale

terror, there is a point beyond which they cannot be driven. If more production is to be extracted from them, improved incentives have to be provided. The state and party functionaries responsible for increasing agricultural output find themselves forced to plead the case of their peasant clients. In a perhaps perverted form, what takes place is a form of indirect representation.

The Soviet Union is under heavy pressure to devote its energy and resources to domestic problems, to invest more heavily in agriculture, housing, and consumer goods, sectors of the economy which it has historically stunted. But it is doubtful that it will yield to such pressure as long as it feels, to use Kossygin's words, that "to economize on defense would be acting against the interests of the Soviet state and the Soviet people." Both the Soviet Union and the United States have a mutual interest in adopting a moratorium in the construction of antimissile systems and in limiting the arms race in offensive weapons. But it is one thing to proclaim a mutual interest and quite another to embody it in arrangements and agreements in which both sides can have confidence and trust. That arduous task is still before us, and it will not be made easier—indeed it may become infinitely more difficult—if we now launch a new round in the arms race which can only increase insecurity on both sides.

#### EXCERPT FROM PROF. ABRAM BERGSON'S TESTIMONY

How Soviet defense expenditures will vary in the future, to come to this question, will depend on the evolving international environment in which the USSR finds itself; the foreign policy which the USSR wishes to pursue within this environment and the economic potential available to support one or another such foreign policy, including the defense budget that it requires. Among these different factors, the latter must be accorded priority here. Turning to it, any serious appraisal must, I think, consider a number of aspects:

(i) The total output from which the Soviet government must draw its defense outlays is still relatively limited by U.S. standards. Thus, the USSR produced in 1966 a gross national product equal to but one-half of ours, or to but two-fifths of ours when calculated per capita.

(ii) The Soviet GNP continues to grow at a respectable rate, though not as fast as formerly. Whereas total output grew at over 7 percent during 1950-58, the tempo has now declined and during the years 1962-67 averaged but 5.5 percent.

(iii) Soviet growth for long has been notably expensive in terms of the additional capital that it has required. Even in the fifties, rapid growth of output could be achieved only through decidedly more rapid growth of capital, and more recently the disproportion between the two trends has become still more marked. Over the ten-year period 1950-60, the stock of Soviet capital per unit of output grew 22 percent. By 1965, or in the interval half as long, it had grown another 14 percent. A corollary is that in order to assure continued expansion of output, the government must plow back an ever larger share of that output in new investment. This is necessary merely to maintain the tempo of growth of output, never mind to raise it.

(iv) The Soviet government through the years promised consumers much. At long last it has concluded that it is expedient to redeem these promises in a greater degree than it did formerly. To a greater extent than in the past, therefore, consumers too must share in the fruits of progress, and consumption is no longer simply the residual segment of total output that it once was.

(v) Under the reforms in planning initiated by Brezhnev and Kossygin in September 1965, the Soviet government hopes to limit

further increases in the capital cost of growth, and perhaps even to reduce such costs. Resources allotted to consumption are also to be used more effectively in meeting consumers' demands, particularly in respect of quality and assortment. These reforms are still in process of implementation, and what they will achieve remains to be seen.

In sum, the Soviet government has been seeking to support a military establishment of the first-class with an economy that by U.S. standards has been of the second class. This is a difficult feat, and it is apt to become more difficult in the future, as the competing claims of capital investment and consumption become more demanding. Still the government has found the necessary means so far, and it should be able to continue to do so, but it may well be led to scrutinize marginal requirements for additional military outlays more closely than hitherto. It also goes without saying that for the USSR there has always been an economic case to join in arms control and disarmament measures. That should certainly still be so in the future.

EXCERPT FROM TESTIMONY OF PROF. JOSEPH S. BERLINER

Military and space expenditures in the USSR, as in the United States, employ resources that are deflected from other highly pressing national needs. One class of such needs is the long-postponed rise in the living levels of the population, particularly in the areas of agriculture and housing. The other high-priority goal is the need to advance the long-term objective of gaining economic parity with the major capitalist countries, which requires heavy expenditures on investment. The urgency of these needs is not such that the Soviet leaders would neglect the nation's defense requirements in order to meet them. Nor is it such as to overcome the pressures to expand their strategic, military and naval forces in support of their longer-run foreign policy objectives. These pressures are likely to be dominating as long as the USSR maintains military inferiority to the United States, both in general and in areas of particular strategic interest like the Mediterranean. But it does mean that the Soviet leaders—perhaps one should say some Soviet civilian leaders—may be expected to view with great alarm the prospect of future large increases of military and space expenditures for such reasons as the defense of the Chinese border, or war in the Middle East, or a major new escalation in nuclear weaponry.

This is not to say that the Soviet leaders are desperate for any form of arms control agreement. One can say, however, that because of their pressing national needs the Soviet leaders may be expected to be seriously interested in the prospect of a satisfactory arms control agreement.

EXCERPT FROM TESTIMONY OF  
PROF. HOLLAND HUNTER

The high rate of Soviet output growth reflects a high share of capital investment in each year's GNP. Rapid future growth will require continuation of a high investment/output ratio. This means that national security outlays compete, among major Soviet priorities, not only with consumption but also with investment. It's not just "guns versus butter," but "guns versus butter versus a larger pie in the future." During the 1960s, in fact, the "larger pie" took about three times as much output as defense did. In the short run, as a result, a marked slowdown in Soviet output growth would free resources either for larger defense outlays or for immediate consumption increases.

United States defense outlays produce no net gain in national security when they are offset by equivalent Soviet defense outlays. The principle also applies in reverse: reduced United States arms spending would not reduce national security if it were matched by verified Soviet reductions. Reduced outlays

would, however, release resources for other high priority uses, which suggests that arms reduction negotiations should have the highest priority of all.

These crude projections (of Soviet output growth) illustrate the major trade-offs that confront policy makers in Moscow, much as similar trade-offs are confronted in Washington. It is clear that Soviet opportunities are very sensitive to the rate of output growth. If the Soviet GNP continues to grow rapidly, there will be room for both more guns and more butter. Even with reduced growth, somewhat more butter and a lot more guns can be had, if the system's directors are willing to imperil future growth.

If we assume that Soviet authorities will not abandon their high-growth objectives, and assume further that the Soviet public's morale would suffer from a sharp check to the rise in their living standards, several conclusions follow. First, it is evident that an arms freeze would benefit the Soviet economy, and that a reduced level of defense outlays would be even more attractive.

Secondly, it seems obvious that since an arms freeze or reduced defense outlays by the United States would be similarly useful for United States purposes, the USSR and the United States have a joint interest in halting and reversing the arms race. Arms outlays have a remarkable feature which distinguishes them from most other forms of expenditure. When the Congress appropriates funds for national security, the resources utilized have value only in relation to the simultaneous outlays being made by other countries. The value of American expenditures can be offset by the expenditures of other countries. The security that the United States tries to purchase with another ten billion dollars of defense appropriations can be completely nullified by equivalent Soviet outlays, so that neither nation is any more secure than before.

EXCERPTS FROM THE TESTIMONY AND  
QUESTIONING OF MR. BERGSON

Mr. BERGSON. The Institute of Strategic Studies estimates that their current expenditures are running about \$50 billion overall. I would not rule out figures larger than this. I am a little uneasy at the deduction of all of our expenditures on Vietnam in order to obtain a comparable figure for the U.S., and clearly we have forces in being. They are committed at the moment. But it does seem somewhat dubious to deduct those expenditures from our budget as if they did not contribute any strength. I would say that the balance is comparable to the Russian level.

I do feel, though, that in the existing state of our knowledge this committee would not be well advised to try to pinpoint precisely the level of expenditures for Russia compared with the United States. I think this can quickly become a game.

Senator PROXMIER. We understand that. But you see, Professor Bergson, we are in a difficult position. We have to bite the bullet next month. We have to decide on the military budget. We have to vote it up or down. And we have far less knowledge by and large of the Russian economy and the Russian potential militarily than any of you four gentlemen has. I am speaking of most of us in the Senate and in the House. We have to make that decision. And we have to make some assumptions about our military strength. And the assumption that I am asking is, would it be sound in your view for us to feel that our present level of military strength is adequate, is sufficient.

Mr. BERGSON. Senator, let me be clear, I feel that this is a matter which requires a most careful examination of extraordinarily complex questions. It is not a matter to be determined simply by looking at a defense budget translated in one way or another, from one currency to another. I repeat, I feel the Russians have, from all the information I have seen—and some of it is from such

restricted sources as the New York Times—from all the information that I have seen, the Russians have established a very impressive military power, on the basis of an inferior economy. This has required a greater effort on their part. And in effect you have asked whether they could exert an additional effort and much surpass us in the future. I cannot speak in absolutes. I am rather skeptical that this is among the realistic possibilities we have to reckon with. I do feel that the Russians will exert an effort to assure that they have a defense potential appropriate to the kind of foreign policy they want to conduct in the future. And I can see them continuing to spend vast sums of money, and trying to match us where this seems appropriate, and perhaps in one area or another where it seems appropriate surpassing us.

I don't think it is any great secret that they probably have already surpassed the West in some areas, especially that of conventional power in Europe. There seems to be a good deal of evidence that this is so.

But over all I think it would be a most difficult thing for them to much surpass us in military strength in the future with the kind of economy they have. They have to consider that the pressures of other needs are rising rather than declining. There are other matters of importance to them.

Senator PROXMIER. All the testimony we got this morning from all of you experts indicated that in spite of the fact that you indicated that the Russians may be growing percentage-wise more rapidly, in absolute terms they are growing less than we are, isn't that correct? Because they have one-half the size economy, and obviously if they grow at 7 percent and we grow at 4 percent, the 4 percent growth translates into a larger real growth than theirs.

Mr. BERGSON. This is quite true.

Senator PROXMIER. So they are not gaining on us.

Mr. BERGSON. It happens—I too feel that if you take a number of recent years, they are growing less rapidly than 7 percent. According to the estimate submitted to your committee, perhaps 5 to 6 is their mark. And we have been growing, it is true, above our trend level, but nevertheless at around 5 percent, 4 and ½ to 5 percent for a recent period. That is not a rate which we can quite maintain. But you are quite right, in terms of absolute increments, the Russians are actually falling behind rather than gaining.

Now, Senator, I want to repeat, I do feel that the alternative claims are becoming more onerous rather than less onerous, the claims that are competing with the military claim. The Soviet government cannot ignore them. Under Stalin it did ignore consumption to an extraordinary degree, probably unparalleled in the history of industrialization of major economies. I sometimes feel that in this area the present government is suffering partly from Stalin's success. It happens that he was so successful in limiting consumption that he left very little opportunity for his followers to limit it more, and on the contrary they have found, for reasons of maintaining morale and incentives, and for reasons of political expediency generally, they have found that they have to do more for consumers rather than less.

Well this is limiting what is available for other uses. And I repeat, investment possesses a growing claim. In my judgment the Soviet government cannot ignore these claims. And this tends to limit what they can do, the kind of defense budget they can project to support one or another foreign policy. I think of this as a quite significant constraint. You can't rule out extremes, but nevertheless realistically I do feel that any talk of a larger effort which would enable the Russians to go much beyond the United States effort over all is not very realistic.



Mr. BERLINER. With respect to the capacity to support it?

Chairman PROXMIER. Correct.

Mr. BERLINER. I would guess that any reasonable expansion in military capacity is not outside the capability of the Soviet Union, just as it isn't outside our own capability. The question we have to ask is, what would it do to the Russians to continue to increase or to accelerate their military capacity? That is the question with which I will conclude.

But first I would like to say that as a sort of semi-layman in this business, one way in which I would answer your question would be to ask, if I were a general, which military establishment would I like to be running? Suppose I were a de-nationalized, international sort of amorphous war maker, and had my choice of military machines. I dare say, my hunch is that I would much rather be sitting across our strategic military force than I would across the Russians. Anybody who says that the Russians have a greater military capability than we must be saying in effect if he were this kind of general he would rather be riding on the Russian military strength.

I think few would hold that view. If that is the case, then in this semi-layman way my answer to your question is that we could reduce our military appropriations.

Secondly, the Russians are generally behind us militarily. They are behind us in nuclear submarines. And the Institute of Strategic Studies calculates that they are producing them at only the rate of one or two a year, which I found a rather astonishing figure.

I think we have to expect that as long as the Russians maintain military inferiority to us, are going to continue to feel that they have got to pull abreast of us. I think we would do the same thing if we were in their position, whether we were Marxists, or Chinese Nationalists, or American imperialists. I can't imagine how the Russians would permanently accept a state of military inferiority that no sensible nation that had the capacity to overcome such inferiority would ever maintain. From this point of view I would agree with those who have pointed out that the Soviet military buildup, particularly in their ICBMs over the last two years, may have created the possibility for the first time of some kind of nuclear agreements, even with all the problems of China—and I agree that these are going to be different ones—with all the problems of China and related ones, we may now for the first time be in the position of being able to deal with the Russians, they dealing as equals in a sense that they never were before.

My last point is directed to the question that was asked by Mr. Conable, how do the Russians feel about the need to allocate the increasing resources—consumer goods and services—for incentive purposes, resources which compete with military and investment resources? It is a good question, and the substance of the answer has been given here. But I hope the same question is asked about the United States, when you make your decision on how to vote on the defense budget. The United States equivalent of Russian consumer goods is the poverty problem, and the problem of urban blight. And I do hope that when the decision is taken on military expenditures that we think of the strength of the Nation not solely in military terms, but in general social and economic strength.

For there is in the Federal budget this year, I understand, the first appropriation for interplanetary travel, which is a very grim business. When we get into the business of interplanetary travel I imagine the present space program is going to look like peanuts. And it is going to be defended in the same terms as were used by Colonel Bordenko, the Soviet colonel who talked like any colonel in any country in the world, I presume, about

the appropriate approach to military planning.

If we get involved in this interplanetary travel, which would be defended on the basis of our national military posture and our national honor, we have no guarantee today that the housing program, the urban program, and the poverty program will not be made to wait.

#### EXCERPT FROM DR. WOLFE'S TESTIMONY

I think this steady upward trend in Soviet military outlays represents a diversion of resources hardly calculated to help the regime meet its domestic economic goals. Naturally, the question arises: What has prompted Khrushchev's successors to increase the scale of Soviet military preparations? At the risk of violating my earlier caveats against relying on overly facile explanations of Soviet behavior, let's, in concluding, venture a few comments on this question.

In the first instance, the Brezhnev-Kosygin regime was probably moved to break through the ceiling Khrushchev has sought to maintain on Soviet military expenditures by the conviction that the USSR must provide itself with a wider range of military options and divest itself of a markedly inferior strategic posture in any future Soviet-U.S. confrontations that might occur—a liability that was dramatically driven home by the Cuban missile crisis in the later days of the Khrushchev decade. Secondly, the war in Vietnam and an apparent Soviet belief that U.S. military power was being increasingly committed to the suppression of so-called "national liberation" movements in the Third World probably served also to persuade the Brezhnev-Kosygin regime that further measures were needed to improve the Soviet Union's ability to project its military presence into areas like the Middle East, Africa and the Indian Ocean in support of Soviet policy.

But an explanation couched solely in terms of Soviet response to the perceived posture and policy of the United States falls short of the mark. The tendency of the Soviet leadership to seek resolution of its political dilemma in Czechoslovakia through military pressure—first in the form of threatened intervention and then by actual invasion—serves to remind us that problems like arresting the erosion of Moscow's authority in East Europe count high also in the pattern of Soviet priorities. Similarly, new difficulties with China in the Asian borderlands point to another source of motivation for the strengthening of Soviet arms.

In addition to such external grounds for a steady rise in military allocations, the internal play of Soviet elite politics and especially the appetite of the military bureaucracy for a larger slice of resources are factors which deserve close attention. In this connection, the likelihood that the Soviet military hierarchy under the Brezhnev-Kosygin regime has sought and obtained a more influential voice in decisions affecting the country's security should not be overlooked, although the outward evidence available does not—at least in my opinion indicate that the traditional hold of the Soviet political leadership on the machinery of decisionmaking has been usurped by the military.

Finally, whatever the explanations advanced for the present scale of Soviet military outlays, I think it is also well to view the situation in broad historical perspective. Seen thus, the evolution of the Soviet military posture up to this point in time can perhaps best be understood as part of a larger historical process, still under way, marking the Soviet Union's emergence as one of the world's two super powers and reflecting the aspirations of its leaders to share the global stage with the United States.

#### EXCERPT FROM QUESTIONING

Senator PROXMIER. I would like to ask Professor Fainsod this. Professor, you referred to

Soviet politics as "bureaucratic politics," and that one of the primary concerns of the party leadership is that of mediating and balancing the claims of the various groups making up the bureaucracy. Under the present leadership the military appear to have the upper hand, or at least more dominance than they have had in some recent periods. You know they are under heavy pressure to devote more resources to domestic problems. Do you see any signs that this pressure for domestic commitment is growing, or can the leadership continue indefinitely to be subjected to military demands?

Mr. FAINSOD. I think there are limits. If the leadership is prepared to turn to the kind of patterns that Stalin used, I am sure that it can put a much greater squeeze on the people in terms of standards of living sacrifices. But I think in the present state of development of the Soviet economy this kind of pressure has become counterproductive, that essentially the case for using economic incentives rather than mass terror is a kind of productive case. If of course the leadership feels itself in very great danger, I have no doubt that it would not hesitate to use very repressive means. But if it sees its future in terms of increases in productive or increases in production against, whether it be on the military or non-military side, it seems to me it must and has turned increasingly toward the use of incentives as a way of evoking contributions to productivity.

So that in this sense the groups of which I spoke, and even just ordinary workers, ordinary farmers, are in a position to affect priorities to a degree which they weren't able to affect them before.

Now, this doesn't mean that the leadership is at the mercy of this environment group activity. It can make calculated concessions of a rather modest sort. And I think on the whole its concessions can be so described. And when it feels under pressure to increase its military budget as it has in these last few years, something has to give. And if you study what has been happening you will notice that what has been giving has been investments in agriculture. And this has been openly acknowledged by Brezhnev in a recent statement.

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

Mr. PROXMIER. I yield.

Mr. ELLENDER. Mr. President, I am sorry I did not hear all the Senator had to say, but the information furnished to him by the various professors he named is most interesting.

During my last visit to Russia, believe it or not, I found in their very large cities, particularly in Siberia, a shortage of labor—something I never found before.

As the Senator states, the number of people engaging in farming is quite large compared to ours. As I recall, it requires about 40 percent of the people in Russia who live on the farm to produce food for themselves and the rest of the population. Is that about the figure that was testified to?

Mr. PROXMIER. Yes. They said seven times as many people as we have in this country in agriculture. So perhaps it would. I am not sure whether the percentage would be exactly 40 percent but perhaps it is in that area.

Mr. ELLENDER. Around 40 to 42 percent. Efforts are being made to reduce the number of people on the farms, but they find that cannot be done because Russian agriculture is not sufficiently mechanized.

I visited a huge plant in Rostov-on-the-Don which manufactures harvesters.

They are being made in fairly large quantities but in the old style—very heavy, and inefficient. I asked them, "Why don't you improve the quality of your harvesters?" The answer was that it would take them too long to retool, that they do not have sufficient personnel they could put to work to do that retooling so that a more modern harvester could be manufactured. Meanwhile, much iron and steel used in the machines was being needlessly wasted. The same thing holds true in the oil fields around Baku.

Mr. President, I discovered, on my last trip, that there are only two sources of manpower in Russia from which they can draw for industry. One is on the farm, and unless they can mechanize their farms so that it will take fewer people to produce food, I do not see that they can get many from the farms.

Another source of labor, believe it or not, is the colleges. As the Senator knows, every student in Russia is allowed a free education in the elementary schools, high schools, or colleges. Many of the boys and girls who go to college are now learning that, even though they spend from 3 to as many as 5 years more in school than those who graduated only from high school, they do not get more opportunity than the high school graduate obtains. It is a peculiar situation. I learned that there was much dissatisfaction among the students. They often wonder why it is that they should spend as many as 4 or 5 years in college and not get a better opportunity in industry than they have now. This goes back a long way into Communist ideology, when it was considered an article of faith that intellectuals and workers would be placed on the same footing.

I asked the question why they continued at college. The students said: "Well, that is one way to make a living, because we can go to college, and as long as we stay there, the Government pays us to go to school."

That was their answer. But I believe the leadership will, sooner or later, as I said in my most recent report, change that system and make a better selection of those who are eligible to go to college.

As it is now, it is optional with the student. I was told that not much effort is made by the Government to discourage a high school graduate from going to college. As I said, all are offered a monthly stipend. It may be that this adds to the labor shortage.

Another deficiency from which the Soviet Government is suffering is in transportation. Russia's railroad system is very deficient. There seems to be no effort made to change it or increase its efficiency. I would not be at all surprised if, because of the distances in Russia, which are so great, the Russians developed an air transportation system rather than trying to depend on railroads.

For example, most of the fruits and vegetables and other products of that kind are produced in Asiatic Russia, around Tashkent in Uzbek and Alma Ata in Kazakh, the largest republics in Asiatic Russia. The distance from those producing areas to Moscow or Leningrad, or other places where fruits and

vegetables in large quantities could be consumed, is so great that those products could not be shipped by train.

I am sure efforts will be made to organize some method by which those products can be carried by air. I may be in error about that, but that is my belief.

I wish to compliment the Senator from Wisconsin for his presentation. I have not read all he has said, but, from what I have heard, I think he is on sound ground.

Mr. PROXMIRE. I thank the distinguished Senator. What he has said is most pertinent and relevant to the point I make. He believes there is a manpower or labor shortage in Russia. That is exactly why agriculture is so burdened. It absorbs so much manpower. If Russia could mechanize, if it could invest more of its resources in agriculture, and perhaps not so much in military, or at least decrease the rate at which it is making military expenditures, Russia could benefit in the long run by freeing her manpower.

The second point the Senator made, about the college students in Russia, is very interesting. The principal reason for Russian student resentment, I suppose, is that in a society in which there is a great emphasis on working with one's hands on the farm, for example, or which has a great number of what we call blue collar workers, there is not the opportunity for college graduates which obtains in a country like ours or West Europe, where there is more efficient agriculture and industry.

Finally, the Senator makes a very valid point which, frankly, we missed in our hearings and which should be stressed, namely, the great importance to Russia now of a transportation system, whether it be air, highways, or rail. It will require an immense amount of investment, whatever system is used. We have a great advantage in this country with our superb highway system, as well as our rail and air transportation systems. The Russians must know of this U.S. advantage. That fact greatly reduces the strength and force of her economy. If Russia is to have a great improvement in her economy, she must develop a transportation system.

The PRESIDING OFFICER. The time allowed the Senator under the unanimous-consent agreement has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may have another 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Wisconsin is recognized for an additional 5 minutes.

Mr. ELLENDER. The Senator stressed one point, which I overlooked until now. It is the production of fertilizers. Even in that field, there is much neglect because, I presume, the Russians have devoted so much of their resources in the development of military hardware, missiles, and so forth, and the creation of a heavy-industry base. I can foresee that, unless Russia produces more fertilizer for the farm, and unless she mechanizes her farms, things will get worse instead of better, in my opinion.

As I stated in my last report, there is no doubt in my own mind that, as time

goes on, fewer and fewer boys and girls will be desirous of going on the farm. I am very hopeful that things will change there, for their own good. I am very hopeful we can start talking peace meaningfully. We cannot approach the Russians, speak of desiring peace with them, and, in the next breath, talk about war, such as revitalizing the alliance in Western Europe and the program we are now discussing.

It strikes me that we ought to be very frank and honest with them. Mr. Llewellyn Thompson, when he came back, stressed that one of the important things we should do in regard to Russia is to be at least honest with her. If we want to talk peace, let us do it, and not be building up for a war, which, in my opinion, will never come.

Mr. PROXMIRE. I thank the Senator. He not only is chairman of the Senate Committee on Agriculture and Forestry, but he is a great expert in this area. He is probably the most fully informed and aware Senator with regard to the Soviet Union, in terms of having traveled there, five times, as he says, not for merely overnight visits, but spending many weeks in many parts of that great country. I think his opinions should carry particular weight. His reports have been most useful to us in getting an understanding of Russia.

Mr. ELLENDER. Last week I had six moving picture showing at the auditorium of my recent visit to Russia. I wish to say to Senators and others who were not able to see those moving picture shows—I have been asked to have others—that tomorrow at 5 o'clock, at the auditorium, there will again be a showing of those pictures. Probably next week I will again show those pictures. So those who are desirous of seeing them, and have not had the opportunity to do so yet, will have that opportunity.

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

Mr. PROXMIRE. I am happy to yield to the Senator from Iowa.

Mr. HUGHES. I ask the Senator from Wisconsin, in line with the transportation problems that have been suggested here, the Russians seem outwardly to be dedicated to developing their transportation by sea. They certainly have made an economic decision to engage in building sea transport and in building submarines, probably to catch up with or surpass our submarine fleet. In world trade, they are certainly starting out on more than a competitive economic basis, in an attempt to compete with and surpass our great country in this area. Does the Senator believe, on the basis of his research and studies, that this is true?

Mr. PROXMIRE. Yes, I do, indeed, in certain fields. We had testimony before our committee that, especially in the merchant marine area, the Soviet Union is making a substantial increase in investment. It would not be hard to surpass this country, because we just do not have very much in the area of merchant marine, in comparison with our great resources and the capacity we could have if we wished to invest in that area.

But once again, if they are going to



build up their capacity for foreign trade, they have to make a choice: They cannot do that and also these other things they so urgently would like to do, and engage in an arms race with the United States at the same time.

Mr. HUGHES. To get to the latter part of the Senator's speech, when he was talking about the excellent weapons system this country has in comparison with what the Russians have, does he believe that we are at a level of sufficiency in this regard at the present time?

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. PROXMIRE. I ask unanimous consent for 3 additional minutes.

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

Mr. PROXMIRE. I would say, on the basis of what I have heard and read, that we are. I do agree with those who say we must work to maintain our military sufficiency. We cannot take it for granted.

I do think there are many weapons systems of those which have been proposed which are not required for us to maintain our military sufficiency.

For instance, I feel that an additional aircraft carrier, when they do not have any, when we have 15, and when no other country is building any, is redundant. There is also a serious question in my mind whether we ought to have a supersonic manned bomber 8 years from now, when 8 years ago it was stated that it was becoming obsolete, and Russia is a long way from having as many manned bombers as we have.

So I think there are areas where, even with the most skeptical view of the Soviet capacity and intention—skeptical in the sense of avoiding underrating them or their capacity—I think there are many areas where we can reduce the efforts proposed to us, and still maintain our sufficiency.

Mr. HUGHES. In view of that fact, and in view of the fact that we are hopefully about to begin some negotiations, it seems to me quite obvious that if we upset the balance of military power now either way, obviously the nation that feels it has lost the level of equality that it feels ought to be maintained is going to have to stall in whatever negotiations are begun until its sufficiency is again at a level of equality. Would that seem to make sense to the Senator?

Mr. PROXMIRE. That seems very logical to me. The notion that because we might be approaching negotiations, therefore we should rush in with everything we can think of to strengthen our so-called bargaining position, does not seem logical. I would agree with the implication of the Senator's remarks that these negotiations are vital to the United States and to the Soviet Union, and that it could well be that by a military overcommitment, we could upset them, or make them very difficult to work out or to develop; and we should keep that constantly in mind in voting on the military budget.

Mr. HUGHES. I express my appreciation to the Senator from Wisconsin for his enlightening presentation today, which I believe is especially valuable because of his particular background, the

committees of which he has been chairman, and the research he has done. I appreciate the fact that this matter has been brought before the Senate.

Mr. PROXMIRE. I thank the Senator from Iowa very much.

Mr. President, I yield the floor.

#### TAX LEGISLATION

Mr. LONG. Mr. President, I will have printed in the RECORD the invitation I received to appear at the Democratic policy committee luncheon and the statement I made before the Democratic policy committee luncheon with regard to tax reform.

I believe that statement will make it clear that it has always been my point that to act responsibly on tax reform measures would require a wait until at least December or maybe until sometime next year.

That is the reason why I felt that any comprehensive type of tax reform should not be added to the extension of the surtax measure. That measure is viewed by us as being a measure of great urgency.

I will also have printed in the RECORD a statement I made before the Senate Committee on Finance today explaining the procedural problem as it appears to me.

At the conclusion of that statement, the Senator from Delaware (Mr. WILLIAMS) suggested that we should have an executive meeting on Thursday to discuss the problem.

I requested the right to invite the Democratic policy committee to meet with the Senate Committee on Finance so that there could be no misunderstanding or breakdown of communications between the two, hoping that we could agree on procedure.

Mr. President, I ask unanimous consent to have printed in the RECORD the material to which I have referred.

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

U.S. SENATE,

Washington, D.C., May 22, 1969.

HON. RUSSELL LONG,  
Chairman, Committee on Finance, Washington, D.C.

DEAR RUSSELL: Following up our conversation of a few days ago, at which time I requested that you attend the next meeting of the Policy Committee, I am taking this means to put that oral request in written form.

As I told you, the Policy Committee requested Mr. Stanley Surrey to meet with it to discuss the question of taxes in general. It was the unanimous opinion of the Policy Committee that in line with its procedure not to overstep the bounds of any legislative committee, that you, as Chairman of the Finance Committee, should be there to give us the benefit of your views, your wisdom, and your counsel on this most important matter. This will be, in effect, a round robin discussion which we hope will be of educational value to the Policy Committee, and we would be most happy and honored if you could see your way clear to sit in with us on Tuesday, May 27th in Room S-221, U. S. Capitol.

Must close now, Russell, but with best personal wishes and looking forward to seeing you, I am

Most sincerely,

MIKE MANSFIELD.

STATEMENT OF SENATOR LONG TO THE DEMOCRATIC POLICY COMMITTEE TAX REFORM LUNCHEON, MAY 27, 1969

I want to applaud the Democratic Policy Committee for taking time from its important work to discuss the matter of tax reform and I want to report on the role of the Committee on Finance in this area.

Before giving that report, however, let me state that—except in general terms—I do not know what will be in the tax reform bill now being drafted in the House Ways and Means Committee. Certainly, the rules governing the tax-exempt foundations are going to be tightened and I am optimistic that a minimum income tax will be enacted to do something about the fellow who is financially able to juggle his income and deductions in such a way as to avoid paying any Federal income tax—or perhaps only a token tax. That sort of exploitation of the tax law is a direct consequence of wealth. It creates an unfair preference in favor of the man who is fortunate enough to make his money from the ownership of property as contrasted to people who earn their living with their hands.

Thanks to hard work by people like Stanley Surrey a minimum tax, which I have long advocated, is close to enactment in this 91st Congress. It will do much to bolster taxpayer morale and confidence in our voluntary self-assessment tax system.

Now, in exploring the role of the Finance Committee in tax matters I want to point out that the Senate must operate under a constitutional infirmity which reserves to the House of Representatives the power to originate tax measures. We can't act in the tax area until we have received a bill from the House and then we can only amend the House bill.

Thus, if an idea develops in the Senate for a major tax change the chances are the House is going to get first crack at that suggestion and if it's a good one they are going to get credit for it. If it's a bad one the Senate is going to get the blame for not taking it out of the House bill.

The suspension of the investment tax credit in 1966 is a good example of the first point. I offered an amendment to suspend it in August. In September, the President submitted a recommendation to Congress that it be suspended. In October, the House passed a bill to do it, and was widely hailed for easing the pressures on the money markets and slowing inflation. But the fact remains that the impetus for that legislation came from the Senate.

Now, the Internal Revenue Code of 1954 and the Revenue Acts of 1962 and 1964 all represent great tax reform efforts.

But in talking about tax reform, we have to understand what we mean. To some people, tax reform is a process of simplification—getting the law to a state where common ordinary people and businessmen can read the statutes and determine how much tax they owe. Unfortunately, our tax law is too complicated, and we are always in need of this type of tax reform.

To other people, tax reform is a means of achieving equity between tax payers with similar income. Generally, what we mean here is that tax payers in similar lines of business or with similar types of income should pay similar amounts of tax. Equity can also mean bringing persons with different incomes into a better tax paying balance with each other—relating the tax schedules to ability to pay. To yet another group, tax reform means additional revenues to the Federal Government—revenues that can be put to work to better the lives of all our citizens. But, before anyone gets the impression that tax reform invariably means higher taxes, let me stress that some of the more significant reforms have actually brought tax reductions, and tax increases. The investment tax credit in 1962 is one. The dividend credit in 1954 is another. It was

subsequently repealed and the repeal, too, was viewed as a tax reform. The tax reductions in the Revenue Act of 1964 totaling more than \$13 billion was a major tax reform. And so was the repeal of most excise taxes in 1965.

Let me make this simple observation about tax reform. Nearly every provision of the tax law that is the target of today's tax reform was looked on as a tax reform itself when it was written into the law. The "reasonable allowance" for depletion first granted in 1916 reformed the 1913 law which prevented a recovery of costs. "Discovery value" depletion was a reform when it came along in 1918. "Percentage depletion" in 1926 was a tax reform in the nature of simplification of discovery depletion. Now, tax reform of percentage depletion is being discussed by those who do not understand the minerals industry.

Now the significant point about this is that the first tax reform was in the name of equity. So was the 1918 reform. It recognized that what was being depleted was the mineral in the ground. The third tax reform—percentage depletion—involved tax simplification. The tax reform now being discussed is raised in the name of revenue.

Capital gains was a major reform when this liberal tax rule was first enacted in 1921. It recognized that some income accrues over a period longer than the taxable year, and it should not be taxed at the high graduated rates generally applicable to income earned in a single year. Since 1921 a great many features have been added to the capital gains provision broadening its scope and reducing the tax on a host of different types of income where some lower rate seemed appropriate. The income averaging rules constituted a tax reform when they came into law—but they were not very comprehensive. Congress reformed the averaging rules again in 1964 with an overall rule which applies all sorts of situations, except where gambling gains are involved. Our efforts since 1964 have been to discourage further enlargement of the capital gain rule, and I might say we have been quite successful.

The dividend credit enacted the Internal Revenue Code of 1954 was looked on as a tax reform responding to the argument that corporation income was subject to double taxation. Its repeal in 1964 was a tax reform move also.

Accelerated depreciation dating from 1954 was a tax reform and the special rules for recapturing excess accelerated depreciation deductions at ordinary income rates—with respect to personal property in 1962 and with respect to real property in 1964—were also tax reforms. They stopped the conversion of ordinary income into tax-favored capital gains.

The investment tax credit was considered a major tax reform by President Kennedy in 1962 when it was enacted. It was the backbone of the Revenue Act of that year. Today, in a different climate and with a new set of priorities tax reform dictates that the investment credit be repealed. I might point out that once again the impetus for its repeal came from the Senate.

In another area it was tax reform motivations which prompted amendments to foster the development of private charitable foundations. Witness the unlimited charitable contribution deduction and the tax exemption for these institutions. Today, tax reform demands that foundations be severely restricted in their operations and that the unlimited charitable contribution deduction—a favorite device for avoiding Federal income tax—be repealed.

The system of private pension plans we have in this country developed under favorable tax amendments specifically designed to encourage employers to look after the retirement needs of their employees. Indeed social security itself rests on a tax base.

Here tax reform has been adapted to mold and shape a socially desirable system of pension and retirement benefits, easing the financial burden on those whose working days are past. Today, the tax purist looks at the tax benefits associated with pension plans, concludes they are too generous and calls for reform.

These illustrations demonstrate, I believe, that tax reform is not a phenomenon of 1968 and 1969. It is a part of the never-ending process of legislating in the light of changing situations.

While a great deal of attention is presently focused on the closing of "loopholes" I can point to countless provisions of the tax law which prior Congresses put there to close the loopholes of their time. The personal holding company tax is one. The wash sale provision which prevents the creation of artificial losses in securities transactions is another. So are the provisions which deny capital gains treatment—or prevent the deduction of losses—in the case of sales between spouses or between a man and his controlled corporation. The tax on improperly accelerated surplus of corporations and the provision ignoring the corporate entity when tax gimmickry is involved are still others.

As a matter of fact one of the principal reasons the tax law is so complicated is because we have gone to great lengths to prevent loopholes in the new tax concessions Congress enacts. A look at the investment credit provisions with special recapture rules for early disposition of the property, reduced credits for short-lived property and for property acquired by tax favored organizations, and denial of credits for property used outside the United States—all these restraints attest to our efforts to close loopholes before they really develop.

Examine the election in Subchapter S for small corporations to have their income taxed directly to their shareholders, thus avoiding the corporate income tax, and you will see the same pattern of concern.

As a matter of fact, we have done such a good job of closing possible loopholes in new legislation that few of the suggestions for tax reform are aimed at recent amendments. Most of them are directed at provisions which came into the law prior to the Internal Revenue Code of 1954. And many of them go back to the period before the depression.

These are the tough ones. As I have already observed most of them were looked on as desirable tax objectives when they came into the law. For many of them a strong case can be made that they are still desirable objectives. For instance the cash method accounting that farmers use dates from an Internal Revenue Ruling of 1916 designed to simplify tax reporting since most farmers could not understand accrued method accounting. Although we have fewer farmers now than we had then, and our farmers today are more sophisticated, simplicity of tax reporting is still a desirable objective. I'd like to offer every taxpayer a simplified method of reporting his income and paying his tax.

Unfortunately, the extension of capital gains treatment to livestock in 1951, combined with the favorable accounting rules of 1916, have created a very generous tax preference that has attracted non-farmers into the farm economy for tax reasons rather than good business reasons. At the present time there are at least four separate and different solutions before Congress to modify this situation in varying degrees and each one of them is heralded as a tax reform.

Now we'll take this farm loss issue and all the suggested solutions in the Finance Committee and we will study them and come to a decision as to what we think we should recommend to the Senate. We'll do the same thing with every other issue involved in tax reform. If we find loopholes in the law

I am confident we will close them, and in the process we will probably also tighten up on a lot of tax concessions that are not loopholes.

At this point let me offer some comments on the question of timing of a tax reform bill and then I want to demonstrate why I believe the Finance Committee is becoming a more dynamic and significant force in the legislative process of enacting a tax bill.

It is a matter of fact that the Senate acts on major tax legislation in about one-half the time it takes for the House to prepare a bill and send it to us. And we are able to do this despite the fact that they act on tax bills under a closed rule which generally prohibits floor amendments and which usually limits debate to only four hours. Contrast that with the rule of unlimited debate under which we operate in the Senate and note that printed amendments to major tax bills now run over 100—and I mean the substantive amendments that Senators want to offer from the Floor. It becomes truly amazing that we are able to act as expeditiously as we do.

Let me relate the time span for consideration of the last three major income tax bills—the Internal Revenue Code of 1954 and the Revenue Acts of 1962 and 1964.

We received the Internal Revenue Code of 1954 nine and one-half months after the House Ways and Means Committee started to work on it. Five months later the Senate passed the bill and sent it to Conference.

Turning now to the Revenue Act of 1962, we find that the President submitted his recommendations to Congress in April of 1961. One year later, in April 1962, the bill passed the House and came before the Finance Committee. We began public hearings the same day we got the bill. The hearings lasted 29 days, covering 5000 pages of testimony in 12 printed volumes. Despite this lengthy hearing and the consideration of more than 200 amendments the Senate passed the 1962 Act and sent it to conference in just four and one-half months—only slightly more than one-third of the time the bill was under consideration in the House.

The legislative history of the Revenue Act of 1964 reflects the same pattern. The House worked on it for 10 months before they sent it to the Senate in September of 1963. Thirty-two days of hearings were held on the bill in the Finance Committee. Nevertheless, only four months elapsed before the Senate passed the bill and sent it to conference.

Two significant facts emerge from this examination of the past. First, it takes longer than a single year to complete the legislative enactment of a major tax bill. Work on the 1954 Code began in June, 1953; the law was enacted in August 1954. The Revenue Act of 1962 was initiated in April, 1961, but enactment did not come until October, 1962. The Revenue Act of 1964 began with President Kennedy's message of January 24, 1963. It was completed in February, 1964 and I might say that the assassination of President Kennedy in the fall of 1963 with the resultant surge of sentiment to enact the measure for which he labored the last year of his life probably spurred Congress to pass the bill several months sooner than would otherwise be the case. There was a lot of reluctance to cutting individual income taxes—and revenues—in the face of the budget deficits we were experiencing.

The second fact is that the Senate invariably acts more swiftly on major tax legislation than the House of Representatives.

Applying this history to the present situation we observe that the House Ways and Means Committee has already devoted four months to tax reform.

The most optimistic predictions are that they will send us a bill in August—three months away. Assuming they meet that schedule and that we begin hearings in the



Finance Committee right after Labor Day (Congress will be in recess from August 13 until after Labor Day) it would probably be December before the Senate passes the bill. Even so it would be a tremendous accomplishment to pass a major tax bill in less than one year.

Now, as I have mentioned, the Committee on Finance and the Senate are becoming more innovative and effective in the tax legislative processes. For instance, when other approaches had failed, a tax amendment assured the legality of the merger of the two major professional football leagues and fostered the single player draft, thereby reducing a tremendous financial strain on that industry. The tax check-off amendment, by which a taxpayer could direct the use of \$1 of his tax payment for presidential campaign purposes, is another illustration of Senate innovation in the tax area. Although the tax check-off was suspended a few months after it was enacted—and the suspension itself was Senate motivated—it has focused the attention of the nation on a problem we are going to have to deal with, probably before the next presidential election in 1972.

Indeed the 10 percent tax surcharge and the restraint on Federal spending in this fiscal year—which has made possible the first budget surplus in a good many years—was enacted as a Senate amendment. I would have preferred a change in the tax rates to the surcharge and my own amendment to provide an increase in the tax rates was at the desk when the surcharge amendment was agreed to. The many, many complaints we have had about the surcharge suggest to me that we would have done better from the standpoint of the public relations if we had taken the rate increase route.

In the Revenue Act of 1962 a Senate amendment (which I offered) assured enactment of the investment tax credit. It required that the depreciable basis for the property involved be decreased by the amount of the investment credit so that there would be no pyramiding of tax benefits. A Senate amendment calling for reporting to the tax collector of interest and dividend payments made to depositors and shareholders closed off a massive "leakage" in the tax system. This amendment was offered after it became clear that withholding of tax on this sort of income would not be passed.

The tie-breaking vote I cast in the Committee on the question of taxing foreign income of United States corporations and their subsidiaries probably saved those provisions. I cast that vote by telephone from Louisiana after the case for and against the amendment had been explained to me by Senators calling from the executive session of the Committee.

In the Revenue Act of 1964 a move in the Finance Committee to substitute an increase in the personal exemption for the rate reductions provided by the House bill was successfully resisted, guaranteeing that American taxpayers would realize their first tax rate reduction since the Korean War.

In another area, one of the important Senate amendments to the 1964 Act deleted a series of House provisions which would have substantially liberalized the capital gains treatment for property held longer than three years. This liberalization had been linked to a proposal to tax unrealized appreciation in value of property held at death, but in a last-minute maneuver the House Ways and Means Committee decided not to change the law with respect to property held at death. However, it left the provision lowering the capital gains tax in the bill.

We deleted those provisions in the Finance Committee and during the debates on the bill we demonstrated for the Senate how capital gains have permitted many high income individuals to pay inordinately low taxes. I have observed that in terms of sheer

size capital gains is the "granddaddy" of all the tax preferences, and we just could not justify making capital gains still more rewarding and we made this attitude stick in conference.

More currently, the present move for tax reform really got its start as a Senate amendment which we prevailed upon the House to accept, calling on the President to submit recommendations for tax reform to Congress by December 31, 1968. Those recommendations, actually submitted by Treasury technicians in February of this year are now the backbone of the tax reform effort underway in the House Ways and Means Committee.

So in a large measure the present tax reform move owes its momentum to two significant developments, both of which occurred in the Senate. First, the enactment of the surtax, which has created a great unrest among taxpayers across the land, causing a public demand for tax reform. Secondly, was the advance work on tax reform done by the Treasury Department in response to the Senate amendment calling for tax reform suggestions. When the call came much of the work was already done.

#### CONSIDERATION OF THE SURTAX BY THE SENATE (Press release of Committee on Finance, U.S. Senate)

Before ending this phase of hearings on the surtax bill, the Chairman would like to make his position on this bill clear, if that is possible. To begin with, I am thoroughly confused about whatever it is that the Democratic Policy Committee wants this Committee to do. I have been a member of the Senate for more than 20 years and a member of the Committee on Finance for more than 16. During those years I have managed major revenue bills recommended by former President, John F. Kennedy and Lyndon B. Johnson.

But unfortunately, I had no such experience with the present policy of the Democratic Policy Committee, because at that time the Democratic Policy Committee did not seek to provide guidance to Committees and Committee Chairman about House revenue bills much less provide such guidance even before the bills reached the Senate. The procedure is completely new to me and therefore, I find myself groping for an answer just as the Policy Committee itself is groping for an answer to its own policy.

Before this bill came to the Senate, the Democratic Policy Committee requested me to meet with that Committee and discuss tax reform suggestions. The Democratic Policy Committee had one expert with them, a fair, distinguished and able man who is a former high government official. I was invited back again two weeks later without any prior knowledge of the subject to be discussed. At that meeting the Democratic Policy Committee agreed to a resolution as follows:

"Whereas, the Senate Majority Policy Committee, having met and considered the matter of the extension of the income tax surcharge, hereby resolves:

"That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,

"That any proposal to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform and further resolves,

"That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax."

The original text of this resolution used the words "full and comprehensive tax reform" instead of "meaningful" as was in the published resolution. It is because I pointed out to the Policy Committee that it could take many months or even years to draft a full and comprehensive tax reform measure that

the word "meaningful" was substituted for "full and comprehensive" in its resolution.

I explained to the Policy Committee that tax reform meant different things to different people. It was my suggestion that the Committee on Finance should report whatever bill the Committee could agree upon, and Senators could offer any amendment they chose when the bill reached the floor.

It was my thought that the Senate would approve those amendments that a majority of the Senators favored and vote down those amendments which a majority of the Senate did not favor. We have proceeded that way with revenue bills for the twenty years that I have served here.

This important measure has been of major concern to the President of the United States and to the Secretary of the Treasury. Both of them have expressed fear of the utter chaos that could descend upon this nation, if this bill—which is the only Administration measure at this point seeking to maintain a stable economic and fiscal condition in our land—should fail to be enacted.

Their concern has been shared by public expression of every living ex-Secretary of the Treasury, including such men as Joe Barr, Henry Fowler, Douglas Dillon, Bob Anderson, George Humphrey and John Snyder. All of these financial leaders have deplored the present situation which jeopardizes the ability of the Federal government to pay its debts currently. They deplore the plight of the President and they deplore the plight of the nation if this bill should fail. It would be of the utmost concern to all of them and to the President if the present surtax should not be expeditiously extended. Therefore, as Chairman of this Committee, I undertook to set up a schedule which would bring this bill before the Senate prior to the expiration date set by law—July 31. That is the basis upon which this Committee is proceeding.

Now, it has been suggested that two bills should be reported by the Committee on Finance before the first bill is considered. That came as a surprise to me when it was first suggested, just as it surprised Senator Muskie who was a member of the Policy Committee. His remarks on the Floor yesterday suggested that he felt the two bills approach was contrary to the resolution of the Democratic Policy Committee.

Fortunately for us, the task today is simple—we will now conclude the hearings of the public witnesses testifying on the suspension of the investment tax credit. I would hope that we can hear Senators next week who desire to testify on the tax reform proposals they plan to offer to this bill. Then I will seek to obtain for the Committee the benefit of further guidance, after which the Committee can then decide if it wishes to hear further testimony or commence voting.

As Chairman of this Committee I regret that there has been a misunderstanding of how I intend to proceed with this bill. It was my intention to satisfy the views of the President, Secretary of the Treasury as well as the Democratic Policy Committee by promptly reporting to the Senate a bill which would improve upon the House-passed measure and add some meaningful tax reform in addition to that which is already in the House bill.

I might say that I have often been advised by a President or a Secretary of the Treasury or even by my Majority Leader that a bill was important or that it had something in it that should not be there or that it lacked a feature which should be in it. That is nothing new to me. If I had not received the guidance of the Democratic Policy Committee I would not have known what to do with this bill. Major revenue measures are no novelty to the Committee on Finance.

I do not presume to speak for the Demo-

crats on this Committee nor do I presume to speak for the Republicans except as they authorize me to speak for them. But in proceeding with the consideration of the surtax bill I am not unmindful of the major tax reform measure being readied for House action by the Committee on Ways and Means. That Committee has dedicated itself to tax reform and the President and the Secretary of the Treasury has committed the Administration to tax reform. The Senate itself is gripped with tax reform fever.

But the pressing business now is to maintain the fiscal integrity of the Federal government and give the President the tools he says are needed to contain inflation.

As Chairman of the Committee on Finance it is my purpose to try and bring men of good will together so that the dual goals of fiscal policy and tax reform can be achieved in the best interest of the nation. I thought that was also the purpose of the resolution of the Democratic Policy Committee.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the statement the Senator from Louisiana has made. I appreciate his willingness to call the committee into executive session on Thursday in order that we can consider the possibility of taking action on reporting the surtax bill from the committee.

I think it is very important that we do consider in our committee major tax reform proposals, and I agree completely with the chairman that to do so properly will take rather extended hearings.

I do not think it is good for the country or for the economy of the country to postpone action on the surtax or the question of repeal of investment credit until after the hearings have been completed on major tax reforms and the committee can act. That could take until October.

I was hoping that we could proceed in an orderly manner. I was hoping that we could act on the surtax bill, which came from the House, and then, as the chairman has already announced, proceed next week to the hearing of any reform proposal of any Senator. By holding these hearings now we would be ready to mark up the bill soon after it is received from the House. Perhaps the House would have included their amendments as a part of the House bill; if not we could consider their suggestions.

I think we need major tax reform. The country is desirous of it. I have a strong interest in it; however, if we try to combine the two the delay will do a great disservice to the country.

I appreciate the fact that the chairman is willing to call the committee into executive session later this week and give us a chance to decide on reporting the surtax bill.

I would welcome the presence of the Democratic policy committee if they want to appear before the Finance Committee and express their views.

However, in all due respect to the Democratic policy committee, as I have pointed out, this is a measure that affects the country as a whole. It is a measure on which the Senate as a whole, both Republican and Democratic Senators, have a vital decision to make. I do not think the decision as to what we should not do is one that we can delegate to either the Republican policy committee or the Democratic policy committee.

I think that this is something we should sit down together and work out.

I most respectfully point out to my colleagues on the other side of the aisle that when the tax bill was passed last year it was enacted in a bipartisan manner. It was cosponsored by Senator Smathers of Florida and me, and while President Johnson was in the White House.

I think the question of an extension of this topic now merits that same bipartisan approach at this time. And I hope that we can get it.

Again I want to express my appreciation to the chairman of our committee for his courtesy in extending to the minority members an opportunity to express their views by calling this executive session for later this week.

Mr. CURTIS. Mr. President, I commend the distinguished chairman of the Finance Committee, who is always fair and always considerate to members of his committee and Members of the Senate.

The Senator keeps in mind the interest of our total economy. We are faced with very definite problems. We need more revenue. The financial situation is acute.

It is easy to have a lot of talk about tax reform, and there should be tax reform.

Many of the provisions about which there is discussion of having reform have been in the Internal Revenue Code for 30, 40, or 50 years. We cannot strike them out either in the committee or on the floor without giving people a hearing.

I will give an illustration. One of the proposals relates to gifts that have an appreciated value to churches, hospitals, and colleges.

It would be unthinkable to change the status of that until we had heard from all parties involved. And to insist on combining the proposals for reform in the revenue bill may result in having neither reform nor a revenue bill.

Mr. President, I thank the Senator.

#### AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWA-JALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under

the previous order, the Senator from Nebraska (Mr. CURTIS) is recognized for 30 minutes.

Mr. CURTIS. Mr. President, one of the major responsibilities of our Government is to maintain the peace and avoid the involvement in war. It is when the United States is strong—spiritually, economically, and militarily—that we will have the greatest success in preventing both large wars and small wars. Strength and firmness on the part of the United States are instruments of peace. Vacillation and appeasement are invitations to war. Such is the verdict of history.

I shall support the anti-ballistic-missile proposal because I am convinced that to do so enhances the cause of peace. I am convinced that to fail to provide for this defensive weapon will lessen our chances for peace. At a time like this, we should give to the President of the United States our unified support and every instrument that strengthens his position in dealing with the Communist world.

An awesome responsibility rests on the President of the United States. He is committed to the task of carrying on discussions with the Soviet leaders. I appeal to my colleagues to do all that is within their power to strengthen the position of the United States in these momentous times.

We should all realize the gravity of the situation. This is one issue where the outcome may rest upon one Senator. Theoretically, at least, it is possible for one Senator to bring into being an anti-ballistic-missile system to add to the strength of our Nation, or for that same Senator, by his vote, to tip the scales so that the measure is defeated. We should approach this not as a popularity contest. Fifty-one votes will authorize the ABM, which will bring protection to our country, add to its strength, and give us something that will deter aggression. A mere 49 votes for the ABM, assuming all Members of the Senate are present and voting, will deny this protection, not to the President personally but rather to our country.

Today there is a movement afoot to downgrade those who are charged with the defense of our country. There are those who preach disarmament and stress rapprochement with a potential enemy that understands only strength. There are some who view our relations with the Communist world by a double standard. When the Communists develop a new nuclear weapon system it is not destabilizing. When the United States proposes a defensive nuclear system it is an escalation.

The international graveyards of history are full of the corpses of those who believed that appeasement and weakness would not be challenged by an aggressor.

Today, America stands at a crossroads. While we debate whether or not a defensive system is needed to protect our retaliatory capability, the Soviet Union is expanding its offensive on all fronts.

Ad hoc committees against the ABM are being formed. Anti-ABM books are being written and leaflets are being distributed. The propaganda mills of the unilateral disarmers are going full tilt.

It is interesting to note that those



groups who stress that the Safeguard ABM system will not work because it has not been tested in the environment in which it must be used are some of the same groups who pleaded so eloquently for the limited test ban treaty. This treaty prevents the United States from testing in the atmosphere or outer space. I voted against the limited test ban treaty, and I well remember during the debate that we were all assured that we could accomplish whatever nuclear tests were needed for our defense underground. Would those opponents of the ABM now suggest that we abrogate the limited test ban treaty in order to test the ABM? I think not.

I believe those who told us then and tell us now that the ABM can be successfully tested without the resumption of atmospheric testing. I am concerned when I hear those who do not have the awesome responsibility of decision criticize and carp. I wonder about those who, when they were in government, raised no objection to ABM concepts, but now without the responsibility of command speak so eloquently in opposition from their ivory towers.

I believe Dr. John Foster, Director of Research and Engineering for the Defense Department, when he stated before the Armed Services Committee that the ABM will perform the task assigned to it.

Let me point out some of the reasons the United States needs an ABM system.

The Soviet Union has one and possibly two ABM systems—the first around Moscow, and the second, the so-called Tallinn system, spread throughout the Soviet Union. These systems are already deployed. We, on the other hand, have none.

The Soviets have greatly increased their offensive capability. Former Secretary of Defense Clark Clifford in his prepared statement of January 16, 1969, said:

We estimate that as of September 1, 1968, the Soviets had approximately 900 ICBM launchers operational, compared with 570 in mid-1967, and 250 in mid-1966, an increase of well over threefold in a period of little more than two years.

According to Adm. H. G. Rickover, the Soviet Union has greatly increased its offensive ballistic missile submarines. In a letter to the Senator from Rhode Island (Mr. PASTORE), vice chairman of the joint committee, Admiral Rickover said:

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. . . .

In November 1967, former Secretary of Defense McNamara revealed that the Soviet Union had developed a fractional orbital bombardment system—FOBS. This FOBS target cannot be determined until 3 minutes and 500 miles from the target.

Secretary of Defense Laird revealed in testimony before the Senate Armed Services Committee that the Soviet arsenal contains over 200 SS-9 missiles, each one capable of delivering up to 25 megatons on our Minuteman missiles.

Despite overwhelming evidence of a recent increase in the Soviet offensive as well as defensive capability, we still hesitate to defend ourselves.

The anti-ballistic-missile system proposed by President Nixon on March 14, 1969, is a defensive system to protect U.S. retaliatory capability. It has been suggested by some that this defensive move on our part constitutes an escalation of the East-West arms race. Nothing could be further from the truth. Rather than escalation, a defensive ABM system is a stabilizing factor. Even opponents of the ABM system concede that it is not another round in the arms race.

In an exchange with the Senator from Missouri (Mr. SYMINGTON) during hearings before the Foreign Relations Committee, Dr. Wolfgang Panofsky discussed this point:

Senator SYMINGTON. Dr. Panofsky, I would ask this question: If we are successful in defending Minuteman bases in this way, and if they desire to maintain parity, would they not increase their ICBMs?

Dr. PANOFSKY. Only if they were genuinely interested in a first strike posture. If they were satisfied by a second strike posture, then, if we increased the defense of our Minuteman bases by ABMs, they would not have to increase their ICBM force. (Page 341, March 28, 1969)

Dr. Hans Bethe, professor of physics, Cornell University, then opposing the Sentinel ABM system, stated:

A completely different concept of ABM is to deploy it around Minuteman silos and command and control centers. This application has gone in and out of Defense Department planning. I am in favor of such a scheme at the appropriate time. My main reason for being in favor is that such a deployment would stabilize the strategic situation rather than the opposite. (Page 39)

Dr. Bethe's statement was made on March 6, 8 days before President Nixon announced the Safeguard system which would accomplish precisely what Dr. Bethe advocated.

I have been discussing Soviet strength and capability to wage war. Let me review Soviet past behavior.

Less than a year ago, in August 1968, the Soviet Union ruthlessly invaded the territory of an ally—Czechoslovakia. If the Soviet Union would do this to an ally, what would it do to a potential foe?

In 1962 the Soviet Union placed offensive nuclear missiles in Cuba, 90 miles from our shores.

In 1956 the Soviets brutally stamped out the freedom fighters of Hungary.

And for those who prefer long-range history, who can forget that in 1940 the Soviet Union joined with Nazi Germany in a nonaggression pact?

In America today, our problem is to alert the people to the threat of the international Communist conspiracy. We have to reach the heartland of America. We have to avoid the siren calls of the disgruntled intellectuals. We must alert the people to the problems around us as President Eisenhower did in his farewell speech given on January 17, 1961. It is interesting that one sentence—no, really three words, "military-industrial complex"—is almost solely quoted from that speech. How many have read the speech in its entirety? President Eisenhower

referred to the Communists in that speech when he said:

We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration.

In another part of his excellent address, President Eisenhower said:

In holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

I have rarely seen these portions quoted in our news media and, therefore, I ask unanimous consent to have printed in the RECORD the entire speech by President Eisenhower to follow my statement.

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

(See exhibit 1.)

Mr. CURTIS. Mr. President, the choice today is ours. Communist nations are on the march. Our leaders, both Democrats and Republicans, urge us to defend ourselves. The last three Secretaries of Defense urged the development of an anti-ballistic-missile system. There is no partisanship in this cry for defense. I regret that some members of my own party may not see the dangers of taking first one step, then another, and still another toward peace at any price.

What is past is prologue. I only hope we will remember it was the Soviet Union that broke the informal atmospheric testing moratorium in 1961. During that test series, the Soviets detonated a 60-megaton terror weapon. They broke that informal moratorium while their representatives sat with ours in peaceful discussions in Geneva. If we do not learn from the past, we are doomed in the future.

I strongly urge that every Member of the Senate vote for the defensive Safeguard system. To do otherwise is an invitation to disaster.

#### EXHIBIT 1

FAREWELL RADIO AND TELEVISION ADDRESS TO THE AMERICAN PEOPLE, JANUARY 17, 1961

[Delivered from the President's Office at 8:30 p.m.]

#### My fellow Americans:

Three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office as, in traditional and solemn ceremony, the authority of the Presidency is vested in my successor.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Like every other citizen, I wish the new President, and all who will labor with him, Godspeed. I pray that the coming years will be blessed with peace and prosperity for all.

Our people expect their President and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the Nation.

My own relations with the Congress, which began on a remote and tenuous basis when, long ago, a member of the Senate appointed me to West Point, have since ranged to the intimate during the war and immediate post-war period, and, finally, to the mutually interdependent during these past eight years.

In this final relationship, the Congress and the Administration have, on most vital issues, cooperated well, to serve the national good

rather than mere partisanship, and so have assured that the business of the Nation should go forward. So, my official relationship with the Congress ends in a feeling, on my part, of gratitude that we have been able to do so much together.

### II

We now stand ten years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this pre-eminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

### III

Throughout America's adventure in free government, our basic purposes have been to keep the peace; to foster progress in human achievement, and to enhance liberty, dignity and integrity among people and among nations. To strive for less would be unworthy of a free and religious people. Any failure traceable to arrogance, or our lack of comprehension or readiness to sacrifice would inflict upon us grievous hurt both at home and abroad.

Progress toward these noble goals is persistently threatened by the conflict now engulfing the world. It commands our whole attention, absorbs our very beings. We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment.

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense; development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we wish to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and the public economy, balance between cost and hoped for advantage—balance between the clearly necessary and the comfortably desirable; balance between our essential requirements as a nation and the duties imposed by the nation upon the individual; balance between actions of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind or degree, constantly arise. I mention two only.

### IV

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no

potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any of my predecessors in peacetime, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.

Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge cost involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

### V

Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive

for all generations to come, not to become the insolvent phantom of tomorrow.

### VI

Down the long lane of the history yet to be written America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust and respect.

Such a confederation must be one of equals. The weakest must come to the conference table with the same confidence as do we, protected as we are by our moral, economic, and military strength. That table, though scarred by many past frustrations, cannot be abandoned for the certain agony of the battlefield.

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

### VII

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

Mr. CURTIS. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMINICK obtained the floor.

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

Mr. DOMINICK. I yield.



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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, will the Senator yield to me, briefly?

Mr. DOMINICK. I am happy to yield.

#### ORDER FOR ADJOURNMENT FROM WEDNESDAY, JULY 16, UNTIL THURSDAY, JULY 17, 1969

Mr. MANSFIELD. Mr. President, for the information of the Senate, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Thursday next.

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

#### PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, after the prayer and possibly the reading of the Journal on Thursday next, it is the intention of the distinguished Senator from Missouri (Mr. SYMINGTON) to move that the Senate go into closed session. There will be no morning hour that day. There will be a live quorum call as soon as the request is made and granted, which is automatic; and all Senators should be on notice that this will take place on that day, and they should be prepared accordingly.

One more thing: It is my understanding that no attachés of the Senate will be permitted in the Chamber except those designated under rule XXXVI and those who the Presiding Officer thinks are necessary. In other words, it is my understanding that there will be no officials or staff members attached to Senators or to the committee itself.

Mr. STENNIS. Mr. President, will the Senator yield for one comment on the situation?

Mr. DOMINICK. I yield.

Mr. STENNIS. At a conference with the Senator from Kentucky, who is in opposition to the ABM, we were in agreement that we should try—and we thought we could—to finish that session in 1 day, and that we should go into it in that spirit.

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. I expect to be fairly brief, and I think others will, and I hope we can conclude within that time.

Mr. MANSFIELD. I am wholeheartedly in accord with the statement just made by the Senator from Mississippi, the manager of the bill under consideration. Frankly, I see no reason why the closed session should not be completed in 1 day, and I devoutly hope it would be so that we could go on with the business and perhaps begin voting on amendments.

Mr. STENNIS. May I commend and also thank the majority leader for agree-

ing to cooperate to have this all done in 1 day, if possible, and to have no other business on that day, so that the session can move along.

Mr. MANSFIELD. That is correct.

I hope that Senators who are not present in the Chamber at this time will read the RECORD and will be aware of the fact that there will be no morning business on Thursday next; that the Senator from Missouri (Mr. SYMINGTON) will move for a closed session; that the motion will be seconded—its acceptance is automatic—and that there will be no staff members in the Chamber, either for individual Senators or for the Committee on Armed Services itself.

That is all I have to say, unless there are further questions.

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

Mr. DOMINICK. I yield.

Mr. MURPHY. I understand that the Senator from Missouri will ask for a closed session. How long will that last, or is there a limit, or what do the rules provide?

Mr. MANSFIELD. There is no limit that I know of, but I hope we would get through within 4, 5, or 6 hours at the most, and complete the closed session that day. I would say offhand that the chances are fairly good that such could be done.

Mr. MURPHY. Does the majority leader control the limitation on that, or does the Senator from Missouri control the limitation?

Mr. MANSFIELD. Any control, I would imagine, would have to be under unanimous agreement, in closed session, and that would be a matter for the Senators most interested—the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Kentucky (Mr. COOPER)—and others to discuss. Whatever they would desire to do, the leadership would be glad to comply with their request.

Mr. MURPHY. I thank the Senator.

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

Mr. DOMINICK. I yield.

Mr. COOPER. Mr. President, as has already been said, we talked about the possibility of completing the closed session in this one meeting. I have consulted with the Senator from Missouri (Mr. SYMINGTON), who will move for a closed session, and I have spoken with other Senators who oppose the deployment of the anti-ballistic-missile system, and all have agreed to make a determined effort to conclude all the business of the closed session on Thursday. However, of course, we cannot bind anyone who may later desire to move for a closed session from so doing. At least, it is our intention to move as quickly as we can on Thursday.

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

Mr. DOMINICK. I yield.

Mr. DIRKSEN. Mr. President, it should be made clear that any Senator can move for a closed session, and if we get one second, it becomes automatic.

Mr. COOPER. The Senator is correct. If later on any Senator felt he needed more information or anything that was

from classified information that we should have access to, it is not only his right but his duty to request a closed session.

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

Mr. DOMINICK. I yield.

Mr. MANSFIELD. Mr. President, as long as the Senator from Missouri is now present in the Chamber, I wish to say that the Senator from Missouri has informed me that it is his intention, after reading of the Journal on Thursday next, to move that the Senate go into executive session. I have informed the Senate that there will be no attachés on the floor of the Senate, either for individual Senators or for the Committee on Armed Services; and the Senator from Kentucky and the Senator from Mississippi, and a number of other Senators, along with the joint leadership, have expressed the hope that it may be possible to complete that closed session that day so that it will not go over to the next day, but we cannot guarantee it.

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

Mr. DOMINICK. I yield to the Senator from Missouri.

Mr. SYMINGTON. It would not be my intention to take extended time when presenting matters in closed session on this particular issue. However, from what I understand, there may be other closed sessions on other weapons systems later. I do not know what the distinguished chairman, the Senator from Mississippi has in mind, but I do not intend to take much time.

Mr. MANSFIELD. Mr. President, I wish to thank the distinguished Senator from Colorado for his graciousness and courtesy in allowing us to proceed.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on July 11, 1969, the President had approved and signed the following acts:

S. 1010. An act for the relief of Mrs. Aili Kallio; and

S. 1011. An act to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(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, without amendment, the bill (S. 648) for the relief of Ernesto Alunday.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

- H.R. 3166. An act for the relief of Aleksandar Zambelli;  
H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter; and  
H.R. 3376. An act for the relief of Maria da Conceicao Evaristo.

## SAFEGUARD IN PERSPECTIVE

Mr. DOMINICK. Mr. President, on March 14, 1969, President Nixon announced that he had decided to proceed with the development, construction, and positioning of the Safeguard ballistic missile defense system in a carefully phased program. He stated his belief that we must act now to buy options to help counter the growing capability of potential adversaries of this country. A delay would mean a significant lag before such a defense could become operational. This delay could in turn expose the country to dangerous risks in the mid-1970's.

In the debate which has ensued over this system, four key questions appear to have been raised.

First. Why do we need such a system?

Second. What exactly is the system?

Third. What does it do to prospects for arms control?

Fourth. Will Safeguard work?

I would like to explore these four principal points in some depth.

## WHY DO WE NEED SUCH A SYSTEM?

The President stated that the objectives of this program are:

First, protection of our land-based retaliatory forces against a direct attack by the Soviet Union.

Second, defense of the American people against any kind of primitive nuclear attack or nuclear blackmail which countries such as Communist China may threaten in the 1970's.

Third, protection against accidental ballistic launches from any source in the mid- to late-1970's.

The following facts underscore the committee's decision to proceed with a program to meet these objectives.

First, the Soviet Union is engaged in a buildup of its strategic forces significantly larger than was envisaged in 1967 when the previous administration decided to go ahead with the Sentinel. For example:

The Soviet Union is continuing the deployment of very large missiles. Whether these missiles are armed with 25-megaton nuclear warheads or with multiple, independently targetable warheads, continued production and deployment of these missiles will give the Soviets the capability to destroy our own land-based missile force.

The Soviet Union has been substantially increasing the size of its submarine force. As noted on page 7 of the committee report, the Soviets now have a new submarine force of about 375, whereas we have 143—of which 61 are diesel submarines of World War II vintage. Thus the Soviets have a numerical advantage of about 230 submarines. Parenthetically, I might say this is extremely interesting when one considers that in World War

II, when the Nazis almost cut off all commerce with European countries, they started that fight with 97 submarines. The Soviet Union now has about 230 submarines over our forces.

At least 65 of the Soviet subs are nuclear powered, and many are equipped with ballistic launched missiles. They are continuing to produce these and have the capability of striking with virtually no warning against our bomber bases or elsewhere.

The Soviets have been developing a semiorbital nuclear weapon system, known as FOBS, which poses a new and different threat to our people and to our bomber bases.

The Soviet Union has already deployed an ABM system designed to afford protection to its western industrialized area and is continuing its research and development in this field.

Second, the Red Chinese capability to launch a weak nuclear attack against the U.S. population in the middle 1970's formed the announced basis for President Johnson's decision to proceed with the Sentinel system, a far more costly and controversial system than the Safeguard. Red China's capability still remains a real threat.

Third, an accidental or unauthorized launch targeted on our country would leave any President in a horrible dilemma if we had no ABM with which to intercept it. In such a case would the President—any President—assume that it was accidental and watch the death of millions of Americans without retaliating, or should he push the command button to unleash our own nuclear forces? Should we not for that reason alone commence work to give us another alternative?

By going ahead with the Safeguard system, it is believed possible to: provide for local defense of selected Minuteman missile sites, provide an area defense to protect our bomber bases and our command and control authorities, defend the continental United States against an accidental or unauthorized attack, and reduce U.S. fatalities to a minimal level in the event of a Chinese nuclear attack in the 1970's.

We do not now know who will be President of the United States in 1970's. Regardless of whom he may be or to which party he may belong, it seems apparent that the administration then in power will be responsible for the lives and security of the American people. It seems equally apparent that steps must be taken now to start the system which may be needed for this protection.

## WHAT IS THE SAFEGUARD SYSTEM?

The second issue which has arisen is, what is the Safeguard system? A great number of people in this country are still unaware or misguided about it. I think it is worthwhile to point out that the components of the system consist of first, radars for long-range detection of any kind of nuclear attack and for accurate guidance of the defense missiles to the incoming weapons; second, Spartan missiles, for high-altitude interception of attacking weapons; and third, Sprint missiles, for lower altitude interception in the atmosphere to provide local protection. It will not be necessary

to place missiles and radar sites close to our major cities. Total investment costs for initial deployment will be \$2.1 billion for phase I, and between \$6 and \$7 billion through phase II exclusive of R.D.T. & E. and AEC costs. However, budgetary requests for next year involve \$400.9 million for R.D.T. & E.; \$12.7 million for test facilities at Kwajalein; and \$345.5 million for procurement. These amounts are significantly less than the amounts granted by Congress and the previous administration for the Sentinel system. The only amount in controversy in this debate under the bill appears to be the \$345.5 million, as everyone on the other side appear to support continued research and testing in the ABM field.

The initial phase, as authorized in this bill, will involve the following steps:

First. Continuation of research and development.

Second. Beginning of construction for defense of two of our Minuteman fields: Malmstrom Air Force Base, Mont., and Grand Forks Air Force Base, N. Dak. At the present time, construction of radars and deployment of missiles at these sites is scheduled to be completed in 4 years.

Third. Acquisition of the remaining sites needed for subsequent phases of Safeguard, but no construction.

The exact expenditures authorized are shown on page 25 of the committee report, and it should be noted that no funds are presently authorized for production model missiles.

Each subsequent phase of the deployment will be reviewed to insure that we are doing as much as necessary but no more than is required at that time. The President announced his intention to review the program annually from the point of view of technical developments; the potential threat; the diplomatic context, including any talks on arms limitation with the Soviet Union. I think this is a point which has not been brought out. He has also asked his Foreign Intelligence Advisory Board—a nonpartisan group of distinguished private citizens—to make a yearly assessment of the threat to supplement regular intelligence assessments. Moreover, maximum advantage will be taken of the information gathered from the initial deployment in designing the later phases of the program.

## The President noted:

Since our deployment is to be closely related to the threat, it is subject to modification as the threat changes, either through negotiations or through unilateral actions by the Soviet Union or Communist China.

It would seem to me, therefore, that the system itself is explained, the amount we are dealing with is explained; yet the position of some opponents of this system is that it will cost hundreds of billions of dollars and go on forever. That is simply not factual in the light of debate in the Senate, in the light of the President's statement, and in the light of the purpose of the particular system.

## WHAT IS THE RELATIONSHIP OF THE SAFEGUARD PROGRAM TO PROSPECTS FOR ARMS CONTROL?

The Safeguard program is the least provocative way to assist survival of a significant portion of our retaliatory forces. As an alternative, we could buy



more Polaris type submarines and land-based missiles and bombers, or we could begin construction of new missile silos in hard rock. But, aside from providing only marginal improvements in our deterrent—if we should do any one of those things—such programs could be misinterpreted by the Soviets as an attempt to threaten their deterrent. This would be true because they are offensive weapons, or in the case of nuclear missile silos in hard rock, it would be an effort to show that we are going to prevent any kind of attack by them from doing us any damage at all.

Thus, they would stimulate further the costly competition in strategic armaments that we seek to restrain.

At the present time, as some opponents of the ABM have said—and I agree with them—we have enough deliverable nuclear weapons to decimate any country which attacks us. Neither I nor anyone else wants to increase this offensive capability unless absolutely necessary. We must, however, insure that the weapons which we do have can be delivered if we are to prevent a nuclear holocaust in the first place.

That is the purpose and design of the Safeguard system.

If the Soviet force buildup is designed to strengthen further their own deterrent, our Safeguard program is clearly not a threat to them. If, on the other hand, the Soviets have more aggressive purposes, the Safeguard program demonstrates our determination to maintain our powerful deterrent to nuclear attacks on the United States or its allies.

The careful phasing of the Safeguard deployment insures maximum flexibility to adjust the program if arms limitation talks or unilateral actions by the Soviet Union or China result in a reduced threat to our deterrent. If the Soviet Union slows down or stops its deployment of the large payload SS-9 missile, or if the likelihood that these missiles will be armed with accurate MIRV warheads is materially reduced, we can readily limit that part of the Safeguard program which is designed to defend our land-based missiles. Even more favorable reductions in the Soviet offensive and defensive threat could be matched by further restraints in our ABM deployment. However, those parts of the Safeguard program designed for defense against Communist China, small countries with a strategic delivery capability, or accidental or unauthorized attacks from any source, would not be affected by arms control agreements with the Soviet Union, nor do we expect the Soviet Union to forgo deployment of offensive or defensive weapons designed for similar purposes.

#### WILL THE SAFEGUARD SYSTEM WORK?

The last question which has arisen is, Will the Safeguard system work? Reputable scientists are in disagreement on this, as they were on the A-bomb, the H-bomb, the Polaris submarine, the moonshot and many other phases of our scientific breakthroughs. However, almost all components of the Safeguard System have been tested individually, and the computer, which is the only non-tested component, is within current technological knowledge. Moreover, because

of the measured pace of the deployment, later phases of the program can benefit from technical progress during the early phases.

Furthermore, as Senator TOWER aptly pointed out, the deployment will complicate greatly any plan for an aggressive nuclear attack on this country.

It will do that because the opponents must assume that it will work, at least in part. Therefore, if they are going to plan an attack, they would have to concentrate on that area to try to get a knockout blow if they are really going to cripple our deterrent forces.

The President has summarized his position as follows:

The question of ABM involves a complex combination of many factors: numerous, highly technical, often conflicting judgments; the costs; the relationship to prospects for reaching an agreement on limiting nuclear arms; the moral implications which the deployment of a ballistic missile defense system has for many Americans; the impact of the decision on the security of the United States in this perilous age of nuclear arms.

I have weighed all these factors. I am deeply sympathetic to the concerns of private citizens and Members of Congress that we do only that which is necessary for national security. This is why I am recommending a minimum program essential for our security. It is my duty as President to make certain that we do no less.

I just want to ask the membership: Can we in Congress afford to do less? Can we in Congress afford to take the chance of putting the President—any President—in a position where he has to make a horrendous decision of letting an unauthorized or accidental launch, or even a deliberate one, hit our country without retaliation, murdering millions of American people, or push the button which would almost guarantee a worldwide nuclear holocaust? I do not think we in Congress should make a decision which would put any President under that kind of handicap.

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

Mr. DOMINICK. I am happy to yield.

Mr. ALLOTT. The Senator has just referred, very adequately, to the words of the President. Is it not a fact that the duty of individual Members of the Senate with respect to our security is no less than that of the President himself?

Mr. DOMINICK. I would certainly agree with my distinguished colleague.

Mr. ALLOTT. I wish to compliment my colleague on his very plain and simple evaluation of the facts. They are put forward in such a way that I think any reasonable person reading them can comprehend them and understand the very excellent reasons by which the Senator has arrived at his decision, reasons with which I must say I agree 100 percent.

I do not have a copy of the Senator's statement, but as I came on the floor he was speaking, in the forefront of it, about the development of Soviet capability. He mentioned, for example, the increase in submarines and naval capability. The report talks also in relation to our F-14 and Russia's great increases and advancements in fighters and bombers. I want to ask the distinguished Senator if, in his studies, as a distinguished

member and a very understanding and knowledgeable member of the Armed Services Committee, he has seen any signs of diminishment of Soviet land-based ordinary forces in Western Europe and western Russia during this period.

Mr. DOMINICK. No; I would say to my distinguished colleague from Colorado that it is quite to the contrary. Although we have limited further production of our land-based missiles, the Soviets, quite to the contrary, have not followed our example. They have continued to produce, at a much higher level, both their intermediate range missiles and their SS-9 missiles.

If that production continues, it poses a threat not only to our country but also a very major one to our allies in the European theater. Of course, for their air force, the Russians have developed 13 new fighter aircraft in the last 8 years. We have not developed any. We are well behind.

Mr. ALLOTT. As a matter of fact, our most modern fighter really is 15 years old in its concept, is it not? I refer to the F-4.

Mr. DOMINICK. That is approximately correct. I think our first design of the F-4 was in 1956. I think it was first put into semiproduction in about 1959.

Mr. ALLOTT. Since we are talking about the Soviet Union going ahead with her ICBM's, ABM's, fighters, and submarines, I want to speak to the subject of conventional land forces. Within the realm of security, can the Senator tell me—and I know he can, because the newspapers are full of it—whether he has seen any diminishment in the conventional ground forces of the Russians and/or the satellite countries of Europe in the last year or 2 years?

Mr. DOMINICK. There has been no diminution to any considerable extent, but there has been, in part, some redeployment of her forces from the western portion of Russia to the eastern portion, because of the Chinese problem. But in terms of overall manpower, in terms of her conventional potential in Western Europe, she is just as strong in fighters, bombers, and medium-range missiles, and probably even more threatening in her capability than she was before because of her increased production in those categories.

Mr. ALLOTT. I thank the Senator.

One other question. There seems to be an assumption on the part of those who are opposed to the Safeguard system that we can wait another year or 2 or 3 years. It has been repeatedly stated on the floor of that there is a possibility of a Chinese delivery capability in the middle 1970's. No one, of course, can tell exactly what date that will be, which would be about the time the Safeguard system would be implemented. My question to my distinguished colleague is this: We do not have much knowledge of the inscrutable Chinese mind, nor of China's intention under the present situation.

What else could protect this country against an accidental—let us be kind and call it accidental—pushing of the button in Red China in the mid-1970's?

except to let loose a significant portion of our ICBM system to destroy that portion of China which we thought to be of significance? What other choice would we have than the ABM in such a situation?

Mr. DOMINICK. I totally agree with the question the Senator poses. It is a problem. As a matter of fact, in order to give us any protection, we would have to strike first, because we would have to wipe out their potential of sending a missile in, unless we had an ABM. I do not think any President would ever do that. I would hope that he would not. Our country is not built that way. Our people do not want to do that. I know I do not want to see us do it.

That is another graphic example of the danger, it seems to me, of not deploying our system now. As the Senator so well points out, if we do not start now, we will not have a first phase deployed system in from 18 months to 3 years after the time for which it has been scheduled, which would be about 1974 for the first phase.

So in 1975—let us just pick a year at random—if the Chinese launched a missile against us, and if we did not have an ABM, the President would have to decide whether to let that missile, assuming it was accidentally launched, kill millions of people in this country, and do nothing, or he would have to retaliate, which still would not alter the fact that that missile would hit and kill us.

Mr. ALLOTT. If the President retaliated, it would result in the wholesale destruction of at least hundreds of thousands of lives. That would be inconsistent with our own philosophy of government and our humanistic motives.

Mr. DOMINICK. The Senator is absolutely correct.

I said yesterday, and I think it is worthwhile repeating, that those who read the book "On the Beach," written by Nevil Shute, will recall that the plot of the novel was based on a Middle Eastern country having one nuclear weapon which was launched against the United States under false colors. The United States, in turn, attacked the country we thought had created the problem. That country, in turn, thought some other country had attacked. Before we knew it, the world was in a total holocaust.

An ABM system, if it had been in effect and had worked properly, would have been able to intercept that missile and knock it down. Then the whole plot of the story would have fallen apart. We did not have an ABM technology then—at least in any kind of perfected form—and it is not perfected now. But it is certainly far better than it was in the days when that book was written. If that technology had been available in those days, I doubt very much whether Mr. Shute would have written a book based on that premise.

Mr. ALLOTT. I thank my distinguished colleague again. He has performed an outstanding service. His statement is a model of clarity, and I know it will have a great deal of influence and be listened to by a great many people.

Mr. DOMINICK. I thank my distinguished friend.

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

Mr. DOMINICK. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I ask the Senator from Colorado what, in his opinion, is the alternative open to Congress and the American people, through Congress and the President, if the ABM is denied the Commander in Chief? Would I be right in assuming that the only alternative we would have would be the immediate building of many more ICBM's than we now have?

Mr. DOMINICK. The only alternative that has been proposed by the opponents of the Senator's position and mine is continuation with research and testing, but no deployment.

As I say, this would substantially delay eventual deployment. If we decided against and voted against any continuation of this system at all, which I do not think is the type of question that we will be presented with, but we might, then we would have no alternative except to start increasing our own offensive capacity, in the event the Russians continued theirs, and we would have an ever-escalating arms race.

Mr. GOLDWATER. If the Senate, by its vote, turns down the request of the Commander in Chief, is an escalation of the arms race, for certain?

Mr. DOMINICK. Well, it would seem to me that it is, because if we once turn down deployment, are we ever going to be able to get the missile? We are going to have some votes on it, I am sure, any time the question comes up, until we are finally convinced that there is no other way to handle it. I do not see any other alternative, I am frank to admit.

I would think that a large amount of money would be put into the development of larger missiles. I think we would have to have bigger nuclear warheads. I would think we would have to start developing an enormously expensive system on movable-type missile sites, whether on trucks or rails, underwater, or whatever it might be. All this would be enormously expensive.

I think this Safeguard system is the least provocative and least expensive way to proceed.

Mr. GOLDWATER. I thank the Senator.

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

Mr. DOMINICK. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I was very glad that I have heard the Senator's speech. I do not intend to go over again questions we have already discussed several times on this floor. I was glad to hear the Senator say that he had no doubt about our retaliatory capacity at present.

Mr. DOMINICK. That is correct.

Mr. COOPER. And it is correct, is it not, that Secretary Laird and the administration now concede that our retaliatory capacity will be effective until the mid-1970's?

Mr. DOMINICK. I did not understand them to say that. I think what they said was that our retaliatory capability would be steadily declining in relation to that of the Soviets and our other potential adversaries.

Mr. COOPER. That is somewhat different from saying whether we would have a retaliatory capacity.

Mr. DOMINICK. Well, the retaliatory capacity, if I may say so, must be based on two things if it is to be an effective deterrent. Perhaps we are playing on words.

Mr. COOPER. I think not.

Mr. DOMINICK. "Retaliatory" means that you have weapons that you can strike them with. "Deterrent" means that they know you have the weapons, and they believe they can be fired.

Now, if they do not know this, or do not believe it, whether we have them or not, it is not a deterrent; and that is a major part of the psychological problem involved here.

If one looks at the situation from a potential enemy's point of view, let us say that potentially the Soviets are our enemies—but let us say potentially, because we have had a lot of discussion on that—let us say that they are increasing their missile production substantially; they have a very big submarine fleet; they have the FOBS system, which we do not have at all; they watch the Congress of the United States refuse to deploy an ABM system, while they have one for their industrialized area; and they are going ahead with research and deployment on new systems—when you put all this together, the question of whether or not we have a reliable deterrent is going to determine the credibility of this to the planners in the other country.

That, it seems to me, is a tremendous risk as far as our country is concerned.

Mr. COOPER. I raise the issue of retaliatory capability because of the differing positions which it seems to me the Secretary of Defense has taken during this debate; and I shall enumerate.

I was present in the committee, under the chairmanship of the Senator from Tennessee (Mr. GORE), when Secretary Laird first was a witness. While he did not say so explicitly, it was implied that the Soviets intended a first strike, and would have the capability of a first strike.

Mr. DOMINICK. Those are two different things.

Mr. COOPER. Let me proceed; I understand the difference.

Mr. DOMINICK. All right.

Mr. COOPER. They retreated from that position. He assures us that the United States has the capability of inflicting a retaliatory strike, defined as the ability to inflict upon the Soviet Union assured destruction, even though the United States were first the subject of a strike.

The Senator will agree, will he not?

Mr. DOMINICK. "Unacceptable damage," I think, is the word I remember, but that is all right.

Mr. COOPER. All right; some say "assured destruction," others "unacceptable damage."

Later, if I may call it to the Senator's attention, that he believes the Secretary has said we can maintain that capability until the mid-1970's.

To suggest that we cannot maintain the capability—the deterrent—is based upon the assumption that during the critical period from today until the mid-



1970's the United States would do nothing to protect itself, if the threat should develop.

During the debate it has been said that those of us who oppose the ABM system offer, as an alternative, the development of more offensive weapons now. Of course, that is not correct, as I said a few days ago in an exchange with my friend. We have only said that is what we should do if the threat does develop as the Secretary of Defense projected. Our country would not leave itself defenseless. If the projected threat develops we would take every means we could to protect this country.

Mr. DOMINICK. Let me be the first to assure my friend from Kentucky that I know he has no intentions of advocating unilateral disarmament.

Mr. COOPER. Of course not.

Mr. DOMINICK. I know he has no intentions of pooh-poohing any possible threat there may be to us, and the Senator will note that I very carefully said that I know that the Senator from Kentucky, at least, and others who have opposed deployment, I am sure, have indicated that they want to go ahead with research and testing on the ABM system.

Mr. COOPER. I am talking about offensive capacity.

Mr. DOMINICK. The point I want to make, if I may make this last comment, is that I do not think that any of those things are contradictions.

What the Secretary of Defense has said is that the growing potential of the Soviet Union, if they are an adversary of ours, will be a threat to our country by the 1970's.

Mr. COOPER. That is correct.

Mr. DOMINICK. They have the potential of being a first-strike force by that time and could annihilate our land-based missiles. They are at the same time developing the attack submarine which has the capability again of shadowing and following the limited number of submarines that we have, anywhere at any time.

It is not an easy task to do. But by the potential of their antisubmarine warfare, it is perfectly possible within their technology to get increasing ability to accomplish this.

So, if we are going to have a continued mixed force which will act as a credible deterrent—and I think those two words are all important—then it seems to me we must take steps to make this more reliable within that time frame by putting in a defensive system around our ICBM.

Mr. COOPER. There is another point I want to raise. I do not think it has been brought out as yet in the debate.

Very little advice is given to the Senate in the report on the debate about the measures we are now taking to increase our offensive strength.

I would like to point to the report and the hearings for the facts.

There is an impression in some quarters that nothing is being done or should be done, in the field of offensive weapons to meet the projected threat.

Very little emphasis, if any, has been given to the measure, now being taken by the administration to meet the pro-

jected threat by the development of offensive weapons.

A few moments ago, my good friend from Arizona, Senator GOLDWATER, measured the ICBM in terms of numbers alone.

Mr. DOMINICK. Mr. President, is the Senator referring to me? I did not try to number the ICBM's.

Mr. COOPER. In the exchange between the Senator from Colorado and the Senator from Arizona, the number of ICBM's was argued upon the question of relative strength.

Mr. DOMINICK. That is correct.

Mr. COOPER. It cannot be measured only upon numbers—1,054 as against 1,000 or 1,100. We have to measure also ICBM's in terms of warheads.

It is correct, is it not, that the Department of Defense is now proceeding with its Minuteman III program which would be armed with several warheads—probably three MIRV warheads?

Mr. GOLDWATER. That is correct.

Mr. DOMINICK. We are proceeding with the research and development on it.

Mr. COOPER. On page 1783 of the hearings, Mr. Foster stated, when reporting on the program:

August 16, 1968, was a doubly significant day in the development of strategic missiles. The first flight tests of both the Poseidon and Minuteman III were held on that day, and both tests [deleted] were successful. Since then we have had [deleted] additional successful flight tests of each of these missiles. [Deleted.]

Our overall evaluation is that both Minuteman III and Poseidon have demonstrated feasibility adequately and we expect to meet our development goals. We have [deleted] more Minuteman III tests this fiscal year and [deleted] in fiscal year 1970. Poseidon has [deleted] more tests this fiscal year and [deleted], in fiscal year 1970. Both programs will deploy on schedule: [deleted] for Minuteman III and [deleted], for Poseidon.

The first submarine equipped with the modified Polaris A3T missile was deployed on schedule [deleted]. Approximately [deleted] percent of the Atlantic Fleet will have been modified by the end of this calendar year.

Is it not correct that the Defense Department and our administration is proceeding to improve offensive weapons—the Poseidon for the Polaris as well as the Minuteman III?

Mr. DOMINICK. Yes. It is correct to the point the Senator takes it. However, I think where the Senator and I agree in disagreement can be put this plainly. We still have a limited number of ICBM's.

Mr. COOPER. My question is about the Polaris.

Mr. DOMINICK. Second, we have a limited number of Polaris and Poseidon, because the Poseidon goes on the same ship as the Polaris. It is not a new ship. So, if we have that limited number of positions and a first-strike capability of an adversary which will threaten any number, it does not make any difference what they are armed with. If they are knocked out, they are no longer credible.

Mr. COOPER. It is a gloomy picture presented of the Soviet threat. It surprises me that the Secretary will predict such great capabilities for the Soviet Union and derogate our own.

Is it not correct that a program has

been authorized to refit 31 of our 41 Polaris submarines with the Poseidon?

Mr. DOMINICK. That is correct.

Mr. COOPER. Is it not correct that money is contained in the bill to proceed with the refitting?

Mr. DOMINICK. The Senator is correct.

Mr. COOPER. We are on the program and have begun to deploy.

Mr. DOMINICK. The Senator is correct. However, we still have a limited number of submarines.

Mr. COOPER. How many warheads will the 31 bear when the refitting is completed?

Mr. DOMINICK. I do not know whether that information is classified. However, it is a fairly large number.

Mr. COOPER. Much larger than the 656 they now carry.

Mr. DOMINICK. That is correct. However, they only have a limited number of those on station at any one time.

Mr. COOPER. That is correct. Would it not be safe to say without declassifying that when the Polaris is refitted and becomes armed with the Poseidon missiles, the warheads, which are now 656 on the Polaris, would be at least tripled and could be increased by a factor of 5 to 10?

Mr. DOMINICK. I would not think that the strength of the Polaris fleet would be tripled in terms of warheads. However, it would be just under that, I would think.

Let me say, if I may once again, that these arguments are all fine. We are trying to improve the capability of what we have. That is correct. However, if we have a finite number of submarines and those submarines get sunk, we do not have anything to shoot off. And in the same way, if we have a finite number of missiles and they can be hit with a pattern, they will be knocked out. It does not then make any difference what we have on them.

In the third place, even assuming that we have all of the offensive power—and I do not want to increase it much more than we have now—it does not do us a bit of good against an accidental or an unauthorized launch—not a bit.

Mr. COOPER. The Senator has affirmed my position that our country has now embarked upon programs which will increase greatly our offensive strength and the number of warheads that we could deliver upon the Soviet Union, by means of our Polaris fleet and our land-based ICBM fleet. I know that it has been argued that the Polaris fleet could be rendered useless because the attack submarines of the Soviet Union might be able to hunt them down.

Mr. DOMINICK. I hope this will not be true.

Mr. COOPER. Is it not correct that in this bill the Senator's committee has authorized the construction of attack submarines?

Mr. DOMINICK. That is totally correct. Those are attack submarines. Those are not Polaris submarines.

Mr. COOPER. I am simply making the point that while the supporters of ABM give the grim picture, that in the next 4 or 5 years we will become increasingly subject to a first strike, we are in fact increasing our offensive capabilities

through these programs to meet such a threat.

Mr. DOMINICK. I think this is a matter of the glasses one looks through to see what the picture is. One can look through pink glasses and everything seems rosy, but, if he does not look through pink glasses, it does not look so rosy.

Let me say once again what I was trying to point out before: We are trying to stay abreast of new technology so that our weaponry will not deteriorate. If you once lock on to a position and do not move from it at all, sooner or later you find yourself behind, both in terms of scientists and ability, to be able to defend the country with modern, up-to-date equipment. I do not think any of us wants that, including the Senator from Kentucky. So we are continuing these things.

But in terms of finite numbers, we are now spending on offensive and defensive strategic weapons, on a constant dollar basis, 50 percent of what we spent in 1952. This seems to me to be an example of the degree to which we have tried to cut back on strategic and offensive systems for this country. This particular one is one in which two Presidents, three Secretaries of Defense, and the Joint Chiefs of Staff have said we wanted an ABM system of one sort or another. The one they have is, to me, as recommended by President Nixon, far sounder than the Sentinel system. To me, it makes a lot more sense, because it preserves the credibility of our deterrent so that there will not be a nuclear attack, to begin with.

Mr. COOPER. One more point. The first strike, of course, implies a capability to strike and destroy all our retaliatory forces—synchronized and simultaneously to strike our ICBM's, to strike our bombers, to destroy our Polaris. This is an assumption, that from most of the expert testimony I have read, seems impossible to do.

Mr. DOMINICK. Let me just reply, and I will be brief in replying to that. This, again, is the question of how one looks at it. If they knock out our ICBM's, we have a limited number of Polaris or Poseidon around with refitted equipment. They are subject to attack by the attack submarines. About all we have left is our bomber attack, and Secretary McNamara pretty well ruined that. We do not have much left of our bomber capability, or will not have by the 1970's, anyhow.

Mr. COOPER. I have found the following deficiencies in the presentation in support of the ABM. First the implication that we are in grave danger now, and that the danger could develop by the mid-1970's. There has been a failure to make clear to the country and to Congress that we are now making great efforts to meet such a threat with increased offensive capability. I have noted to the Senator from Colorado, and he has agreed, they include the arming of Minuteman III and Polaris with Poseidon, and attack submarines. If these programs go forward, in the next 3 or 4 years, instead of 4,200 warheads in our arsenal at present, we will have double

that amount, and perhaps triple that number.

We are proceeding with the deployment of MIRV. I do not think anyone believes that we are behind the Soviets with MIRV.

Mr. DOMINICK. I do not want to interrupt the Senator, but I do want to comment on this.

Let us suppose that everything the Senator has said is correct, which I do not agree with, as he knows. Let us just suppose it. There is not a single thing in this country's hardware, now or proposed, which would defend this country against a ballistic missile coming in—not a single thing. Until we get something that can do it, we are wide open for any kind of attack, and the only alternative we have is to push a button and send some of our ICBM's, which neither the Senator from Kentucky nor I want to do.

Mr. COOPER. May I say, in response, this argument, made again and again in the last few days, illustrates the changes in position, supporting ABM.

Last year we were considering the Sentinel system, designed to protect the population as an area defense. The very arguments are being made today for the Safeguard system which were made last year for the Sentinel system.

Mr. DOMINICK. And the same argument is still valid.

Mr. COOPER. I do not agree.

Since that time, the Joint Chiefs of Staff, who last year were saying categorically we should build the Sentinel system, now support the Safeguard system.

Mr. DOMINICK. Let me correct that. The Joint Chiefs of Staff, for 3 years, and the heads of all the services have been recommending an ABM system. The method of deployment of it has been determined by either the Secretary of Defense or the President, depending upon who it might be at the particular time. Even some of the funds that Congress authorized in the earlier days—I am talking about 3 or 4 years ago—the then Secretary of Defense would not use.

Mr. COOPER. I do not think the Senator can say there is no distinction between the two systems. The Sentinel area system, is a population protector. The Safeguard, as the Senator has said, is for protection of the Minuteman missiles.

Then we have heard the argument that the decision to deploy the Safeguard is to strengthen the President's hand in negotiations. That has been a constant theme in the debate.

Then, I note in the last 2 days a chief argument has been made that we must have this system to protect against an accidental launch or a deliberate small attack. If this is correct—if this is the position—then I believe that the administration should come out strongly for an area defense, one which would cover the country and blanket it against an accidental launch.

Because Safeguard is not an effective enough system, the cities could not be protected by the area defense provided by Safeguard. But if this is the purpose, or one of the chief purposes, then the administration should ask for an ade-

quate area defense, one that would give greater protection against accidental launching.

Mr. DOMINICK. Let me comment on that. I brought up the subject of an accidental launch or an unauthorized launch as long as 3 years ago. I made speeches last year on the floor about it, so it is not anything new, and it is not necessarily an administration argument. It is one that I think has deep validity, which is why I have been repeating it over and over again.

I certainly would not want the Senator from Kentucky or the Senator from Arizona or myself to be President of the United States and be faced with that kind of alternative in the middle 1970's. I think it is a totally untenable position to put any President in, regardless of who he may be.

Second, I think we have to say that if we go forward with the Safeguard system, in its 12-site selection, that system, when we have the long-range Spartans and Sprints installed, will give us pretty good protection on over-the-pole threats.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, I think in the colloquy that has just transpired we have seen some doubts raised, or some reasons raised to have doubts, particularly if we get into the numbers game.

Five years ago I said that the missile force was not reliable. I am not sure today how reliable it is. The manned bomber is much more reliable and it is a much more dependable system than a missile system. We have never tested one of our missiles with a warhead on it. The potential enemy of whom we are speaking has done this.

Therefore, when my good friend from Kentucky talks about the fact that this administration is increasing the number of warheads, is increasing the capability of the Minuteman, through Minuteman III, and talks about numbers, I do not think any one of us can say these numbers are adequate because we do not know with any degree of certainty the percentage of these missiles that will fly when the button has to be pushed or that can live through a nuclear environment. But the Russians, I must say, back in 1961 thoroughly tested all their weapons through. We are not sure, even with navigation and guidance systems if these missiles can survive a nuclear environment. So I do not think anybody can say with any degree of certainty that 1,000 warheads are enough, that 2,000 warheads are enough or that 500 warheads are enough. This weapon is not a lot different in that respect than any other weapon we have used throughout history. Until we have actual combat experience we cannot say it will require  $x$  number of weapons,  $x$  number of tons, or  $x$  number of pounds to diminish a target.

I wanted to make that statement because as we consider the basic fact that this request for an ABM or Safeguard system has come from the one man in this country charged with the responsibility of making recommendations, I think we must also recognize—and I find



no quarrel up to now with the opposition to the ABM—that the President was not wrong in going along with the improvement of Minuteman, in going along with MIRV, in going along with new advanced manned aircraft, or any of the other weapons in the bill. I think we must get back to the fact that while those who oppose the ABM will probably approve other parts of this bill, that this entire package is from the Commander in Chief, backed up by his military advisers.

I cannot conceive of any country, and particularly the United States, saying that we are not going to provide a defense against any weapon.

With respect to retaliatory capability, yes, there is truth to that and we have been able to maintain—not stability, but we have not had a world war III since we had the worldwide retaliatory concept of Foster Dulles, a theory which proved right. But what is going to happen if potential enemies see that the United States has no protection except a retaliatory strike? I shudder to think of the blackmail that will be heaped upon the United States if that day ever comes.

I am happy that the Senator from Kentucky, in his brilliant way, has gotten into this matter, because out of it we will have a better understanding.

I will say that there have been changes, but not from the standpoint of the administration. I observed the other day when this matter first came up that the opposition was totally against the ABM. Then, sensing that there might not be success in that area, they changed to opposition to MIRV.

Let us say the ABM section of the bill passes, and let us say that MIRV is denied, the very thing the Senator from Kentucky sees as hopeful, the growth of warheads, will be denied this country so we will be saying we have an ABM but we have no way to equal the strength of the other, or say we have no ABM and no MIRV, there is no possible way in the world of showing strength to a potential enemy.

Now, we see the struggle of the opposition in several amendments. One would do what this bill proposes to do, namely, not deploy. We could not deploy any of these until 1974, even if the Lord were down here running the show.

The change has been made in the opposition to the ABM. We see it fluctuating day after day as it totals the vote which now seems to favor those who are for the ABM. Frankly, I watch this debate with great interest to see what the next development on the part of the opponents will be because I think so far they are running around loosely—I will not say like sheep because they are not sheep—but there has been no pattern established that the proponents of this measure have not been able to stamp out.

Mr. DOMINICK. I thank the Senator from Arizona.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I yield.

Mr. COOPER. I thank the Senator for his counseling. I want to make it clear to the Senator that there has been no

change in our position. It was in April a year ago that I introduced an amendment to delay the deployment for two purposes: one purpose was to first determine whether it would be effective. A year has passed and we still do not know if it is effective. Integrated testing will not be done until 1973 or later.

But that was not the only reason. We have urged again and again and there is no change—that we use this year in an effort to stop the arms race or at least control it.

We know that additional nuclear weapons systems have not brought us security, and they may eventually lessen our security. We are trying to see, while there is an opportunity through talks, to determine if the arms race can be brought under control rather than to continue it, by new weapons systems.

Mr. DOMINICK. I hope we can control the arms race by putting in the ABM and not with more offensive weapons.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I asked the Senator to yield to me only briefly. I know there are other Senators who wish to speak. The Senator from Virginia asked for time yesterday afternoon.

I wish to commend the Senator highly for what I think is a solid and constructive analysis of this problem. I know personally how much dedication, time, and work he has given to this matter, particularly since January 1.

One point the Senator makes on the last page of the copy of his address which I have deals with the reputable scientists in disagreement. We found that all the way through, as the Senator pointed out. One thing they are not in disagreement about, as I understand it, is that this is the most advanced and best anti-ballistic-missile system by far that we have. When we assembled here in January there was talk about other systems that were involved and the rumor was that the Air Force had something to propose. But when we come right down to the testimony, the ABM was the one. As to the four scientists we had before the committee, as the Senator will recall, in open session, two opposed it and two were in favor of it. All four said that it was the most advanced and the best system.

Mr. DOMINICK. That is absolutely correct.

Mr. STENNIS. Does the Senator remember that clearly?

Mr. DOMINICK. Very well.

Mr. STENNIS. So the question now is, if we are going to have an ABM, this is the one within present knowledge. The Senator thinks, too, does he not, that of all the research and development we have had, bringing this along slowly over the years, that we have now reached the point, as a practical matter, that if we are going to go on to the next stage, now is the time to do it?

Mr. DOMINICK. I certainly do. I completely agree. As a matter of fact, as the Senator may recall, I think it was in 1963 when the distinguished Senator from South Carolina called a closed session to discuss this question.

Mr. STENNIS. Yes.

Mr. DOMINICK. After that session, most of us, I might say, gained some knowledge. Many Senators had it already, but many did not. Thus, it was a constructive session. I voted against deployment at that time. I think the Senator from Mississippi did also.

Mr. STENNIS. I did, too. The Senator is correct.

Mr. DOMINICK. That was because it was not ready, so far as we could see. Now I think it is, and I think we should go ahead with it.

Mr. STENNIS. I thank the Senator from Colorado very much for his fine contribution.

Mr. DOMINICK. Mr. President, I yield the floor.

#### ORDER OF BUSINESS

Mr. KENNEDY obtained the floor.

Mr. STENNIS. Mr. President, will the Senator from Massachusetts yield for a unanimous-consent request?

Mr. KENNEDY. I am happy to yield to the Senator from Mississippi, provided that I do not lose my right to the floor.

Mr. STENNIS. Mr. President, yesterday afternoon, the Senator from Virginia (Mr. BYRD) saw me about, if possible, getting some time this afternoon to speak.

Today, the Senate was not in session when I had in mind asking for this request. Now we are back in session, and I therefore ask unanimous consent that after the Senator from Massachusetts has completed his remarks, the special order of business be that the Senator from Virginia—

Mr. THURMOND. Mr. President—

Mr. KENNEDY. Mr. President, I have the floor. I yielded to the Senator from Mississippi with the understanding that I would not lose my right to the floor. I think the Senator from Mississippi has propounded a unanimous-consent request.

Mr. THURMOND. Mr. President, reserving the right to object, I understood that I was scheduled to follow the Senator from Massachusetts. In fact, there was some question as to who would come first.

The PRESIDING OFFICER. The Senator from South Carolina is correct.

Mr. THURMOND. I do not wish to relinquish any more of my time because I have another commitment to meet and I have already been waiting a long time to gain the floor.

Mr. STENNIS. Mr. President. I knew nothing about the time that the Senator from South Carolina would have to speak. I did not know that. I know the Senator mentioned yesterday afternoon that he might wish to speak today or the next day. However, I hope that something can be done to meet the situation so that the Senator from Virginia (Mr. BYRD) may speak, especially in view of the fact that I promised to see that he would be placed on the schedule. When I got in today, the Senate had recessed and I did not get back to it.

Mr. President, I withdraw my unanimous-consent request, since the Senator from South Carolina objects.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

#### THE SURCHARGE AND THE NEED FOR TAX REFORM

Mr. KENNEDY. Mr. President, the extraordinary discussions that took place yesterday on the Senate floor, particularly the discussion between the distinguished majority leader and the distinguished chairman of the Senate Finance Committee, have set the stage for what will almost certainly become one of the most significant debates of the current session of the 91st Congress—the debate over the income tax surcharge and tax reform.

In part, of course, the debate will be important because the surcharge is a major tool of Federal fiscal policy for combating the strong inflationary pressures now gripping the economy. In addition, however, the debate will be important for another reason, a reason that has vast significance for all taxpayers in the Nation. For the first time in many years, Congress now has the opportunity to enact comprehensive tax reform. These two areas—the tax surcharge and tax reform—are closely tied to one another, and it is entirely appropriate that Congress should consider them together, as the resolution of the Senate majority policy committee has so clearly stated.

There can be no question that our first duty is to carry out a responsible fiscal policy that brings maximum feasible pressure to bear in our increasingly difficult battle against inflation. At the same time, however, I believe we must keep the strongest possible pressure on the administration and Congress to take the responsibility for seeking comprehensive tax reform.

At the present time, there is strong and rising pressure for tax reform in all parts of the country. Each of our Senate offices is being deluged with communications from outraged citizens demanding reform. One of the most important aspects of the national sentiment for tax reform is the realization by millions of taxpayers that the income tax surcharge itself is unfair. It aggravates the serious inequities in our existing tax laws. It applies only to those who already pay taxes on their income, and it requires no contribution whatever from those who escape their fair share of taxes. At a time, therefore, when the administration is asking that the surcharge be extended, it is fair—indeed essential—to insist that the administration also demonstrate its commitment to prompt and meaningful tax reform.

At the present stage of the legislative debate on the surcharge and tax reform, I believe that the resolution of the policy committee fully achieves our twin goals of controlling inflation and accelerating the enactment of comprehensive tax reform. By extending the current withholding tax rates, we have taken the only step we need take at the present time to maintain a completely responsible fiscal policy in the fight against inflation. It is not necessary to extend the surcharge provisions themselves. All that is essen-

tial at this time is to continue the surcharge withholding rates, which by themselves are sufficient to preserve Government receipts for the summer months at the same level that would have existed had the surcharge itself been extended.

The length of the period of extension of the withholding rates will depend on our progress toward meaningful tax reform. Congress has already acted to extend the rates through July 31 of this year. I agree with the resolution of the policy committee that the rates should be extended through the end of the present quarter—that is until September 30. In light of the announcement last week by Chairman WILBUR MILLS of the House Ways and Means Committee, it is becoming increasingly likely that a significant tax reform bill may be passed by the House before Congress adjourns for the August recess. In light of the announcement last week by Chairman RUSSELL LONG, of the Finance Committee, it now seems likely that the Finance Committee will have completed a major portion of its own hearings on tax reform before the recess. As a result, the September 30 date for extension of the withholding rates would seem to offer both the Senate and the House a reasonable opportunity to enact a comprehensive tax reform bill in this session of the Congress. Of course, if action on tax reform is not completed by that time, the withholding rates could be extended for another appropriate period.

Thus, I believe that any action on the surcharge itself and the other provisions of the House-passed bill, as opposed to the mere extension of the withholding rates, should await the action by Congress on tax reform. If, as seems possible in light of recent developments, a downturn in the economy has begun, or major revenue-raising tax reforms are adopted, it would be wise to reconsider both the amount and the duration of the surcharge. Any excess amount withheld from taxpayers under the higher withholding rates during the extension period could be returned to the taxpayers through the usual yearend refund procedure.

In sum, the policy committee resolution offers us the very real opportunity to carry out a thoroughly adequate fiscal policy. I do not accept the proposition that extension of the withholding rates contributes in some vague psychological way to the pressures of inflation. It is widely accepted among economists that take-home pay is the major determinant of consumer expenditures, and take-home pay is the same today as it would be if the surcharge had been extended. Those who argue otherwise are themselves contributing to the inflationary psychology.

The vital link between the surcharge and tax reform was recognized by Congress more than a year ago. On the floor of the Senate in June 1968, the surcharge legislation was amended to require President Johnson to submit proposals for comprehensive tax reform to Congress. The floor amendment was adopted in clear recognition of the feeling abroad in the Nation that when taxes increase,

strong efforts should be made to eliminate the existing inequities and discriminations in our tax laws.

The case for tax reform has a dual basis. First, the genius and guiding principle of our Federal income tax system is that the tax a person bears is determined by his ability to pay. As Justice Oliver Wendell Holmes once said:

Taxes are the price we pay for civilization.

Those with the greatest ability to pay should contribute the most to meet the costs of Government. Those who are situated in similar economic circumstances should bear similar tax burdens. For the tax system to function properly, each citizen must have confidence that he is paying a fair portion of the price of our society.

Second, and equally important, the fair and effective operation of our tax system is vital to our entire competitive free enterprise system, and therefore to our democratic society itself. Under the proper working of the system, resources must be guided to their most efficient use by the free working of the marketplace. What the market rewards with high returns will and should attract an optimum level of financial and real resources. This is the hallmark of our competitive market system. If we permit unreasonable tax privileges to divert resources away from their best uses, away from the point of greatest natural profit to the point of greatest tax advantage, we distort our profit system and lose many of the benefits of the free market. As President Kennedy stated, the full benefits of the market system can only be felt when all of our people and all of our resources are used as wisely and effectively as possible.

Our present tax laws fall far short of these goals. Unfairness and discrimination abound. Privileges designed for another era linger on to distort the economy, long after the logic for their use has disappeared.

The most glaring defect of our tax laws is their inequity. Although our procedures for administering the tax laws are the most advanced of any nation in the world, the laws themselves are unfair. We know that some taxpayers pay a bargain basement price while others, especially the poor, are required to bear far more than their fair share. Millions of Americans below the poverty level pay taxes they cannot afford on their meager yearly incomes. Many of our wealthiest citizens, with million of dollars in income each year, pay little tax or no tax at all. Often taxpayers with the same real economic income are taxed at widely different rates, depending on the source of their income.

In 1967, for example, in what has now become the most famous statistic in American tax lore, 155 Americans filed tax returns with adjusted gross incomes in excess of \$200,000, but paid no taxes whatever. Twenty-one of these citizens had incomes in excess of \$1 million. Although the maximum tax rate is 70 percent, the effective tax rates are far lower. Indeed, the average effective tax rate rises to only about 30 percent for persons with annual incomes in the



range of \$50,000 to \$200,000, then gradually declines for those earning over \$1 million a year.

Even these dramatic figures, however, do not adequately measure the breakdown in fairness of our current tax structure. Clearly, in our tax laws, some types of income are more equal than others. Thus, salaries and many kinds of business income are taxed at ordinary income rates, but other income is not taxed at all—such as interest on municipal bonds—or is taxed at lower capital gain rates. And taxable income from any source can be offset by artificially large deductions for oil and gas properties, such as intangible drilling costs, the recurring percentage depletion allowance, and the foreign tax credit.

Even beyond the grave, the inequities in our tax laws continue. The estates of some people are subject to substantial Federal taxes when they pass to the next generation. Others—usually the wealthy—are able to avoid a large portion of such taxes. At death, vast accumulations of capital gains pass untouched by the income tax laws.

These disparities in tax treatment are not isolated. The loopholes and escapes in the laws are widespread, and are known to be widespread. They seriously erode our progressive rate structure. With good reason, it has said, our tax system delves with a sieve.

Compounding the unfairness, privileged classes of income can be reached most easily only by the wealthiest citizens. To paraphrase a famous aphorism, our tax laws in their majestic equality allow the poor as well as the rich to invest in State and local bonds, to reap long-term capital gains, to search for oil, and to charter their own foundations. But, middle and lower income taxpayers cannot afford the substantial investments required to generate tax-free income, capital gains, and large deductions. The more income an individual has, the easier it becomes to reduce his taxes or escape them altogether. According to one estimate, the threshold level of income required for profligate use of tax preferences is \$5,000 a year.

Meanwhile, millions of law-abiding American citizens faithfully pay the Federal tax collector billions of dollars each year from their hard-earned salaries. More than half of the \$80 billion collected annually from our individual citizens come from taxpayers with adjusted gross income in the range of \$7,000 to \$20,000. These are the citizens who must carry the burden of our unfair Federal tax structure. These are the citizens on whom the tax demands of the Federal Government—and State and local governments as well—fall most heavily. These are the citizens for whom we must provide basic tax relief.

We cannot tolerate the inequities of our Federal tax laws. We must make our progressive tax structure a reality, not a fiction. When the highest officials of the administration begin to speak of the danger of a "taxpayers' revolt," it is time for Congress to listen.

The unsheltered taxpayer is losing his patience. Our entire tax system is based upon voluntary compliance, and we can boast a record of such compliance un-

equaled by any other nation in the world. Yet, if we continue to permit the few to maintain the lucrative escapes they now enjoy, we can hardly expect willing compliance by the many who are unable to take advantage of such special benefits.

I believe, therefore, that the time has come to enact meaningful tax reforms, and that, as the policy committee has recommended, basic tax reform should be considered simultaneously with any bill extending the surcharge. By taking such action, we gain a double benefit. We lay the groundwork for comprehensive tax reform by eliminating some of the most flagrant inequities in the existing system. And we insure that the surcharge falls more evenly on all our citizens.

In addition, to the extent we generate new revenues from tax reform, funds will become available for other important programs. Indeed, by adopting immediate reforms to close tax loopholes in particularly flagrant areas, it may be possible to produce a substantial tax reform dividend in fiscal year 1970.

If the proper timing can be worked out, the revenue gained from tax reform can be used to provide an even greater reduction in the surcharge rate beyond that already proposed by the administration. By closing loopholes for the few, we could provide lower taxes for the many, without sacrificing any of the anti-inflationary impact the surcharge is intended to exert on the economy.

This is not the occasion for a technical discussion of the various proposals for tax reform that have been put forward by Members of the Senate and others in recent weeks and months. The examination I have made of many of these proposals leads me to believe, however, that a number of them have already been widely discussed and are now ripe for enactment.

First, as one of the most immediate and basic reforms, we should adopt the minimum income tax. The minimum tax is an idea whose time has come. Several years ago, the Senator from Louisiana (Mr. Long), chairman of the Finance Committee, helped launch the concept of such a tax. In recent months, the concept of the minimum tax has received increasing support from tax experts as a reform that can and should be enacted immediately, independent of other reforms in specific provisions of the tax code. It was endorsed in the Treasury study prepared under the Johnson administration, and it has been recommended—albeit in diluted form—by the present administration.

The minimum tax would require many citizens with substantial income, even those whose income is derived from sources that are currently tax exempt, to pay at least a modest tax. I believe that the base upon which the minimum tax is calculated should be as comprehensive as possible. At the present time, five sources of tax-exempt income contribute substantially to the present inequity of our tax laws:

The portion of long-term capital gains that is now excluded from income;

Interest on State and local government bonds;

The excess of percentage depletion over capital investment in oil and minerals, and the current expensing of intangible drilling and development costs;

Excess depreciation on real property and certain leasing arrangements on personal property produced by accelerated depreciation deductions available even for highly leveraged property; and

The appreciation in value of property donated to charity.

In the version of the minimum tax I favor, each of these categories of exempt income would be included in a new and expanded tax base. The individual would be required to pay tax in an amount equal at least to the amount he would pay if the full tax rates were applied to half his total income. In other words, the minimum tax would be applicable only if the individual's tax-exempt income exceeds his taxable income. In effect, it would place a limit of 50 percent on the amount of a person's total income that can be excluded from tax.

It is clear, of course, that in enacting the minimum tax, we will not be dealing with the merits of the various tax preferences that are used to produce tax-exempt income under present law. All we must decide is that a citizen should not be entitled to use these preferences so extensively and in such combination that more than half his total income goes untaxed. I believe there is already widespread acceptance of this underlying principle.

Success in enacting the minimum tax must not, however, become the excuse for abandoning the struggle for comprehensive tax reform. In particular adoption of the minimum tax must not reduce the momentum of our drive for other reforms. We must recognize that enactment of the minimum tax is a partial reform at best. It does not mean that real reform has taken place, or that the loopholes are closed, or that the tax dodgers have become taxpayers. Rather, by demonstrating how large a gap there is between the total income and the taxable income of some individuals, the minimum tax is a reform we can use as an incentive for further efforts toward overall reform.

Second, we should build on the comprehensive income philosophy of the minimum tax by requiring taxpayers to allocate their personal deductions between nontaxable and taxable sources. For example, an individual who is taxable on only two-thirds of his total income should be allowed to subtract only two-thirds of his total personal deductions in calculating his taxable income. This principle is a matter of simple equity, since an individual's personal deductions are paid out of his total income, and not solely out of his taxable income as currently defined by the revenue code.

Third, we must adopt tax reform to help our poor and middle income citizens. For too long, we have imposed an onerous tax burden on tens of millions of these citizens. To alleviate the burden on the poor, the Treasury study under the Johnson administration recommended a substantial increase in the

minimum standard deduction. This proposal would eliminate Federal income taxes on half of the 2 million families now living below the poverty level. It would provide major tax reductions for the others. This proposal was a start in the right direction. The recent low income allowance offered by the present administration and adopted by the House as part of the surcharge legislation would go even farther in some respects, and would remove virtually all of the poor from the income tax rolls.

I believe we can do even better. Our goal must be to insure not only that individuals living in poverty are not required to pay tax on their income, but also that the tax relief made available is not phased out so rapidly that serious tax burdens continue to be placed on those who live above the poverty level. The National Committee on Tax Justice has urged that all taxpayers be given a minimum standard deduction of \$1,100, thereby expanding the benefits of the administration's "low income allowance" to include over 20 million additional low- and middle-income taxpayers. Alternatively, the Treasury proposals under the Johnson administration would have provided similar relief for such taxpayers by substantially increasing both the percentage and the maximum amount of the standard deduction. I support these proposals. I am confident that the Senate will give close attention to each of these proposals, in order to provide the most effective possible relief to large numbers of our taxpayers.

Fourth, we must reform the tax treatment of the petroleum industry. In recent months, increasing numbers of Senators have become aware of the tax inequities that exist because of the percentage depletion allowance and other special income tax preferences available to that industry.

In many respects, the 27½-percent depletion allowance for oil is the most flagrant single loophole in our entire tax system. Although other special benefits for the industry are less well known, they are almost of equal significance. These include, for example, the current deduction allowed for the so-called intangible costs of exploration and development; the credit allowed for foreign taxes, even though such taxes are frequently in the nature of royalty payments to foreign governments; and, the favorable capital gains treatment allowed for mineral production payments.

Largely as a result of the immense benefits available from the depletion allowance and other tax preferences, the petroleum industry is consistently taxed at effective rates much lower than those paid by most other industries. According to recent Treasury estimates, the overwhelming proportion of the depletion allowance and the deduction for intangible costs is far in excess of what would be allowed if strict financial accounting principles were followed. Indeed, the annual revenue loss alone from excess depletion over cost is almost \$1¼ billion.

For too long, we have failed to recognize that the Nation's economy is paying an enormous public subsidy to the petroleum industry. The mere fact that

the subsidy is through the tax system makes it no different in principle from a subsidy provided through direct appropriations. For too long, we have failed to give tax expenditures the same intense examination we have regularly given to our domestic social programs, and more recently, to our defense programs.

In these circumstances, it is ironic that the percentage depletion allowance is today so widely regarded as an immutable benefit to which the petroleum industry is entitled as of right. The administration's recent tax reform proposals are notoriously silent on the issue of the depletion allowance and almost all the other tax advantages available to the oil industry.

Mr. LONG. Mr. President, would the Senator prefer to yield to me now, or would he rather complete his statement?

Mr. KENNEDY. I would rather complete the statement. I have a copy of my statement, which I hope will be made available to the Senator from Louisiana.

Reduction of the depletion allowance will be accomplished only after lengthy debates in Congress. Nevertheless, I believe that we will be shirking our responsibility if we fail to act now to bring the depletion allowance and the other special benefits available to the oil industry into line with the economic and tax realities of other industries. The present value of 27½ percent for the depletion allowance originated more than 40 years ago in a relatively arbitrary compromise, in which a Senate-House conference split the difference between the 25-percent figure proposed by one House and the 30-percent figure proposed by the other. The year was 1927, a time when tax rates were far lower than they are today and the tax benefits were correspondingly smaller.

Extensive studies by economists in both Government and private industry suggest that the impact of reducing the foreign and domestic depletion allowances may be far smaller than has previously been thought. According to a major recent study sponsored by the Treasury, the depletion allowance contributes only a small amount to the Nation's petroleum reserves. Instead, it encourages excessive drilling and inefficient production methods and discourages research into other potential fuel sources.

The studies that have been conducted have carried us as far as we can reasonably go by economic and statistical analysis. The time is ripe to begin the fight for reform. Once the issues are clearly raised, I am confident that a majority of Congress will agree that the depletion allowance under present law is excessive, and that the cause of reform will prevail.

Moreover, the American people will not believe that genuine tax reform has been achieved until there is a thorough investigation of the tax advantages available to the petroleum industry. Indeed, in many parts of the country the percentage depletion allowance has become the symbol of the need for tax reform, and other oil tax shelters are being increasingly challenged. I believe that a reasonable reform package in this area should include the following:

For the largest producers, reduction of

the percentage depletion allowance for domestic production from 27½ percent to 15 percent and elimination of the allowance for foreign production, while still maintaining appropriate incentives for small producers.

Adoption of a requirement that the intangible costs of exploration, drilling and development be capitalized, rather than deducted as current expenses.

Elimination of the present loophole which allows a tax credit for payments to foreign governments, even though such payments are in the nature of royalties, not taxes.

Elimination of the favorable capital gains treatment available for certain types of mineral production payments.

Fifth, we must reform the tax treatment of capital gains. Most important we should increase the holding period for long-term capital gains from its present level of 6 months to 1 year. We should also abolish the current 25 percent maximum alternative tax rate on such gains. In addition, unrealized capital gains transferred by gift or at death should be taxed at the prevailing capital gains rates.

Sixth, we must reform the tax treatment of interest on State and local government bonds. A number of major proposals have recently been offered in this area, ranging from a Federal interest subsidy to the establishment of an urban development bank. I believe that a positive Federal incentive is necessary to encourage State and local governments to seek new and more efficient methods of financing. I commend the House Ways and Means Committee for the imaginative approach it suggested in its tentative proposals announced last week, and I urge the Senate to consider similar alternatives.

Seventh, we must reform the tax treatment of real estate transactions. At the present time, there are a variety of tax shelters widely used for profiteering in this area. Our goal should be the elimination of the accelerated depreciation deduction for buildings, and the recapture of the profits on the sale of depreciated property as ordinary income, without impairing the construction of housing that is desperately needed for low- and middle-income groups throughout the Nation.

Eighth, we must reform the tax treatment of the farm loss deduction. There is already broad popular support for this reform. Surely it is time to eliminate the bizarre abuses that exist for city dwellers who engage in tax farming. The escapes available under present law are the product of simplified accounting procedures intended for small farmers. Over the years, however, these procedures have spawned a generation of wealthy absentee cowboys—hobby farmers more interested in farming the Internal Revenue Code for tax benefits than in legitimate farm operations.

The absurdity of the situation is indicated by the coincidence that the taxpayers with the highest farm losses also happen to be the taxpayers with the highest nonfarm incomes. No one believes that taxpayers who are extremely successful in their other enterprises sud-



denly become incompetent when they turn to farming. Obviously, they are using their farm losses to obtain substantial tax windfalls through reductions in their income from other sources.

The Senator from Montana (Mr. Metcalf) has introduced a bill to limit the amount of farm losses that can be deducted from nonfarm income. A companion bill is being sponsored in the House by Representative JOHN CULVER, and a somewhat similar proposal has been made by the administration. I have strongly endorsed Senator METCALF's bill. Each of the bills has wide bipartisan support in Congress. They also have the support of a growing number of farm organizations and others concerned about the destructive competition of tax farmers, whose most pressing interest is to preside over a losing farm operation. As a result, the price of farmland is bid abnormally high, and legitimate farmers find themselves unable to compete.

The eight reforms that I have proposed do not in any sense exhaust the demand for tax reform that is widespread throughout the country. I believe, however, that they are representatives of the areas of our revenue laws where basic reforms are most needed. I support and endorse many of the reforms that have been proposed in other areas, such as the tax treatment of foundations and charitable contributions, the multiple corporate exemption, the liberalization of the deduction for moving expenses, withholding of income on dividends and interest at the source, repeal of the 7-percent investment credit, and so on.

In addition, we must also make every possible effort to lighten the tax burden on all our citizens. A number of significant reforms have been proposed, but their unfortunate hallmark is that they produce substantial Federal revenue losses at the very time when demands on the Treasury are enormous. This applies especially to proposals to increase the \$600 personal exemption, and to allow a deduction for the expenses of education. Nevertheless, in the weeks to come, I believe we must make every effort to explore whether meaningful reforms can be enacted in these and other areas, such as more favorable tax treatment for single persons, expanding the income averaging system, a more generous allowance for child care expenses of working mothers, and revising the overall tax structure to provide lower rates for all.

In the course of the coming debate on the surcharge and tax reform, it is quite likely that new areas will be identified in which tax reforms should be carried out, and that more imaginative solutions will be proposed for the areas of present controversy. I therefore welcome the current discussion as a fertile opportunity to achieve the goal for which we have waited so long—the enactment of comprehensive tax reform.

Perhaps the most valuable result of our effort for tax reform is that it promotes a greater sense of national purpose for all Americans. If we are to succeed in the effort to rebuild our cities, to develop and preserve our rural areas, and to maintain our national security at home and abroad, the funds to finance

these programs must be raised fairly from all. Only when each citizen knows that all citizens share equitably in the tax burden will we achieve the sense of national commitment that is essential if we are to reach our goals.

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

Mr. KENNEDY. I yield.

Mr. LONG. Mr. President, permit me to compliment the Senator on his speech. It is a courageous statement, whether one agrees with it or not. I am sure that the Senator will find he has alienated a number of people in various business endeavors by the suggestions he has made, but he is not the only one to make those suggestions. I think he will find that a considerable number of people in the revenue field, certainly a number of academicians, and many people who serve the Government would agree with his suggestions.

As far as I am concerned, I find a number of things in the Senator's speech that I think could be agreed to by the Senate. I think if we had a major revenue bill before us, we could agree to a number of them. Offhand, I heard the Senator tick off about four or five items for which I would enthusiastically vote if we were voting on the Senate floor, and I expect I would also vote for them as a member of the committee.

What confuses me is how we are to proceed. I have been accused of bringing out a Christmas-tree bill, an Easter-basket bill, and bills with other names, with a number of new amendments. The reason we do that is that we do not have the power to initiate revenue measures. Under the Constitution, the House of Representatives must initiate them, but the Senate may amend.

With all due respect to a very consistent statesman, some people, like former Representative Tom Curtis, on the House side, have contended down through the years that we had no right to amend their bills except in ways relevant to something they included in the bill. I do not agree with that, and I know the Senator from Massachusetts does not. Nor, fortunately for us, do the chairman of the House Committee on Ways and Means, the ranking members on the Republican side, nor the House of Representatives itself, based upon its votes.

One thing that I have learned about revenue bills is that if you are going to put a rider on a bill, it is something like putting a rider on a horse; if the rider is too heavy, the horse goes nowhere. You have to pick a strong enough horse to carry the rider you seek to put on it.

I believe the Senator realizes that if we put the amendments he suggests on the surtax bill as passed by the House of Representatives, the bill might fail of passage. We are voting on a bill that passed the House by five votes. If we vote for the reforms the Senator has in mind, would it not seem likely that that five-vote margin in the House of Representatives would be even lower and smaller, if first one group and then another were to say to their Representative or their Senator, as the case may be, "That is not tax reform; that is unfair; you are crucifying me with that amendment"?

Does the Senator from Massachusetts recognize that possibility?

Mr. KENNEDY. I think it is very difficult to try to predict exactly what the House of Representatives would do with particular items of tax reform, including some of my suggestions, and perhaps a number of others. As I stated, my suggestions are an all-inclusive group. Many of the suggestions are merely for the purpose of identifying broad areas for consideration.

I do know, both from reading through the RECORD of the House debates and from conversations with a number of the Members who voted on the House bill, that when the matter of extension of the surcharge came up, many of them voted in opposition to the bill, because they did not feel there was meaningful tax reform in the legislation.

It would be extremely difficult for me to predict how the House vote would have changed, if there had been some riders on that horse representing what reasonable men of good will felt was suitable tax reform. I am sure that some Members would have had reservations, and might have voted in opposition. But I think that other Members would have supported an extension of the surcharge if they felt it included some meaningful tax reform.

I doubt that we can say, from the closeness of the vote in the House of Representatives, that we will have less opportunity to pass the surcharge if we have a more extensive tax reform provision than was included in the House bill.

Mr. LONG. The House of Representatives passed a bill which was opposed by the American Federation of Labor and the National Association of Manufacturers. I congratulate Chairman MILLS, Representative HALE BOGGS, and Representative JOHN BYRNES, as well as the leadership on both sides of the aisle in the House of Representatives, for passing a bill opposed by that combination of powers—manufacturers and labor alike. That is a very difficult thing to do, and the fact that they could pass it at all is a monument to their fiscal responsibility, in the eyes of this Senator.

That took a lot of courage. Every one of those men have to run for office next year. A fellow can be a real statesman about a matter of that sort if he has 5 or 6 years before the public passes on his qualifications. However, if a fellow has to submit himself for reelection next year, it takes a lot of courage when both labor and management are against it.

When the House passes a bill and sends it to us, how should we proceed? Ordinarily my approach is that the Finance Committee should consider the bill. It is roughly a \$10 billion tax increase. That is not popular to begin with.

I thought we would include in the bill some of the same suggestions that the Senator has made here, perhaps three or four which are important recommendations.

Having done that, we would bring to the Senate floor a bill, and I would cheerfully propose to vote on every suggestion the Senator has made in his speech. Having voted on the suggestions, any one of them that could muster a majority vote would be taken to a conference

with the House. We would ask them to accept it.

The Senator knows that when one does that, he cannot expect them to accept all of them. However, if one has good fortune, they will accept some of them. We will have made a substantial and worthwhile contribution by having improved on what the House has sent us. And the House bill has some reform to it.

I was pleased to advocate the tax investment credit. It was a recommendation of the Senator's brother, the late President Kennedy.

I became convinced then that with the country in the doldrums, this would provide employment. It would help to reverse a recession and give us prosperity. The entire record under Presidents Kennedy and Johnson indicated that we had a constant increase in prosperity throughout the entire period. There was never a slump at any time. So one cannot say that this provision failed to do what it was proposed to do, because the facts would indicate otherwise.

Mr. KENNEDY. In fact, there was a period of inflation.

Mr. LONG. With a war on and with pressure on the money market and things of that sort, one would think that, with business absorbing most of the credit and money available for business expansion and things of that sort and with a very great shortage of money for housing and with very high interest rates, if one wants to take the pressure off the money supply, he should now vote to repeal or take off the tax investment credit.

The Senator may or may not know it, but I strongly advocated that.

The Senator from Delaware was against it to begin with. He said recently that the time had come to repeal it.

I commended him and said I agreed. I had voted to put it on. I voted to suspend it. I voted to put it back on again. He said that should not be done. Yet, when it was time to take it off the second time I was happy to recommend it.

Under the present circumstances I would think that inasmuch as it was serving more of a negative purpose than a positive purpose at that point, it would be well to suspend or repeal it. That is in the bill.

I commend the House for approving the proposal for low-income people. I think that is correct. I doubt that it goes far enough. Perhaps we should do more for taxpayers in that category and for those who are only a little better off.

All I say is that it would seem to me as a matter of procedure that when there is a \$10 billion revenue bill, people are entitled to know the answers. Business is entitled to know whether they get the investment credit or not. Labor is entitled to know with respect to the withholding of the money by the employer—whether it belong to the workingman or to the Government.

If the workingman is to get the money and if the bill is delayed until September, we will have \$3 billion sitting there assuming we extend the withholding rates. Who does the money belong to? Does it belong to the Government or to the workingman?

Furthermore, the whole world is looking at us. Are we going to have a sound fiscal policy with a balanced budget or a badly unbalanced budget with runaway inflation? Are we going to be responsible to our economic and fiscal needs and try to stabilize the economy, or are we going to postpone the matter indefinitely?

That is why it seemed to me that we should bring the big revenue bill before the Senate and let the Senate begin voting.

The committee is willing to vote on every suggestion the Senator has made right now. To be fair, it would seem that those who favor the amendments should have the opportunity to address themselves to them. However, when we report the bill, it would seem to me that we ought to move to it as the next item of business, so that everyone around the world, as well as those inside our country, would know where they stand.

The House is working on a tax reform bill that is going to be a shocker when business sees it. My impression is that they will go far beyond what the Senator has in his speech.

If they can pass it, it will be one more monument in the courageous and forceful leadership of the committee chairman, Representative MILLS and the other members of that committee, Representative BOGGS and Representative BYRNES and the rest of them.

If they can pass it, we will consider the matter and those suggestions. Some of those which were dropped by the way-side for further study will be up again and will be considered.

It would seem to me that the best procedure would be to take up the first bill with such suggestions as the committee might make and then proceed to move on to the next bill when we get it. To do otherwise I think would delay this bill quite a while.

The Democratic Policy Committee invited me to attend its meeting and express my views. I had a prepared text which I read and which I had printed in the RECORD today.

I was under the impression that to have comprehensive tax reform, we would be waiting for the House-passed bill.

I have always been prepared on a major revenue bill—and certainly one involving \$10 billion in taxes—to expect 100 amendments to a bill. It is the feeling that it is a very big horse and can carry riders.

Senators make their greatest efforts on a revenue bill of that sort. If they failed, I would not be surprised to see them try again on another big revenue bill.

I feel that this bill is of such importance that it should move ahead without regard for the House reform bill, regardless of what is done with that bill.

There will be a great number of people who want to be heard on the House bill. And they have every right to be heard.

The House did not hear witnesses in opposition to repealing the tax credit. They did not do so for a good reason. After they closed their hearing on tax reform, they wrote their bill.

The industry has been before our hearings for 2 weeks now on the investment tax credit. They have pointed out beyond any peradventure of a doubt that the House bill contains inequities.

Many Senators want to vote on the matter.

We will hold hearings, if we proceed as I have it scheduled, in which Senators will explain the amendments they would like to offer. And the Senator is welcome to appear before the committee and testify for every one of his amendments.

We ask only that he present his amendments. They do not have to be letter perfect. If we agree, we will proceed with them.

I heard a chuckle somewhere.

However, if the thing is troublesome, but the committee agrees with the point of view expressed, it will correct the language. It is a very, very technical thing. It requires some expert drafting. We have a good staff to help us, but it is a difficult thing to do. Put the amendment in, testify for it, and if the Senator is not satisfied with what the committee does, then let us vote again on the floor. That is how I feel we should proceed.

But there is some misunderstanding about the matter. I thought I had made it clear to the Policy Committee that it seemed to me that to proceed in an orderly fashion, in a comprehensive tax bill—I mean voting on 50 amendments or a hundred—to proceed in a fair way in that respect, would require that business be accorded an opportunity to be heard.

For example, the Senator thinks we should increase taxes on the oil industry. That is a subject of debate. That is the biggest industry in Louisiana.

I make the Senator a fair proposition right now. What is the biggest industry in Massachusetts?

Mr. KENNEDY. Electrical machinery and electronics.

Mr. LONG. I make the Senator this proposition: If the Senator will modify his statement to reduce or remove the depletion allowance and accept an amendment that would require that the electronics industry carry as heavy a tax burden as does the oil industry, I will support his amendment.

When I say that, the Senator should understand that I am talking about all taxes. I am not just talking about the Federal income tax. I am talking about State taxes, about the production taxes, and I am talking about the burden on the product in terms of excise taxes. In other words, one thing the Senator would have to put in his amendment would be that when it comes to selling those things, we put a 50-percent excise tax on them; because one may think that, with respect to the petroleum industry a gallon costs 39 cents, but the oil company is getting only 20 cents for that. The other 19 cents goes to the retailer and into production taxes, excise taxes, and things of that sort.

So if the Senator will modify his amendment in that fashion, I will support it, just on this theory: If he could incur that much wrath from the electronics industry, and impose that big a



burden on them, I would be willing to impose that burden on the oil industry. It is a matter of debate. It depends on how one looks at it.

In any event, when the Senator testifies to reduce the depletion allowance, I think he would be the first one to admit that the oil industry is entitled to respond to his argument. We do not have the time to hear them now. If we heard them for 2 weeks defend themselves on depletion allowances, as we have heard other industries defend themselves on the investment tax credit, or even 2 or 3 days, this bill would not be ready for action any time soon.

Therefore, I am today inviting the Democratic Policy Committee to meet with the Committee on Finance. We will meet, if it is convenient to the Democratic Policy Committee, on Thursday, at 10 o'clock, and we will discuss procedure—how we shall proceed with these bills. This is not on the merits. So far as I am concerned, it is the procedure. How do we handle this? Do we move the bill, which the President of the United States, the Secretary of the Treasury, and every Secretary of the Treasury who served in the administrations of John F. Kennedy, Lyndon Johnson, Harry Truman, and Dwight Eisenhower think must be passed, and passed soon, to protect the stability of this country? Do we proceed forthwith with this bill, as expeditiously as possible, or do we permit the taxes to expire and permit this country to fall into economic chaos?

That is the kind of problem with which we are confronted, as responsible members of that committee. We would hope that when we meet together and discuss it, all men of good will—to use the Senator's term, which appeals to me, also—we can agree on procedure. If we can agree on what we are going to try to do, then it seems to me that we have a fair chance of achieving that objective.

Mr. KENNEDY. Mr. President, I wish to express my appreciation for the comments of the distinguished Senator from Louisiana. On many occasions, when the Policy Committee has met, he has attended and expressed the views he is stating on the floor today.

I cannot speak for the majority leader with respect to meeting with the Committee on Finance. I believe, however, that such an invitation would be welcomed by the members of the Policy Committee. I think the meeting might be of significant value. I think the inquiry should be made to the majority leader, and I believe he would be extremely receptive, as he has been in the past.

The chairman of the Finance Committee has been extremely fair in outlining the procedure for those who have recommendations and suggestions for tax reform. He has outlined the procedure in detail on the floor and has given clear notice as to how the amendments of Senators would be considered by the committee. He obviously respects the right of a Senator to submit such amendments on the floor, and he has outlined an appropriate procedure, which I think is eminently fair.

As the Senator from Louisiana has pointed out, the Committee on Finance

has a time-consuming responsibility to perform in its efforts to obtain comprehensive tax reform. As the Senator has pointed out the House of Representatives has had several months to work out a tax-reform package. I understand the Ways and Means Committee will report a reform bill in early August. I agree that it puts a serious strain on the Finance Committee to expect it to respond expeditiously by coming up with meaningful tax reform.

At the same time, however, I think the American people have become increasingly aware of the kinds of tax loopholes that exist. There are a large number of such preferences, many of which were mentioned in my brief remarks today. But we are beginning to recognize that they exist. I think the pressure for tax reform should be taken very seriously by those of us who represent the people, and I know that the Senator from Louisiana believes this.

At a time when we are asked to extend the tax surcharge in a system which has a number of inequities, it is not improper to ask that before the surcharge is extended, we should modify the tax system to provide a more equitable distribution of the tax burden.

I have heard the arguments by the distinguished Senator from Louisiana, that if we delay action on the surcharge, the workingman will not know the terms of the withholding tax, and that he will not know whether he is going to receive the funds which have been withheld from his paycheck. The distinguished Senator from Louisiana, the leadership, the majority leader, and many others have expressed strong sentiments about their interest in supporting a tax surcharge, because of the fiscal exigencies of the Nation. These expressions are a clear mandate that an extension of the surcharge will be forthcoming, and overwhelmingly so. But I think the sentiment for the surcharge will be more overwhelming when we have assurances that the basic structure of the tax code will be improved to the extent that reform is possible. At least, the Members of the Senate should have an opportunity to express themselves with respect to providing meaningful tax reform.

Let me also say on this point that the statements made by the administration with respect to wage-price guidelines and doubts as to the extension of the surcharge are the kind of talk which I fear may be adding to the insecurity of many of our businessmen in the current condition of the economy, and may actually be contributing to inflation.

Mr. LONG. I wish to make one further point. In my judgment the greatest fiscal tribute to the Senator's brother, the late John Kennedy, was the Revenue Act of 1964. John Kennedy made a speech at the Economic Club of New York the year before that bill was introduced. I believe I spoke to the Economic Club of New York after that bill became law. That was almost 3 years after the day John Kennedy made his speech saying that was what we should do and laying out the general pattern for his bill. He introduced that bill and fought for it for 1 long, hard year without seeing it enacted.

I recall that when we went to con-

ference on that bill the first amendment between the Senate and the House of Representatives which the House agreed to was to change the title from the Revenue Act of 1963 to the Revenue Act of 1964.

The Senator will recall when President Johnson made his first speech before Congress he recommended that one of the first things we should do was to pass that revenue bill for which John Kennedy had labored the last year of his life trying to pass into law, with all the frustrations involved in something that comprehensive.

That measure involved the entire Internal Revenue Code, as well as literally hundreds of suggested amendments with which we were confronted. It was a good bill and it contained much tax reform and many tax reductions, the statement which I placed in the Record today, which I delivered before the policy committee, describes how long it took from a Treasury study to final enactment. I think it was almost 2 years. It must be borne in mind that they had all the technical help down at the Treasury to put those recommendations together and to hear all the pros and cons in the Treasury before they brought the bill here. Then, we took more than a year working on that bill.

Therefore, comprehensive tax reform, such as the Senator has in mind, is difficult to do without the help of the Treasury. The Senator can have available retired Treasury employees who will go before committees and testify what they think about matters. But the men who have the responsibility to recommend, to suggest, and to help get support on both sides of the aisle are now with the Nixon administration and those people would like to look at some of the proposed tax reforms and suggestions before they draft their own tax reforms, as I understand it.

It takes most administrations about a year to recommend a comprehensive package. That is about par for the course under all Presidents. It would seem to me that we must recognize we have one big revenue bill, a \$10 billion bill, on which bold immediate action is needed.

In connection with tax reform there are a number of things mentioned in the Senator's speech that we would be ready to vote on; and there are a number of things we would not be ready to vote on. I am ready to take to conference any amendment that can muster 51 votes on the floor, with both sides being heard. As to those about which Senators agree that it requires further study, those which should have more mature consideration, those about which Senators say we must wait for the House bill, I am prepared to vote up or down, or to table, as the case may be. It would certainly be best to proceed with the bill which the House sends us, and when they send a reform package we can proceed on that measure.

Mr. KENNEDY. Mr. President, in conclusion I would like to mention to the distinguished Senator that I think the members of the Committee on Finance have a very broad background and un-

derstanding of the items which I discussed today, and the broad areas of each of the major recommendations on tax reform.

The situation is somewhat different this year compared with previous years, since we now have the results of the very comprehensive tax reform work of the last administration. Although I recognize that different administrations look at things in different ways, it seems to me that the recommendations of the Johnson administration can serve as a very important starting point for consideration.

A great deal of that work was done, and it has not been done in a partisan way. The past administration made a broad attempt to reach many of the excesses that are found in the tax structure.

**S. 2631—INTRODUCTION OF A BILL RELATING TO INCOME TAX TREATMENT OF TREBLE DAMAGE PAYMENTS UNDER THE ANTI-TRUST LAWS**

Mr. LONG. Mr. President, if the Senator will yield further, I would like to introduce my own tax reform proposal which would say that corporations which are convicted of antitrust violations cannot deduct treble damages as ordinary business expenses. As I understand the matter, such damages are in the nature of fines for committing crimes and are not business expenses. Such a proposal would not be popular with business but it should be part of any tax reform measure we pass.

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

The bill (S. 2631) relating to the income tax treatment of treble damage payments under the antitrust laws and certain other payments, was received, read twice by its title, and referred to the Committee on Finance.

Mr. LONG. Mr. President, I am concerned, as are all Senators with the need for achieving greater equity and balance in our tax laws.

Toward that end the bill I introduce today prohibits a business from deducting the punitive portion of a treble damages award arising out of a suit following a conviction or a plea of nolo contendere to a criminal action for violation of the antitrust laws.

This bill is identical with S. 2963 which I offered in the 90th Congress.

So that Senators may review again the basis for this legislation, I ask unanimous consent that pertinent portions of my remarks at the introduction of S. 2963 appear at this point in the RECORD.

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

In the 89th Congress, I introduced legislation designed to prohibit the deduction as a normal business expense of the punitive portion, two-thirds of the damages awarded following a criminal conviction for the violation of the antitrust laws.

It is inconceivable to me that illegal business conduct of this nature should be recognized as "ordinary and necessary ex-

pense." Public policy simply cannot be twisted into that crippled a posture. How can we ask the millions of taxpayers of this country to pick up half the tab for the penalty imposed upon someone else?

The legislation I now proposed basically says that the purpose of treble damages is to deter illegal conduct and that a party guilty of such conduct must suffer an economic loss. This bill is essentially the same as S. 3650 of the 89th Congress. I think it is time we acted to take the tax favoritism out of this sort of price fixing.

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

Mr. LONG of Louisiana. Mr. President, I yield, but first may I point out that the distinguished Senator from Michigan introduced a bill which, although not quite identical with mine, seeks to correct the same loophole in the law under which innocent taxpayers are required to pick up 50 percent of the tab for the unlawful conduct of those who have victimized and exploited the American people.

Mr. HART. Mr. President, I am delighted that the Senator from Louisiana introduced the bill. It is very kind of the Senator to make the comment that he has made on the bill which I introduced.

As a matter of fact, several years ago a bill looking to this end—namely, to prevent the deduction of such sums by corporations convicted of violating the antitrust laws by virtue of allowing them to claim the deduction as a business expense was introduced by me. A companion bill was introduced in the House by Representative CLELLER, chairman of the Judiciary Committee.

The Senate Antitrust Subcommittee held hearings for several days on the bill I introduced. Following that, we reexamined the matter and introduced a second, refined bill on the subject matter.

The staff of the Antitrust and Monopoly Subcommittee was then instructed to see if, together with the staff of the majority whip in his role as chairman of the Senate Finance Committee, we could not develop an approach that would respond effectively to the problem and prevent the Government in effect, from paying for the cost of the illegal conduct.

I would hope that, with the introduction of this bill by the Senator from Louisiana, and the pendency of my bill and the hearings record made in the Subcommittee on Antitrust and Monopoly, that Congress in this session will be able to do what is right and certainly—whatever the proper composition of the statutory language is—correct an obvious and gross inequity in the tax structure—namely, the provision of taxpayers' money to reimburse for criminal fines. It does not happen when one runs a traffic light, and it should not happen when one runs the antitrust light.

Mr. LONG of Louisiana. The Senator is correct.

I had indicated that I was going to seek to move a measure along this line after the big electrical contractors were convicted of conspiracy and were given a favorable ruling by the executive branch of Government.

It seems to me that there is no basis and no excuse whatever for the Treasury Department or those who were consulted about it, to give these people a ruling that they could deduct as a necessary and ordinary business expense, the treble damages they paid for violating the criminal law of the country. To me, it was utterly fantastic that there would be such a ruling. It would almost be the same as saying that a criminal who had stolen from the public could be required to give back what he stole but could then deduct the cost of his fine.

But once the horse was out of the barn, it was generally agreed by Senators and Representatives, especially those who were the senior members of the committees, not to

make an effort to attempt to collect retroactively what the Government lost because of letting these people get away with this deduction. It was felt that this was done and that was the end of it. We would just let it go at that. It was wrong, but it was too late to correct it. I regret that we did not push immediately at that time to correct that improper ruling.

Now the drug companies will undoubtedly contend that they should have the benefit of the same ruling after their conviction. In my judgment, the fact that you have to pay treble damages and cannot deduct it as a business expense should be part of the deterrent that would cause one not to commit a crime such as this.

Mr. President, I have indicated how high some of those drug costs are. I made reference to tetracycline, which sells under the name of Achromycin and other names. It is interesting to note that patients at one time were paying 50 cents a pill for tetracycline, as a result of the conspiracy to which I have made reference, when it was estimated that the maximum cost to the manufacturers was 1.5 cents per pill. So now, when citizens guess that they are paying approximately three times the manufacturer's cost, it is interesting to note that with regard to the wonder drug tetracycline, they were badly in error—if they had that pill in mind—because they were paying approximately 30 times the cost of the company to manufacture it.

Mr. President, I do not blame the pharmacists in this matter. I am happy to say that representatives of the 45,000 pharmacists who are members of the American Pharmaceutical Association have come before our committee and urged us to pass effective legislation to help them protect the public by helping them to do business in a way that would permit them to make a decent profit, and at the same time protect the public against the exorbitant prices they have been charged as a result of conspiracies and as a result of other much criticized practices in the drug industry designed to extort from the public a much greater price than is justifiable.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I did not get an opportunity to hear all of the Senator's statement, but I do recognize that he is recommending certain revisions or amendments to the Internal Revenue Code.

I notice the Senator refers to interest on State and local government bonds. Do I understand the Senator is recommending that this tax exemption be repealed or partially repealed?

Mr. KENNEDY. The matters I hoped the Finance Committee would consider were the possibility of providing a Federal interest-rate subsidy for municipal bonds, the possibility of creating an urban development bank. I believe that additional Federal incentives may be useful in encouraging State and local governments to seek more efficient methods of financing their operations.

I hope that this is an area to which the Senate will give consideration. I appreciate the fact that many localities now depend on the issuance of tax-free municipal bonds and that we must proceed carefully with any changes we make. But I think there are important questions here that we must explore.

Mr. WILLIAMS of Delaware. I agree that it is a problem. That was dealt with in the Ways and Means Committee, and



it is on the agenda to be considered by our own committee.

Nevertheless, being realistic, when one speaks of minimum income tax, regardless of the source of income, we are in effect speaking about repealing, to a certain extent, the tax-exempt status of State and municipal bonds.

Mr. KENNEDY. The minimum tax proposal would apply only if an individual's tax-exempt income exceeds 50 percent of his total income.

Mr. WILLIAMS of Delaware. That still has the mathematical effect to a certain extent of repealing the tax-exempt status of State and municipal bonds. I am not saying that that should not be done, but that is the result of the suggested minimum tax.

Mr. KENNEDY. It is my understanding, in the preliminary work I have done on this, that this would tend to affect only the highest brackets of taxpayers because they are the taxpayers who have the largest proportion of tax-exempt income.

Mr. WILLIAMS of Delaware. To a large extent, but it would affect low-income taxpayers as well. I am not debating the merits of this proposal. I am speaking of the mathematics of it—

Mr. KENNEDY. Yes.

Mr. WILLIAMS of Delaware. If it hits only one taxpayer regardless of size, under this proposal we would be repealing a portion of the tax-exempt status of State bonds. Would the Senator propose that we make that retroactive on the bonds that the taxpayer owns at this time and bought heretofore or only on the ones purchased hereafter?

Mr. KENNEDY. At the present time, I lean toward the view that the tax should be retroactive. However, I would be very strongly guided by what the committee feels is the fairest way to proceed.

Mr. WILLIAMS of Delaware. I notice one other proposal, one in which I, too, have had a great interest. I have introduced bills dealing with this subject, and I was wondering how close we were together on that. I refer to the Senator's discussion as to adequate controls on the deductions allowed for farm losses. One approach would be to repeal the capital gains status on livestock, and I was wondering whether the Senator would go along with that or just what he had in mind.

Mr. KENNEDY. The proposal I mentioned in my statement is really an incorporation of the approach suggested by Senator METCALF. I am a cosponsor of his bill, which is quite comprehensive.

Mr. WILLIAMS of Delaware. I should be familiar with that bill, but could the Senator outline it for me?

Mr. KENNEDY. The essence of the proposal, as I understand it, is a limitation on the amount of farm losses that can be deducted from income. As I understand it, there are accounting procedures peculiar to farming, which provide special advantages to the hobbyhorse farmers.

Mr. WILLIAMS of Delaware. The greatest tax advantage called to the attention of our committee, in terms of criticism, is the present capital gains

treatment for livestock, including race horses. I was wondering how the Senator would treat that? Would he repeal the capital gains provision? Personally, I have advocated that myself, and I am wondering whether the Senator would go that far.

Mr. KENNEDY. I believe that is not included as part of the Metcalf proposal.

Mr. WILLIAMS of Delaware. Does not the Senator from Massachusetts recognize this as the real loophole? Now I did not see here what suggestions the Senator has made regarding taxing of foundations. Has the Senator made any suggestions in that connection?

Mr. KENNEDY. I think the opportunity for foundations to operate tax-free businesses and industries outside the scope of their charter should not be permitted. This is one of the major sources of abuse, and I think the present loopholes should be closed.

Mr. WILLIAMS of Delaware. That suggestion was made to our committee, and it is under close study; however, suppose we tax or limit the activities outside of their charters, they could merely amend the charter in order to qualify and still get the same tax exemption. To be frank, it pretty well boils down to the fact that we need to approach the problem with the idea foundations should pay some form of tax. I was wondering how the Senator feels about that.

Mr. KENNEDY. I would have serious reservations about taxing foundations in this way. I do not think we should start down the road of a general tax on foundations. It would place a serious burden on many foundations that are doing extremely important and essential work in a variety of areas.

I would rather draw up stronger guidelines with respect to the kinds of activities in which foundations are involved. I would not deter them from engaging in educational or other kinds of charitable work. But I do think there are some holdings and investments which are outside the scope of legitimate foundation activities, and I think they should not be exempt from taxation.

Mr. WILLIAMS of Delaware. We all realize that many foundations are doing a commendable job in making contributions to charity. However, we are confronted with the fact that an individual taxpayer could do a greater job in making contributions to charity if he did not have to pay such heavy taxes. To the extent that foundations are tax exempt they are distributing public funds that would otherwise go in the Federal Treasury.

The House Ways and Means Committee has tentatively agreed on a proposal which would, to some extent, tax these foundations. Is the Senator familiar with that proposal? I wondered how the Senator feels about that. I am just seeking his advice.

Mr. KENNEDY. As I understand it, the House provision goes far beyond what the Senator has mentioned in placing limitations on the activities of foundations.

Mr. WILLIAMS of Delaware. It does. It taxes them also.

Mr. KENNEDY. I certainly hope that

the Finance Committee will have a chance to review that provision, because I personally feel that we need to adopt an extremely cautious approach here.

I hope that the Finance Committee can identify the abuses that exist in foundation activities. As I understand it, the House committee has proposed serious restrictions on the opportunity for foundations to engage in a variety of educational and other charitable functions. I hope that this proposal will be examined in detail by the Finance Committee.

Mr. WILLIAMS of Delaware. I am sure it will. The Senator would agree that there have been some abuses in that area, and it needs examining.

I noticed that the Senator speaks of the deductions for contributions made to charity. This proposal has been called to the attention of the committee, and it too, relates to foundations. Under the present law a man who has stock or property of very low cost value can donate it to a foundation which he controls and take a charitable deduction for his contribution based on market value of the gift. Ofttimes, the cash value of the charitable tax deduction exceeds what he could get for the property in the market.

One suggestion is that such increase in the value of this gift above actual cost be taxed as a capital gain, or under another proposal that the donor would only receive the charitable deduction for the actual cost of the gift. Does the Senator have any opinions about that?

Mr. KENNEDY. As the Senator mentioned, I included a reference to that reform in my remarks. I think this loophole should be closed. I think the charitable deduction has been subject to extraordinary abuse. The House committee heard some very graphic testimony on the activities of wealthy individuals. I think that loophole should definitely be closed.

Mr. WILLIAMS of Delaware. I know the committee of the House was very concerned over it.

Mr. KENNEDY. As a matter of fact, I think a number of witnesses appeared before the committee and spoke about that provision in some detail.

Mr. WILLIAMS of Delaware. If the House does not deal with it, I have legislation prepared for Senate consideration.

Another abuse is getting tax credit for private papers far in excess of the cost. The loopholes to which I refer was described in an article in the Wall Street Journal. For example, when a Member of Congress leaves the Congress he can donate his papers or files to a university, a charitable institution or a library, get a large appraisal as to the value, and take tax credit for this as charitable contribution. This is wrong. I wondered if the Senator considered that as one of the areas which should be dealt with.

Mr. KENNEDY. I am not familiar with the specific details of those abuses, but I think it should be an area for consideration.

Mr. WILLIAMS of Delaware. I shall cite a hypothetical case. I shall be leaving the Senate after my present term expires. Certainly, any files and papers I

have accumulated were accumulated at Government expense. I did not pay for them. Under present law if they are turned over to a university of a family established library one could get a charitable deduction for their appraised value. Yet they were files created at Government expense. Personally I think that is wrong. I have a bill prepared which would close this glaring loophole. It relates to the executive branch, too.

I was wondering if the Senator did not agree with me that it is wrong to get a charitable tax credit for something that he or I may have created as a Government official. These files were created at Government expense. Why should there be any tax credit when they are turned over to a public institution?

Mr. KENNEDY. I would say we are getting into a difficult area. What do we do about the astronauts who are put on the moon at taxpayer's expense? Billions of dollars from American taxpayers have been used to put the astronauts into space. Then they come down to earth and sell the rights to their stories for large sums.

What would the Senator do with respect to a former President who appeared on television and obtained several hundred thousand dollars, when the basis for his appearance was his experience in public office, gained at the taxpayers' expense?

I agree with the Senator that this is a matter of great concern. I can understand the point the Senator from Delaware is making. Once we get into this matter, we must establish broad guidelines, so that people may have an idea as to where they are. We are trying to close tax loopholes. Many of the problems in this area are fuzzy.

Mr. WILLIAMS of Delaware. I agree with the Senator that it needs study, but really it is not so fuzzy. With reference to the examples the Senator gave about astronauts getting paid for an article and a former President appearing on television, those are already taxable incomes. Those are already taken care of under the present law.

I am speaking about papers and files that have been accumulated at Government expense and then perhaps turned over to a library and the ex-official getting a high valuation put on them for the sole purpose of claiming a large charitable deduction. If they are valued at \$100,000 and the man is in the 50-percent tax bracket he gets the equivalent of \$50,000 in tax credit. Those papers were accumulated while we were on the Government payroll. To the extent that the official has a value put on those papers and then donates them to X university or X charitable organization should not that value be taxable income to the official? Why should the ex-official not pay tax for the increased valuation over his actual cost, which in most instances is zero?

Mr. KENNEDY. I am sure the papers of the distinguished Senator from Delaware will be of significant value. I do not know how a value can be set on them. What happens to a Member of the Congress who, after he becomes a Member, decides to write a book? He will acquire

additional compensation. Perhaps he will make speeches. That will be taxable income, but I suppose it could be spread over a period of time.

Mr. WILLIAMS of Delaware. That is taxable income under present law.

Mr. KENNEDY. As I understand it, there are ways of escaping the immediate imposition of taxes.

I know the Senator from Virginia (Mr. BYRD) has been extremely patient, and I should like to conclude these remarks.

Perhaps there have been abuses in the area to which the Senator has referred. I am sure the committee will look into them. I am sure they should be investigated.

Mr. WILLIAMS of Delaware. I congratulate the Senator for his interest in these major reforms. As one who has been working to bring reforms about for many years I welcome recruits. Perhaps by working together we can get something done toward closing these loopholes which are not available to the private citizens.

Mr. KENNEDY. Realizing the important contribution that the Senator from Delaware can make, I hope, if reforms are to be made, they will be made this year, because we need the presence of the Senator from Delaware in this important field.

Mr. WILLIAMS of Delaware. I will be here next year.

Mr. KENNEDY. Yes. We will need his assistance in these discussions.

Mr. WILLIAMS of Delaware. I assure the Senator he will get it.

#### AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Mr. THURMOND. Mr. President, for a few minutes today, I wish to discuss the urgent importance of the ABM in light of information contained in "Military Strategy," by V. D. Sokolovsky, Marshal of the Soviet Union, third edition, 1968.

A critical question in the ABM debate is whether or not the Soviets are planning a first strike.

Secretary of Defense Laird has pointed out that the weapons systems now in production by the Soviets will have the capability of a first strike within a few years. Secretary Laird said:

I do not believe that the Soviet Union would be foolish enough in this year 1969 or 1970 to go with the first strike, and I want to make that very clear. But as Secretary of Defense I must consider why they are going

forward with the deployment of an SS-9 with such a large massive warhead. If they are developing a retaliatory strike, they don't need that kind of warhead to hit our cities. They don't need that kind of missile system.

It only leads me to believe that they are developing a capability to go after our missile bases and to knock out our deterrent forces.

The emphasis in Secretary Laird's statement is on the word "capability." He is not basing his decision upon an analysis of intent. However, it would be a mistake not to seek out such evidence of Soviet intentions as we may have. One of the problems in this whole debate is that we tend to look upon the other side's preparations with our own assumptions and outlook upon life. We assume that arguments persuasive for us will be persuasive for them. It is clear that we have no intentions of delivering a first strike. In fact, we have tailored our nuclear arsenal to exclude all weapons designed to initiate such an attack or with which we could even threaten such an attack. We are not planning any such weapon as the SS-9.

From our point of view, any attempt to initiate a first strike would go contrary to our moral principles. On March 28, 1961, President John F. Kennedy gave this pledge to the world:

Our arms will never be used to strike the first blow in any attack. This is not a confession of weakness but a statement of strength. It is our national tradition. We must offset whatever advantage this may appear to hand an aggressor by so increasing the capability of our forces to respond swiftly and effectively to any aggressive move as to convince any would-be aggressor that such a movement would be too futile and costly to undertake. In the area of general war, this doctrine means that such capability must rest with that portion of our forces which would survive the initial attack. We are not creating forces for a first strike against any other nation. We shall never threaten, provoke or initiate aggression—but if aggression should come, our response will be swift and effective.

Because of our faith in this doctrine, we have tended to believe that the Soviets also would never consider a first strike and we have built our past policy upon the assumption that the Soviets and the United States share the same preconception. For example, Defense Secretary McNamara on September 19, 1967, said:

It would not be sensible for either side to launch a maximum effort to achieve a first strike capability. It would not be sensible because the intelligence-gathering capability of each side, being what it is, and the realities of lead time from technological breakthrough to operational readiness being what they are, neither of us would be able to acquire a first strike capability in secret.

Such reasoning does not seem to have been followed by the chief Soviet strategists in their published writings. The most important of all such writings is the book entitled "Military Strategy," by the late Marshal V. D. Sokolovsky. This volume has gone through three editions in the Soviet Union, the most recent in 1968, each time with significant changes to reflect changing advances in technology. The work reflects not only the ideas of the author, but of a broad committee of Soviet strategists which he headed until his death. The book was



published and distributed for the use of the officers of the Soviet forces, and is in fact the most authoritative statement of Soviet strategic policy.

It is clear from this book that the author anticipates the elimination of military strategic targets by the use of ICBM's. For example, he says:

Nuclear rocket attacks by strategic weapons will have decisive primary significance on the outcome of a modern war. Mass nuclear attacks on the strategic nuclear weapons of the enemy, on the economy and governmental control system, with the simultaneous defeat of the armed forces in theatres of military operations will make it possible to attain the political aims of a war in a considerably shorter period of time than in past wars.

He further says:

Such strikes can destroy the basic regions of the territory of enemy countries where the economic foundations for war by the imperialist aggressors are situated; where the strategic means for nuclear offense—strategic aviation, ICBM's, IRBM's, tactical bomber aviation, naval forces—are based; where the basic stockpiles of nuclear ammunition and materiel for conducting a war are located . . .

The basic aim of this type of military operation is to undermine the military power of the enemy by eliminating the nuclear weapons and formations of armed forces, and eliminating the military economic potential by destroying the economic foundation; and by disrupting the governmental and military controls. The basic means for attacking these ends are the Strategic Rocket Troops equipped with ICBM's and IRBM's with powerful thermo-nuclear and atomic warheads, and also long-range aviation and rocket-carrying submarines armed with rockets with nuclear warheads, hydrogen and atomic bombs.

It is clear that Soviet strategic thinking is aimed at destroying our ICBM's, as Secretary Laird has indicated. The question then arises as to the timing of the Soviet strategic strike. Would such a strike be a preemptive first strike, or would the Soviets wait until we fired first? Now there is no doubt that the Soviets assume in all their writings that we intend to fire first, despite all our statements to the contrary and the actual plans we have prepared. They cannot believe that anyone would not be preparing a first strike. Their whole thinking is based upon a first-strike psychology. Now judging from the passages I have just read, does it make any sense that the Soviets would be planning to wait until the U.S. had fired before they fired their own ICBM's? Such a plan does not logically follow from their assumptions. There is no point in preparing to destroy an enemy's ICBM bases after the missiles have left their pads. Such a strategy makes sense only if the Soviets are planning to destroy the ICBM's before they leave the pad.

Such reasoning is exactly the reasoning which Sokolovsky uses at another point. He says:

It is difficult for the strikes by the Rocket Troops to qualify as offensive or defensive operations. Their operations will always be decisive, in no way defensive in nature, regardless of whether troops are on the offensive or the defensive in the land theatres.

This passage shows that the Soviets do not consider ICBM's as being either

offensive or defensive. The point is that they must be decisive. In the same way, the question of whether a strike is a preemptive strike or a retaliatory strike has no meaning in Soviet strategy. The important thing is that the strike be decisive; that is, it must be timed perfectly so that it is launched in time to prevent ICBM's from being fired against them. The Soviets do not expect to receive a devastating first blow. Our strategy is based upon the theory that we will be able to respond with a retaliatory strike after great damage has been inflicted upon us; the Soviet strategy is to destroy our ICBM's before they are fired. Notice that the Soviets are not speaking here of intercepting ICBM's by their ABM system after the ICBM's have been fired; they are speaking of destroying the ICBM's before launching.

The question of timing is the key question. In Soviet thinking the correct time is when ground preparations are being made for the presumed first strike, but before the ICBM's are actually fired. In Soviet terminology, a retaliatory strike is one that retaliates against preparations, not against an actual firing. Despite the conclusions of former Secretary McNamara, the Soviets are very confident that they can detect such preparations.

The 1968 edition of "Military Strategy" has some new material which precisely defines such a "retaliatory strike."

However, possibilities of averting a surprise attack are constantly growing. Present means of reconnaissance, detection and surveillance can expertly disclose a significant portion of the measures of direct preparation of a nuclear attack by the enemy and in the very first minutes locate the mass launch of missiles and the take-off of aircraft belonging to the aggressor and, at the right time, warn the political leadership of the country about the impending danger. Thus, possibilities exist not to allow a surprise attack by an aggressor; to deliver nuclear strikes on him at the right time.

Thus, it will be seen that the Soviets reject all the premises of our policy:

First, they assume that the United States is planning a first strike.

Second, their strategy proposes to knock out our nuclear bases.

Third, they are convinced that they have the technology to detect the preparations for a first strike.

Fourth, their strategy is to launch a so-called retaliatory strike before U.S. ICBM's would leave their launching sites.

The so-called Soviet retaliatory strike, in terms of priority, amounts to a first strike against our ICBM's. It might be called the strategy of the "retaliatory first strike."

Now, if we leave the published Soviet strategic plans on this point and go back to Secretary Laird's testimony that the Soviets are building a capability for a first strike against our missiles, we see that the Soviets have the plan now and will soon have the capability for a first strike. We cannot answer the question of whether they intend to implement this plan, but we would certainly be derelict in our duties if we did not prepare the proper defense against such planning and production; and that defense means immediately going forward with the de-

velopment and deployment of the Safeguard antiballistic missile.

Mr. STENNIS. Mr. President, I ask unanimous consent, if the Senator from South Carolina has concluded his remarks, that the Chair recognize the Senator from Virginia (Mr. BYRD).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I support the pending legislation providing for the procurement of major weapons and for research and development.

I commend the distinguished chairman of the Armed Services Committee for his comprehensive presentation. Senator STENNIS has ably stated the actions of the committee which considered for so many weeks the details of this important legislation.

As originally presented by the outgoing administration of President Johnson, the Department of Defense sought a \$23 billion authorization. The new administration of President Nixon reduced this figure to \$22 billion.

After long deliberation the Senate Committee on Armed Services recommends a further reduction of \$2 billion, making the total authorization for military procurement—missiles, aircraft, naval vessels, tanks, and research—\$20 billion.

I supported in committee the \$2 billion reduction. I support such reduction today.

Of the \$2 billion reduction, a little more than half applies to research and development and the remainder to the procurement of hardware.

I favor a comprehensive research and development program. I am convinced, however, that the proposed \$1 billion reduction in research and development funds will not in any way jeopardize our national security. Funds for these activities still will total more than \$7 billion.

In this imperfect world, it is important that the United States remain militarily strong.

In this age of nuclear weapons, our Nation cannot afford to be caught with its defenses down.

In this period of time in world history, the United States of America is the one major nation with both a strong military capability and a system of representative democratic government.

To protect the latter, we must keep the former. We must not gamble with the security of a nation which has the best form of government ever devised by man—and one with the highest standard of living.

I, more than most Senators, have been critical of certain procurement procedures. I question the open-ended, ambiguous, flexible procedures used for the procurement of the C-5A aircraft. I am not happy about the F-111 program. I feel that the Department of Defense in general, and the Department of the Air Force in particular, must give better protection to the tax funds of the American people.

For that reason, I have frequently called attention to the laxity which appears to me to have existed in the Department of Defense in the handling of tax moneys.

But these are matters which can be corrected if the Congress stays vigilant.

In urging approval of the pending legislation, I caution those who would curtail our strategic offensive capability.

The strategic advantage long held by the United States begins to disappear during this year of 1969. By deliberate design, the United States has permitted the Soviet Union to achieve parity in the number of land-based intercontinental ballistic missiles. The Soviet submarine force is three times that of the United States, although the United States does have superiority in the field of submarine-borne missiles and in strategic long-range bombers.

All of us would like an end to the arms race.

All of us would like to devote to more constructive purposes the money being sought for weaponry.

But the day that those objectives can be accomplished is not yet here—nor does it appear imminent.

For the foreseeable future a strong military posture remains essential to our national survival.

We cannot take a chance on just what might be the intentions of other nations.

Hours of discussion have been consumed on the floor of the Senate as to the intentions of the Soviet Union, as to whether it intends to seek a first-strike capability against the United States.

Frankly, I do not know just what the intentions of the Soviet Union are, nor, I submit, does any other member of the Senate; nor does the President, nor the Secretary of Defense, nor the Central Intelligence Agency.

But we do know—I repeat, for emphasis, we do know—that in recent years the Soviet Union has greatly increased its offensive capability; and we do know that it is continuing to increase its offensive capability.

We do know that the Soviet SS-9 missile has the capability of knocking out a U.S. missile site. It is our strong offensive missiles, upon which we must rely to deter any nuclear aggressor.

Mr. President, one of the scientists who has been the most quoted during the Senate debate, and one who is strongly opposed to the deployment of the anti-ballistic missile, is Dr. W. K. H. Panofsky, professor and director, Stanford Linear Accelerator Center, Stanford University. If the Members of the Senate will turn to page 1175 of the printed hearings of the Committee on Armed Services, they will note that in committee I called attention to a statement made by Dr. Panofsky on page 5 of his testimony before the committee. I read just one sentence:

It is consistent with known technical intelligence information on the high yields and accuracy on targets that SS-9 missiles could destroy the Minuteman launch control centers and our silos.

The entire strategic concept upon which the United States has been relying to avert a nuclear war is that the United States be so strong that any foreign power deploying missiles against us would know that we could retaliate by destroying him who struck the first blow.

Today, we are in such a position.

But we must constantly be on the alert. These major weapons systems have a long leadtime. We must legislate today for 4 and 5 and 6 years hence. We cannot let down our guard—not until the day, not yet discernible, when effective arms control agreements can be reached.

Now, Mr. President, a word about the anti-ballistic-missile defense system.

For the past 3 months, I have been giving a great deal of thought to President Nixon's proposal for the development of an anti-ballistic-missile defense system.

I have listened to a great deal of testimony by outstanding scientists, both those who favor deployment of ABM and those who oppose it.

The amount of money involved in the 1970 budget for President Nixon's Safeguard system is \$891.5 million. The total system over a period of 6 years is estimated by the Defense Department to cost approximately \$7 billion. The total cost, in my judgment, will be substantially greater than the Defense Department estimate.

The program represents 13 years of intense research and development effort at a cost of more than \$3 billion. The question now is whether this 13 years of research and development shall be put to use?

First, we must consider what the proposed system will and will not do.

The missile defense system is not an offensive weapon; it is purely a defensive one.

It is not a warmaking weapon—it is only used to protect the United States in the event of an attack.

It does not add to our Nation's offensive potential—but it does add to our Nation's protection.

President Nixon believes that the Safeguard system will strengthen the hand of the United States in any arms control talks with the Soviet Union—and I believe that history teaches us that the Russians respect strength and despise weakness.

Before it is completed, this system will be a costly one. Balanced against the cost is this: In this imperfect world of international violence and instability, can we afford not to develop some defense against nuclear attack?

So while I have doubts concerning the effectiveness of the ABM proposal, I have decided to resolve the doubts in favor of defense.

In the light of world developments, I have concluded it would be wise to support the Commander in Chief in his firm belief that our missile bases must be protected against foreign attack.

In recent years, the world has made great strides in almost every line of endeavor—in medicine, in scientific achievements, in space.

But in learning to live in peace with one another, the nations have made little progress. During the past quarter of a century, the United States has been involved in three major wars.

Until a more peaceful world is at hand, it seems to me we have little choice but to spend the necessary funds in an effort

to deter an attack on the two hundred million people in the United States.

In such complex and technical matters as the ABM deployment question, it is not possible to be certain, but it is possible to be prudent. I support prudence.

In closing, I want to say a few words in defense of the professional military personnel of our Nation.

All of us are weary and frustrated with the Vietnam war. But the conduct of this war needs to be put into perspective.

The uniformed military leaders of this Nation did not make the decision to intervene in Vietnam. Those decisions were made by civilian leaders.

The professional military officers did not make the decisions to observe sanctuaries from which the enemy could regroup and resupply and attack again and again. Civilian leaders made those decisions.

It was not the military who made the decision to permit Haiphong to continue to be a free port through which the Soviet Union could daily bring military cargo to the North Vietnamese.

It was not the military who decreed there could be no bombing of vital military targets in North Vietnam.

All these decisions were made by civilian leaders of the Government.

From the beginning, I have felt it was a great error of judgment to become involved in a ground war in Asia. But having become involved, our civilian leaders compounded the error by dispatching more and more ground troops and simultaneously putting on more and more restrictions as to how those troops should be protected.

As a result, the war has been prolonged and the casualties have been increased.

Total U.S. casualties in Vietnam are now double the casualties the American people suffered in the Korean war.

Yes, mistakes have been made in regard to Vietnam. The military have made mistakes, but the basic errors of judgment have been on the part of the civilian leaders.

The basic decisions in regard to Vietnam were not made by the military and, indeed, their advice was repeatedly rejected.

When the Senate votes on the pending legislation, I hope its judgment will not be influenced by the frustrations of Vietnam.

Our Nation has mutual defense agreements with 44 countries.

We have guaranteed the security, insofar as foreign aggression is concerned, of 19 Latin American nations; we have guaranteed the security of 13 European nations; we have mutual defense agreements with Vietnam, Thailand, and Pakistan, and with Australia and New Zealand; we have guaranteed the security of free China, the Philippines, Japan, and Canada.

So I say the United States is in a difficult and awkward position. We have overextended ourselves militarily and financially.

But until major reappraisals are made in our foreign policies—and until effective arrangements for arms controls can be worked out with the Soviet



Union—the United States has no recourse except to appropriate large sums of money for the national defense.

We have an obligation to see that the money is used efficiently and effectively. But appropriate the essential funds we must.

I support the \$20 billion authorization, I support the \$2 billion reduction made by the committee, and I again commend the distinguished chairman of the committee, the Senator from Mississippi, for his able handling of this legislation on the floor of the Senate.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, this afternoon I was privileged to read the Senator's speech. I am very impressed with his speech and I was glad to be able to hear him deliver it.

I believe the Senator has set forth some landmark principles around which we can build in the future that will have effect for years.

I especially thank the Senator for his very fine help during the long hearings on the bill and at every session of the markup of the bill. The markup lasted over a week, and the Senator from Virginia attended every one of those sessions and made contributions. He has an amendment which is very timely and it will be offered later.

Mr. President, I wish to commend the Senator for his summary. We talk about what we are going to do and what is needed and not needed in this military program. We overlook the fact that we have these commitments with 44 nations. I voted against some of those commitments. It occurs to me that some of the persons who led us into those commitments are the first ones to holler now about the burden they entail.

We guaranteed the security of Japan. We guaranteed the security of the Philippines. What are we going to do now? Are we just going to turn and run out on those commitments? That never has been our policy. I think we would be borrowing more trouble if we were to do that.

I know the Senator's point of view is the result of the thorough investigation of the facts he made and the application of the rule of prudence.

I am looking forward to further valuable services from the Senator from Virginia in our committee. Again I commend the Senator and I thank him.

Mr. BYRD of Virginia. Mr. President, I am grateful for the comments of the able and thoughtful chairman of the committee.

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

Mr. BYRD of Virginia. I yield.

Mr. PEARSON. Mr. President, I wish to associate myself with the Senator from Mississippi in recognizing that there is no better student on the Committee on Armed Services, and no one who seeks to get deeper into the facts and values of these measures that come before the committee than the Senator from Virginia. I was proud to serve with him for 2 years.

The Senator made one point and he made it very strongly and with great persuasion. It is a point that has been made on the floor a number of times. I wonder if the Senator would explore the point with me for just a moment. I refer to the classification of weapons systems in terms of offensive and defensive systems. It appears to me that in relation to strategic forces it is extremely difficult to make that kind of distinction.

I ask the Senator to imagine himself to be one of the Soviet war planners and to look at any nation, or our Nation's development. If we have an ABM which is effective, or which they think is effective, and if we have a strategic force level of 1,000 ICBM's, and if we have 666 Polaris submarines, and 650 intercontinental bombers, and if they see us with an ABM, and the offensive force I have outlined, is not the totality of that enormous increase in our offensive capabilities, for would it not be reasonable for them to assume we might strike considering that we have an ABM which would deter their retaliatory strike to us or at least give us a damaging factor which would make it intolerable under certain circumstances?

We would never do that. They understand our intentions better than we understand their intentions.

However, I am unable to make the distinction between an offensive system and a defensive system. Assistant Secretary of Defense Packard conceded this in the conversation I had with him.

I ask the Senator to comment on that because there is confusion in the terms and almost everyone who speaks in support of the ABM has gone into great detail of the defensive nature of it. I fail to see the distinction.

Mr. BYRD of Virginia. I think the splendid Senator from Kansas raises a most interesting point. Of course, we cannot say categorically what view the Soviet Union will take. We know what the facts are.

We know the Soviet Union has developed and deployed an ABM system.

We do know, and I think the Senator from Kansas will not disagree, that the ABM can be used only to defend the United States. It cannot be used to attack or hurt in any way the Soviet Union, Communist China, or any other potential enemy.

Mr. PEARSON. I agree with the Senator.

Mr. BYRD of Virginia. As to whether this is an offensive weapon or a defensive weapon, I think it is well documented in this very large book, the printed hearings, beginning on page 1326 through page 1333. I asked a series of questions along this line because I was concerned just as the Senator from Kansas is concerned.

I wanted fully to understand whether this is a defensive or an offensive weapon. So, to each of the scientists—and I am not a scientist or an expert on this question and do not pretend to be—but to each of these scientists and the so-called experts I put the same question: Is this an offensive weapon or is it purely a defensive weapon?

Those who opposed deployment of ABM took a longer time and more coax-

ing and quite a few more questions on my part, but in the end every one of them said—it is right here in the record—that the ABM is a defensive weapon, that it is not an offensive weapon.

The Senator from Kansas has concurred in that view.

As to how the Soviets would view any activity on the part of the United States, of course we can regret if they misjudge our intentions, but we cannot prevent them from misjudging our intentions.

I think that the Soviet Union knows that only a few years ago we had all the ICBM's and they had virtually none. We had them all. We deliberately let them catch up with us. That shows, or certainly should have shown to them our good intentions.

The Senator from Kansas is properly concerned about the so-called arms race and, I might say, I am likewise concerned about that. But the way I reason this thing is, living in an imperfect world such as we are, can we afford not to attempt to develop some defense against foreign nuclear weapons?

More and more countries are getting them. One day, some very foolish individual is going to start letting nuclear weapons fly around a bit. I cannot conceive of any sane person doing that, but World War II was not started by a sane person.

Thus, whether we can develop an effective system of protection, I do not know that any one of us can categorically say. I do not know that any scientist can categorically say that, either. Some say that we cannot develop an effective system. Others, like Dr. Teller, say that we can.

I am not a scientist and I cannot categorically say that we can or we cannot. But, it occurs to me that there is evidence of more and more nuclear capability and we would therefore be wise to attempt to develop a defense against foreign nuclear warheads.

Mr. PEARSON. I thank the Senator. I understand his reasoning. I might say that there are three conditions which I think would upset the relative stability that we have had in the world in the late 1960's.

First, would be the construction and deployment of ICBM's by the Soviet Union, which is a dangerous condition.

Second, would be the proliferation of nuclear weapons and delivery systems by third powers, which is of concern to us.

Third, would be the combination of the ABM and MIRV system which I view as hardness.

It is my understanding that it was a misinterpretation of the Tallinn line on the part of our intelligence community, believing it to be an ABM system, that pushed us ahead with the development of the MIRV system.

I would assume that, of course, the Soviets are developing our MIRV system and are doing so in relation to our ABM system.

I continue to fail to make the distinction between offensive and defensive weapons. The Senator, with great persuasion has set forth his view, and I respect it, as I respect the very adequate and very, very competent service of the

Senator on the Armed Services Committee.

Mr. BYRD of Virginia. I am very grateful for the remarks of the distinguished Senator from Kansas and for his contribution to this discussion today. I recognize that he speaks from a feeling of deep conviction.

Mr. PERCY. Mr. President, will the Senator from Virginia yield for a question?

Mr. BYRD of Virginia. I yield.

Mr. PERCY. I am sorry that I did not hear all of the distinguished Senator's comments. I have great respect for his judgment. I have enjoyed joining him in common causes in the past.

What concerns me about going ahead and building a system is the possibility that there may be some accidental launch, or some madman may launch one; so that apparently the administration has thought about this very carefully. The possibility of a launch by the Chinese has been fully discussed. It was given as the principal reason for building Sentinel.

But, apparently, the administration, after thinking about it, has decided that that is not a valid reason for going ahead with the Safeguard system because Secretary Rogers has clearly stated that if the Soviet Union wants to go out of the ABM business, we will go out of the ABM business.

How can we go out of the business and still build a system designed for some madman or some Chinese or someone else?

We either have to go into it or not go into it.

Now the administration has come to a policy decision and has pressed forward to have negotiations with the Soviet Union, established a date and said that we would be ready to go by July 31. Certainly, there is every evidence that the ABM will be a high item of priority for discussion in those talks.

I have done it the other way. I have stated that if in the course of those talks, when the two countries sit down, possessing the power that the two countries have, we decide in our joint intelligence that a shield of some sort is needed, we can build it in cooperation with each other, or with each other's full knowledge, and this would not constitute an escalation but a shield. This would cause me to think differently on this subject.

But I take the word of the administration that they are serious about talking about negotiating our way out of it, that if the Soviets want to get out of it, we will get out of it, and, therefore, I take it that they do not think the argument too valid that we should build a multi-billion-dollar system and go into a substantial escalation on the chance that some madman may press a button and set the world on fire.

Mr. BYRD of Virginia. As I mentioned in my prepared talk earlier in the day, all of us are hopeful that something can be worked out in the way of arms control and arms limitation.

Whether it can be done in the foreseeable future, I think is debatable. But it is worth trying. President Nixon and Secretary Rogers are both determined to have a go at it.

In determining to try to work something out, I do not know exactly how, attempting to defend one's country could be provocative to another country, if it has no intention of attacking this country.

Thus, again I say that the enactment of the Safeguard program recommended by the President should have a desirable effect on the arms talks.

At least, the President thinks so. I think the Senator from Illinois will agree that the President gives that as one of his important reasons for developing the ABM system. It will give him additional leverage in arms control talks with the Soviet Union.

We have to rely upon the President and his official representatives to represent us when they go to Geneva or Moscow, or wherever they may go for the arms control talks. That was another point which helped persuade me to support this proposal.

I may say to the distinguished Senator from Illinois that 3 or 4 years ago I was opposed to deployment of the ABM. Last year I reluctantly supported the Sentinel system. This year, as I indicated in my earlier remarks, I support this proposal with reluctance.

I do not think any of us want to expand or continue the arms race; but, as I look at it, this is not a part of that race in the sense of being an offensive weapon. It is not an offensive weapon. It is a defensive weapon.

Its only purpose is to defend this Nation if it comes under attack. If we do not come under attack, then it is not used. The American people will have lost some tax dollars, but otherwise the world will not have been disturbed.

Mr. PERCY. The distinguished Senator's comments bring to mind that there is not as big a difference between the two sides in this debate as I think would appear on the surface. Those of us who are opposed are characterized as opposed to the ABM and everything about it, and those who are for it are for everything about it.

The opposition is almost unanimous in saying we should continue research, development, evaluation, and testing.

Mr. BYRD of Virginia. That has been done for 13 years.

Mr. PERCY. Yes; and, wisely, as the Senator has said, he was opposed to previous deployment. Thank heavens for that. The Senator from Mississippi should be commended for his foresight in having opposed deployment of it. Had it been deployed, it would have cost billions of dollars, and we would be in a much worse economic posture. But we waited.

Our only point is that we can well afford to continue research and development. In fact, the military has said, in its suggestions with regard to this bill, that it needs \$400 million for research. If we are going to get ready for production, would they need that amount? When we get ready for production, we need the tooling and everything else that goes into production. How can they then say they are ready for it if they say they need \$400 million for research and development?

As far as supporting the President is concerned, I want to support the Presi-

dent in every possible way; but I do not imagine that any President thinks he is infallible or his administration is infallible.

We were told to support the President in his request for a Sentinel system. I did not choose to do so. I opposed it because it needed more work on it. It was not fully evaluated. I do not think we had the vaguest idea how much the full system would have cost us. That view turned out to be sound. It is now admitted by the President and the Joint Chiefs of Staff and everybody else that it would have been a mistake to go into the Sentinel.

We are simply saying now that we would be making a mistake to rush into production of the ABM. Let us go further into research. Let us go into the MSR.

This is why I feel it is the better part of prudence to support the Cooper-Hart amendment. I intend to fight fully for it. But I appreciate the viewpoint of the Senator from Virginia. We are all men of good will trying to resolve this issue. We are usually billions of dollars apart. On this issue we are apart only a little. Those in opposition are not against the money. We are saying, keep the money in there; just do not rush into production and deployment, because we will lose more time at the end. We are all hoping we can reach an agreement so production and deployment will not be necessary.

Mr. BYRD of Virginia. I thank the Senator.

Mr. President, as to whether the time has come to continue research and development, I think the Senator will find that Dr. Foster and those in charge of the program say that all the research that can be effectively done has been done, and now is the time, if the Nation feels it should go into such a program, to be effective 5 or 6 years from now, to put the research and development to work.

So I say again that while, as a Democrat, when a Democratic President felt it was essential to develop a system of defense against foreign weapons, I supported him. As a Democrat, when a Republican President, the Commander in Chief, says it is essential in his judgment to develop a defense against foreign nuclear warheads, I feel it is prudent to follow that recommendation. Both Presidents—one a Democrat and one a Republican—feel it important to develop a defense against nuclear weapons.

My record as a Member of the Senate is not one to follow blindly either a Democratic President or a Republican President.

I have voted rather independently since I have been here.

But on great questions of the defense of our Nation, on great questions involving nuclear power, involving nuclear warheads, nuclear missiles, I say it is not possible to be certain we are right, but I think it is possible to be prudent.

I expect to be prudent and will vote accordingly in regard to the pending legislation.

I yield the floor.

ABM ANALYSIS

Mr. FANNIN. Mr. President, one of the outstanding journals in the field of avia-



tion, missiles, and space is Aviation Week. Its editor, Mr. Robert Hotz, has written a most perceptive editorial concerning the ABM question. I am aware that Mr. Hotz's magazine will be characterized by the opposition forces of the ABM as a part of the military-industrial complex. However, I think it also fair to note that this journal can also speak from the vantage of close scrutiny of the issues involved and with the authority of an informed and accurate news gathering organization that has familiarity with the field.

In the light of the foregoing, Mr. President, I think it is especially interesting that the editors of Aviation Week have addressed themselves to the "question of time" in relation to our defense needs. This is an editorial which can contribute a great deal to our understanding and solution of the ABM issue.

I 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:

#### A QUESTION OF TIME (By Robert Hotz)

The fate of this nation over the next decade will hinge on whether Congress votes to proceed with the development of an antiballistic missile system (ABM). This is the crux of the issue now before the country. It transcends all of the comparatively trivial issues that have generated most of the public debate on this subject.

The guts of the ABM problem now is whether Congress will buy, at a cost of from \$200-300 million, the time that will enable the U.S. to maintain its capability to meet the spearhead of the Soviet threat if it materializes in the 1974-75 period. Congress' alternative is to foreclose this country's option and create a development lag that will leave the U.S. unable to respond to this crisis until three or four years after it occurs. Those potential three or four years of nuclear nakedness between 1974 and 1978 are what are at stake in the current ABM debate on Capitol Hill.

The \$200-300 million cost is not, of course, the price of the fully deployed ABM system. It is the difference between proceeding with the next stage of operational development with the two Minuteman sites in the west which will maintain the capability to meet the growth rate of the Soviet threat and the cost of proceeding at a strictly research and development level with the Kwajalein facility. The latter will inevitably produce a four-year lag in the possibilities of operational deployment in sufficient strength to blunt the Soviet spearhead.

It is a matter of incontrovertible fact that the Soviet Union is well along on a program of weapons development aimed, by its own admission, at achieving nuclear superiority over the United States or any other potential enemy or combination thereof. This weapons development has proceeded at a steady and inexorable pace despite what the U.S. and other countries have done.

#### GOAL OF SUPERIORITY

The Soviet Union's goal is nuclear superiority, not parity. The Soviet leaders apparently understand the potential value of nuclear superiority better than many U.S. policy makers. This despite the fact that the U.S. was the first to use its nuclear superiority effectively as a major policy instrument against the USSR in the 1962 Cuban missile crisis.

In 1962 the U.S. had an unquestionable superiority in nuclear weapons and delivery systems with Atlas and Titan ICBMs, plus

the large fleet of B-52 intercontinental bombers. It was a desperate move to reduce this margin of superiority that apparently motivated the Soviets to deploy medium-range Sandals to Cuba within range of key U.S. targets. It was a move similar to that in a chess game when a pawn reaches the last row and is instantly transformed into a powerful queen. The Soviet MRBMs in Cuba suddenly became the strategic equivalent of the SS-6 first-generation Vostok-booster ICBMs with their 20 clustered liquid-fuel engines deployed with flatcar launchers on spurs along the trans-Siberian railroad.

Contrary to popular belief at the time, the MRBMs in Cuba were not targeted against U.S. cities but against key communications, command and control centers and soft SAC air bases. Offering much less warning time than Siberian launched ICBMs, the Cuban MRBMs had the task of crippling the U.S. ability to launch its retaliatory forces.

When the U.S. made it clear that this continued deployment in Cuba was unacceptable and demanded the missiles' removal, the Soviet policy makers had to decide whether the U.S. had both the forces and the will to use them in nuclear retaliation against the USSR. When the U.S. put its nuclear forces into a strike configuration, the Soviets had no stomach to bluff further. They withdrew their missiles from Cuba.

#### DIPLOMATIC LEVERAGE

They felt that the U.S. was not bluffing because all of their intelligence sensors—human, electronic and photographic—told them that the U.S. was in a condition to exercise its tremendous nuclear superiority. The Strategic Air Command's bomb-loaded B-52s were blips on Soviet radars. ELINT told them that SAC ICBMs were counted down to final launch configuration.

No country on this tiny planet would care to proceed further in that kind of situation. The Soviets backed down and so would any other government in a similar situation.

Ever since that humiliating defeat, the Soviet Union has made a mighty effort to wipe out the margin of U.S. nuclear superiority. Its goal was to reverse the situation by achieving its own significant margin of nuclear superiority that could provide it with the same force of diplomatic leverage that the U.S. was able to exert over Cuba. The Soviets have developed, produced and deployed a whole new arsenal of nuclear weapons during the past six years in an armament program that has no parallel in history.

These weapons included mobile battlefield medium-range missiles for the European and Chinese theaters, hardened silo-based third and fourth-generation, ICBMs, nuclear-powered submarines with SLBMs, and FOBS (Fractional Orbital Bombardment System) or depressed trajectory ultra long-ranged ICBMs.

In addition, the Soviets have developed, produced and deployed a whole new generation of weapons for tactical nuclear war, stressing vertical envelopment, air transportability and independence of fixed, permanent bases.

None of these developments comes as any surprise to U.S. military planners and top level civilian policy makers. The reconnaissance satellite systems plus various other types of ELINT have produced pictures and progress reports on production and deployment of all these weapons.

Thus, it is possible for President Richard Nixon to know that there are approximately 900 Russian SS-11 Savage missiles operationally deployed in hardened, camouflaged silos and that they are being replaced by the SS-13 solid-fueled version of the storable, liquid-fueled Savage. These weapons are of the same class in range, accuracy and war-

head capacity as the earlier versions of the U.S. Minuteman. They appear to be targeted primarily toward soft-type objectives such as cities and major industrial concentrations.

But the real concern that is now rippling through the Pentagon and the White House is caused by the SS-9 Scarp. The Scarp began initial operational deployment in 1965 and was first publicly displayed by the Soviets in their 50th anniversary of the revolution parade in November, 1967. The version displayed in the Moscow parade was an earlier model with a single 20-25 megaton warhead that led to an early interpretation that it was primarily a city-buster.

But later versions of the SS-9 have utilized three warheads that make separate re-entries with an impact footprint that roughly matches the deployment of a Minuteman wing. Tests in the Pacific have not yet revealed the characteristics of a fully developed multiple independently targeted re-entry vehicle (MIRV) system. But the developmental progress of the tests indicated that their only purpose could be to achieve such a capability.

#### DISTURBING CAPABILITY

During the 1967-68 period, SS-9 deployment in operational silos reached a total of about 200 and then stopped temporarily. Early in 1969 deployment was resumed at a rate that could give the USSR from 400 to 500 ready to go by 1974-75. This is a force sufficient—with the triple dispersed warhead—to knock out a high percentage of the hardened Minuteman silo sites.

It is this capability that has both the Pentagon and the White House deeply disturbed about its possible effect on the U.S. strategic deterrent section-strike strength and the position of this nation in international policy.

This is why the Nixon Administration is fighting so hard to proceed with a complete operational test installation of its ABM system at the two Minuteman sites in Montana and North Dakota. The Administration desperately wants to buy the additional development time for an ABM system that will eventually give it the capability to counter the Soviet threat in the 1975-80 period.

The ABM system that the Pentagon is now pushing into operational test phase is a far cry from the old Nike concept of the Army. It is far from perfected. But the system utilizes a new generation of technology in warheads, computers, missiles and radar. It is similar in concept and potential to the advanced ABM system the Soviets are deploying around Moscow.

Now there is no way in the world that U.S. policy makers can divine Soviet intentions. They must base their planning for this nation's defense on the capabilities of the foe, not his intentions.

#### CRITICAL CHESS GAME

In the nuclear age, the weapons development and deployment cycle is more like a chess game than a battle. Both sides have developed and scrapped several generations of nuclear weapons without using them. But they always press on to exploit new technology to develop superior capabilities in the hope that when the big international crunches come, as they inevitably do, one side will have outmaneuvered the other technically and strategically so that "check" can be called and the other will concede without the holocaust of a nuclear "mate." This is what happened in Cuba in 1962.

This is what the Soviet Union can do in reverse if it has a credible threat to the U.S. Minuteman force in 1975 and the U.S. has no credible counter to it. Because of the complexities of development of some phases of the ABM system and the long lead time required for production of certain key components, one fiscal year's delay in proceeding now will translate into a four-year lag in eventual deployment.

Congress is not really voting now on the issue of full ABM deployment. That decision should come in subsequent years commensurate with development progress and the scale of the Soviet threat.

What Congress is voting for now is simply whether it will give the U.S. time to prepare an effective counter to the Soviet SS-9 threat or whether it will allow the Soviets an opportunity to achieve significant nuclear superiority between 1974 and 1980 and exercise its resultant leverage.

Every senator and congressman should search the depths of his conscience before he votes on this momentous issue. The decision will determine the fate of his country and his children for many years to come.

#### ABM—THE LARGER QUESTIONS

Mr. KENNEDY. Mr. President, today's New York Times carries a perceptive column by Tom Wicker on the significance of the vote on the ABM upon the issue of priorities to be given to "military attitudes and military devices in the never-ending quest for national security."

He points out:

At this stage of history and technology, what one great power can build and deploy, another can build and deploy—and probably will believe itself forced to.

This statement, it seems to me, goes right to the heart of the debate in the Congress and the country this year over arms budgets, of which the ABM is the symbol.

A similar point was made in an editorial appearing in yesterday's Washington Post, which pointed out that whichever way the vote goes on ABM, "the struggle over the size, course, and control of this country's gigantic military enterprise" has led to some notable achievements.

I was struck by Mr. Wicker's conclusion:

There can be little further security in devices; what mankind needs instead is sensible political arrangements to help manage those he has.

One such arrangement would be an arms control agreement, and those of us who think as Mr. Wicker does cannot be proud of our record over these last 12 months in moving toward such an agreement. We know full well that the Soviets, after an initial reluctance, have stood ready for a year now to open talks on an arms control agreement. We have not matched their willingness and ultimately it is the cause of world peace which suffers.

We are a people justifiably confident of our technological abilities. The Apollo flight this week caps a stunning series of achievements in our manned space flight program, and it gives us a great sense of accomplishment. Much the same feeling of pride derives from our strategic weapons programs, particularly the Minutemen and Polaris. But we must take care that the comfort we draw from the technological miracles in our military devices does not divert us from the larger question of pursuing a stable world order.

Our current and most advanced ICBM, the Minuteman ICBM, can carry a 2,000 pound payload 5,300 miles with a quarter-mile accuracy. The next generation ICBM's—the WS120A, the ICM, and the ICBM-X—will carry 7,000-pound pay-

loads up to 6,500 miles with a 1,200-foot accuracy. These refinements are well within our capabilities, and we can be reasonably certain that in due time the Pentagon will seek the funds to procure and deploy them.

But can we in conscience ignore the implications of this escalator? Which puts our national security in more jeopardy—building an ever-larger, more redundant stockpile of nuclear weapons and deploying them all over the world, or pausing for 12 months or so and seeking arms reductions? Which course will bring a more stable, more healthy, more prosperous world?

The old canard that the Soviets will gain on us should we choose to pause is just that, an old canard. We started out on our manned space flight program well behind the Soviets, but are today ahead. We are today well ahead of the Soviets in strategic nuclear power. In fact, it was a significant and little-appreciated surprise that the Soviets should agree to begin arms control talks when we are so much stronger than they. One can easily imagine the reaction in this country should the positions be reversed—that we agreed to arms control talks when the Soviets were ahead of us.

These are among the larger questions which we should keep before us during the ABM debate. Because Mr. Wicker's column and the Post editorial are so relevant, I ask unanimous consent that they be printed at this point in the RECORD.

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

[From the New York Times, July 15, 1969]

#### THE FUTILITY OF DEVICES

(By Tom Wicker)

WASHINGTON, July 14.—One of the Senate's leading Republicans is said to have observed privately that the controversy over an antiballistic-missile system was "a confrontation between the taxpayers and the munitions makers." That may be at the root of the question, but as it has developed to the point where the Senate is almost ready to vote, a great deal more is at stake.

Everyone concedes that the issue is close, but since the influential George Aiken of Vermont joined the opposition last week the edge appears to be against President Nixon's Safeguard plan. At the least, it now appears unlikely that the Administration can get outright approval for the proposal.

#### A CONTINUING DEBATE

But the history of issues as complicated as this one is that one debate and one roll-call seldom settle them; in Congressional procedures and the American political process there is so much room for maneuver that defeat or victory are only occasionally final. The Safeguard battle itself is only a continuation of the debate that began with Lyndon Johnson's Sentinel plan for an ABM.

So whatever happens in the coming week, it is altogether likely that the last will not yet have been said and done in the ABM debate. Even so, what the Senate does obviously will be of crucial importance in the final determination of this issue that may well be the most important of its kind during Mr. Nixon's term in office.

#### QUESTION OF MILITARY PRIORITY

It may well be that important, not only because of the money involved—which is not great, unless Safeguard leads on to a full-scale ABM system around our principal cities—and not even because of its potential

effect on Soviet-American nuclear disarmament talks, whatever that effect might be. What is even more crucially involved in the Safeguard issue is the question of what priorities are going to be given to military attitudes and military devices in the never-ending quest for national security.

Considering how much public and Congressional opposition there is to Safeguard, some limited authority to proceed would be a considerable—though perhaps Pyrrhic—victory for the Pentagon and its Congressional and industrial constituencies. On the other hand, if this formidable complex of forces can be defeated on this issue—with Presidential prestige and power entirely on its side, with Secretary Laird playing every note on the anti-Communist, anti-Moscow scale, with the mystique of superior military knowledge, as well as secret intelligence, fully invoked—if the Pentagon loses in such circumstances, a turning point may well have been reached.

In the Pentagon itself, defeat on the ABM issue might lead military and civilian officials to recognize that Congress is at last ready to make a stand against unlimited military expenditure in the quest for security. So long as security was regarded largely as a military matter, and so long as any outlay of funds could be authorized if it was touted as increasing security, the Pentagon could go on demanding more and more weapons, more and more autonomy in determining what is and what is not necessary for security, and more and more money to support both.

#### THE REAL NEED

Even the debate on Safeguard, with all the ambiguities, contradictions, weaknesses and questions it has disclosed, should have helped persuade the public that at this stage of history and technology, what one great power can build and deploy, another can overcome—and probably will believe itself forced to. In such circumstances there can be little further security in devices; what mankind needs instead is sensible political arrangements to help manage those he has. It can at least be hoped that defeat for Safeguard might turn the world at last in that direction.

[From the Washington Post, July 14, 1969]

#### THE PRESIDENT, THE SENATE, AND THE ABM

It is hard to judge the degree to which the current round of tough talk coming out of both camps in the ABM debate is merely tactical. From the critics' insistence that they have the President licked, to Senator Dirksen's insistence that they do not and his mindless analogy of a possible one-vote majority with a one-point football win, much of the "no compromise" posture being adopted by both sides has the aspect of being just that: posturing.

This, in any event, is the best construction one can put on the solemn declaration of intent all around to go for a hard, close, mean "victory." For at the end of several months of controversy, there are also profoundly bitter feelings in the air, which have little to do with cool parliamentary tactics, and which, if indulged, could propel the Senate and the Administration into a mutually maiming conflict from which there would emerge only technical winners and losers. Neither reality nor necessity, however, argues for this result. For the facts are that the two sides have fought each other to a standoff, that there is room for accommodation between the positions they have taken, and that the kind of "victory" now being demanded could do considerable damage to whichever side was simultaneously strong enough and foolish enough to achieve it.

What seems to have occurred is that two related but separate debates have become confused. One, in which Safeguard functions in some measure as a symbol, is the struggle



over the size, course, and control of this country's gigantic military enterprise. The critics have done well in this encounter already. They have wrested crucial procedural concessions from an Armed Services Committee accustomed to paying its opposition little mind; they have forced the pro-ABM spokesmen to make their case with a degree of seriousness and care rarely required of those putting forth the need for any weapons system; from the MOL program to chemical warfare they have stopped some things from happening, and they have also made it plain to the Pentagon that the palmy days of ask-and-it-shall-be-given are over. Still, among the legislators who have managed so much, you may find a tendency to disregard these achievements or not even to perceive them and a consequent insistence on the need for a symbolic victory of their own over the President on the ABM. It's not the ABM—this thinking goes—it's the principle of the thing, or what it has come to seem to mean.

All this has managed to distort the second argument, namely that over Safeguard itself—its cost, purpose, efficacy, and diplomatic-strategic ramifications. At the center of that argument is a semantic perplexity: the meaning of the term "deployment" as it is used in three measures destined for the Senate's scrutiny. These are the President's program providing freedom to begin minimal deployment mainly of radars, computers and other software (not actual missiles or warheads) at two ABM sites; a Hart-Cooper amendment that would grant research, development, testing and evaluation rights to the Administration (along with related procurement authorization), but would forbid deployment of any kind at actual ABM sites under this or previously passed legislation; and a proposed "compromise" amendment that would circumscribe what could be deployed by the Administration at the two sites and make certain other moves—acquisition of land, construction of silos, and so on—contingent on congressional approval.

The opponents of the ABM, who are backing the Hart-Cooper amendment and who contend that they are not killing the ABM but simply delaying deployment until its need and usefulness have been established, claim that the Administration does not actually intend to begin much of its "software" deployment in Fiscal 1970 anyway—much less its weapons deployment. From this they argue that their amendment would deny the Administration nothing other than the commitment to proceed with this system that is implicit in any decision to deploy. The Administration counters that certain critical testing and evaluation can only be achieved at the two forbidden deployment sites, which it characterizes as a limbo between actual deployment and mere development with the use of the term "prototype-like." Finally, both the opponents and the proponents of the Safeguard are, for the most part, also expressing dissatisfaction with the proposed compromise, since one side believes it circumscribes nothing the Administration meant to do in the coming year, while the Administration believes that in its present form it circumscribes much too much. When you probe these matters with the participants in the debate you quickly come back to the question of definitions, of what the other side is thought to mean or have in mind by its terms—especially by the term "deployment." Clearly, this semantic confusion can have its uses. In the ambiguity lies the ground for resolution of some difference and for a compromise measure that does not defeat the legitimate interests of the White House or roll over the more reasonable qualms of the critics for no purpose other than trouncing them.

If Mr. Nixon loses in the Senate, he could

conceivably retrieve his defeat in a House-Senate conference. Moreover, the senators who had denied him outright his request on the eve of the arms talks could come to rue the day they had done so. From the point of view of political vulnerability alone, this is worth considering. On the other side, as Senator Aiken has so aptly pointed out, Mr. Nixon stands to win very little with a narrow, hard-fought, pressured victory. Even with House approval, it will hardly be convincing baggage to take to the arms talks. Leaving half the Senate in the state of a wounded animal cannot be said to bode well for gaining some degree of cooperation on future questions of this kind—and it is cooperation, consent, common purpose rather than a numerical majority that the President so sorely needs to be strong enough to make his moves in the field of arms control as well as in the field of defense. In short, as a test case, the ABM vote is one that neither side can win closely with any lasting profit to its cause. Thus it is in the interest of both to make an accommodation. The narrower question of the ABM authorization, stripped of its symbolism, provides plenty of room for this, and men such as Hugh Scott and George Aiken appear ready—if they will be heeded—to help bring it about.

#### BACK CONTAMINATION PROCEEDINGS

Mr. ANDERSON. Mr. President, 2 months ago, NASA announced that it was implementing a change in the procedures of returning the Apollo 11 astronauts from their spacecraft to the waiting carrier after their return from the moon. Since the previous plan had been devised in an effort to minimize any possible back contamination from microorganisms which might have been brought back from the moon, I immediately wrote a letter to Dr. Thomas O. Paine, Administrator of NASA, asking for a fuller explanation of the proposed change. I ask unanimous consent that NASA's reply, and a detailed description of NASA's contamination control program, appear in the RECORD at the end of my remarks.

The essence of his reply was that, because of experience in recovering previous Apollo spacecraft, the Apollo 11 sequence was being revised in order to minimize possible injury to the astronauts while not measurably increasing the risk of back contamination from the moon.

NASA has long been concerned with the possibility of back contamination and, in an effort to obtain the broadest possible scientific advice, created in 1964 the Interagency Committee on Back Contamination—ICBC—composed of representatives of the Public Health Service, Department of Agriculture, Department of the Interior, NASA, and the National Academy of Sciences. Without going into the history of the ICBC, let me just say that it has not been a paper committee, that it has met at frequent intervals, and that NASA has not implemented one single procedure in this area that was contrary to the recommendations of this committee. It is extremely important to note, then, that the ICBC studied the proposed changes in Apollo 11 procedure with great care, and that NASA did not proceed with this

plan until it had received the unanimous approval of the ICBC.

Of course, in this area, as in virtually all scientific disciplines, it is difficult if not impossible to get 100-percent agreement from everybody. There are even those who still believe that the earth is flat. But some biologists, who apparently were not completely informed regarding the details, have raised a raucous voice against the new procedure. And certain of the press has seen fit to print the position of the dissenters while ignoring the preponderance of qualified opinion.

Well, difference of scientific opinion is one thing, and I have come to accept that, just as I accept difference of opinion among my political colleagues. But in the last few days, allegations have been raised that certain members of the ICBC had resigned under protest and that other members were coerced into giving their approval to the new procedure.

Since this is a very serious charge, I raised the question with members of the ICBC and I have received several telegrams and letters which I should like to put in the RECORD for inspection by Senators.

The conclusions to be drawn are as follows: First, the ICBC has a well established operating procedure which allows for dissent and for the filing of minority reports. No such dissent nor minority report was filed. Second, no member of the ICBC has resigned. Third, no member of the ICBC has been coerced. Fourth, no member has changed his view since the original approval was given.

Now these are the facts; they are not very glamorous and, therefore, probably not too interesting from the viewpoint of the news. I hope, however, that Senators when studying the matter will give it the mature judgment that it deserves.

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

NATIONAL AERONAUTICS  
AND SPACE ADMINISTRATION,  
Washington, D.C., June 4, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Committee on Aeronautical and  
Space Sciences, U.S. Senate, Washing-  
ton, D.C.

DEAR MR. CHAIRMAN: This is further in response to your letter of May 15 regarding the recovery procedures for the Apollo 11 mission.

The subject of possible back-contamination of the earth's biosphere through Apollo operations has, of course, received our very serious attention for some time. NASA and other agencies of Government have spent considerable effort to insure that everything possible is done to preclude such contamination consistent with safe accomplishment of the mission. To this end, in 1964 an Interagency Committee on Back Contamination (ICBC) was established to provide expert guidance to us on all matters concerning possible back-contamination. This Committee, composed of members from the Departments of Agriculture, Interior, Health, Education and Welfare (U.S. Public Health Service), National Academy of Sciences and NASA, has the responsibility of insuring that our Apollo mission plans do not violate the integrity of the Earth's biosphere. Hence the preventive procedures we plan to employ must have the ICBC's approval before implementation.

A very difficult problem and decision we

and the ICBC have had to resolve is the one you mention, that is, all constraints considered, determining the optimum recovery procedure which would protect the lives of the returned astronauts while at the same time providing the lowest practicable possibility of back-contamination. Our efforts have been directed toward both recovery procedures and methods to prevent uncontained lunar material from entering and leaving the Lunar Module and the Command Module.

The current astronaut-recovery procedure, which has been approved by the ICBC for the Apollo 11 mission, involves egressing them from the spacecraft into a raft and transferring them by helicopter to the recovery ship where they will enter the Mobile Quarantine Facility. The astronauts will don Biological Isolation Garments prior to departing the spacecraft if sea conditions permit; otherwise the garments will be donned in the life raft.

We had considered having the astronauts remain inside the Command Module while it was hoisted onto the recovery ship. Since this represented a departure from the present recovery procedures which have been developed over a period of several years and which are based on the cumulative experience of Mercury, Gemini, and Apollo, a thorough review was made of the difficulties involved in transferring the Command Module to the carrier deck, particularly in a heavy sea. The hazards demonstrated in actual practice led to our decision to transfer the astronauts to the carrier deck by helicopter. The current astronaut recovery procedures received ICBC approval for the Apollo 11 mission only after the ICBC became convinced that (1) there was a real hazard involved in sea retrieval of a manned spacecraft and (2) any increased risk of biosphere contamination was not significant. The former concern has been validated in both tests and previous end-of-mission recoveries. Test data has dictated the installation by a swimmer of a recovery loop or sling onto the spacecraft prior to lifting it from the water because the integral loop on the Command Module will not accommodate all possible recovery loads. Such a procedure is acceptable to us for use only on an unoccupied spacecraft. At the conclusion of the Apollo 9 mission, for example, the spacecraft was dropped back into the water due to a mechanical failure of the crane.

The increase in the contamination potential from extracting the astronauts has been minimized by programming improved housekeeping procedures by the astronauts and by recognition of the scrubbing action of the Lunar Module and Command Module lithium hydroxide (LiOH) canisters on the cabin atmosphere. The astronauts will now bag all items exposed to the lunar surface prior to transfer to the Command Module. They plan to vacuum the cabin at frequent intervals during the return trip from lunar orbit. Of additional significance, however, is recently developed data which indicates that the LiOH canisters will remove essentially all of the particulate matter from the cabin atmosphere. Thus the complementary effects of minimizing cabin interior contamination and understanding LiOH filtering capabilities have led us to conclude, and the ICBC to concur, that the recovery procedure described does not materially increase the probability of earth contamination.

In these few brief paragraphs I have not described all the detailed procedural steps we plan to take to reduce the possibility of Earth back-contamination. For instance, the maximum number of items possible which have contacted the lunar surface will either be left on the lunar surface or in the LM. This and the many other steps we are taking represent a heavy concentration of effort to tighten our procedures to minimize the possibility of back-contamination of the earth's biosphere.

If we can provide any additional information, please let me know.

Sincerely yours,

HOMER E. NEWELL,  
Acting Administrator.

#### CONTAMINATION CONTROL PROGRAM

In 1964 an Interagency Committee on Back Contamination (ICBC) was established. The function of this Committee was to assist NASA in developing a program to prevent the contamination of the Earth from lunar materials following manned lunar exploration. The committee charter included specific authority to review and approve the plans and procedures to prevent back contamination. The committee membership includes representatives from the Public Health Service, Department of Agriculture, Department of the Interior, NASA, and the National Academy of Sciences.

Over the last several years NASA has developed facilities, equipment and operational procedures to provide an adequate back contamination program for the Apollo missions. This program of facilities and procedures, which is well beyond the current state-of-the-art, and the overall effort have resulted in a laboratory with capabilities which have never previously existed. The scheme of isolation of the Apollo crewmen and lunar samples, and the exhaustive test programs to be conducted are extensive in scope and complexity.

The Apollo Back Contamination Program can be divided into three phases. The first phase covers the procedures which are followed by the crew while in flight to reduce and, if possible, eliminate the return of lunar surface contaminants in the command module.

The second phase includes spacecraft and crew recovery and the provisions for isolation and transport of the crew, spacecraft, and lunar samples to the Manned Spacecraft Center. The third phase encompasses the quarantine operations and preliminary sample analysis in the Lunar Receiving Laboratory.

A primary step in preventing back contamination is careful attention to spacecraft cleanliness following lunar surface operations. This includes use of special cleaning equipment, stowage provisions for lunar-exposed equipment, and crew procedures for proper "housekeeping."

#### LUNAR MODULE OPERATIONS

The lunar module has been designed with a bacterial filter system to prevent contamination of the lunar surface when the cabin atmosphere is released at the start of the lunar exploration.

Prior to reentering the LM after lunar surface exploration, the crewmen will brush any lunar surface dust or dirt from the space suit using the suit gloves. They will scrape their overboots on the LM footpad and while ascending the LM ladder dislodge any clinging particles by a kicking action.

After entering the LM and pressurizing the cabin, the crew will doff their portable life support system, oxygen purge system, lunar boots, EVA gloves, etc.

The equipment shown in Table I as jettisoned equipment will be assembled and bagged to be subsequently left on the lunar surface. The lunar boots, likely the most contaminated items, will be placed in a bag as early as possible to minimize the spread of lunar particles.

Following LM rendezvous and docking with the CM, the CM tunnel will be pressurized and checks made to insure that an adequate pressurized seal has been made. During this period, the LM, space suits, and lunar surface equipment will be vacuumed. To accomplish this, one additional lunar orbit has been added to the mission.

The lunar module cabin atmosphere will be circulated through the environmental control system suit circuit lithium hydroxide (Li-OH) canister to filter particles from the atmosphere. A minimum of five hours

weightless operation and filtering will reduce the original airborne contamination to about 10-15 per cent.

To prevent dust particles from being transferred from the LM atmosphere to the CM, a constant flow of 0.8 lbs/hr oxygen will be initiated in the CM at the start of combined LM/CM operation. Oxygen will flow from the CM into the LM then overboard through the LM cabin relief valve or through spacecraft leakage. Since the flow of gas is always from the CM to the LM, diffusion and flow of dust contamination into the CM will be minimized. After this positive gas flow has been established from the CM, the tunnel hatch will be removed.

The CM pilot will transfer the lunar surface equipment stowage bags into the LM one at a time. The equipment listed in Table 1 as equipment transferred will then be bagged using the "Buddy System" and transferred back into the CM where the equipment will be stowed. The only equipment which will not be bagged at this time are the crewmen's space suits and flight logs.

Following the transfer of the LM crew and equipment, the spacecraft will be separated and the three crewmen will start the return to Earth. The separated LM contains the remainder of the lunar exposed equipment listed in Table 1.

#### COMMAND MODULE OPERATIONS

Through the use of operational and housekeeping procedures the command module cabin will be purged of lunar surface and/or other particulate contamination prior to Earth reentry. These procedures start while the LM is docked with the CM and continue through reentry into the Earth's atmosphere.

The LM crewmen will doff their space suits immediately upon separation of the LM and CM. The space suits will be stowed and will not be used again during the trans-Earth phase unless an emergency occurs.

Specific periods for cleaning the spacecraft using the vacuum brush have been established. Visible liquids will be removed by the liquid dump system. Towels will be used by the crew to wipe surfaces clean of liquids and dirt particles. The three ECS suit hoses will be located at random positions around the spacecraft to insure positive ventilation, cabin atmosphere filtration, and avoid partitioning.

During the trans-Earth phase, the command module atmosphere will be continually filtered through the environmental control system lithium hydroxide canister. This will remove essentially all airborne dust particles. After about 63 hours operation essentially none (10-90 per cent) of the original contaminants will remain.

#### LUNAR MISSION RECOVERY OPERATIONS

Following landing and the attachment of the flotation collar to the command module, the swimmer in a biological isolation garment (BIG) will open the spacecraft hatch, pass three BIGs into the spacecraft, and close the hatch.

The crew will don the BIGs and then egress into a life raft containing a decontaminant solution. The hatch will be closed immediately after egress. Tests have shown that the crew can don their BIGs in less than 5 minutes under ideal sea conditions. The spacecraft hatch will only be open for a matter of a few minutes. The spacecraft and crew will be decontaminated by the swimmer using a liquid agent.

Crew retrieval will be accomplished by helicopter to the carrier and subsequent crew transfer to the Mobile Quarantine Facility. The spacecraft will be retrieved by the aircraft carrier.

#### BIOLOGICAL ISOLATION GARMENT

Biological isolation garment (BIGs), will be donned in the CM just prior to egress and helicopter pickup and will be worn until the crew enters the Mobile Quarantine Facility aboard the primary recovery ship.

The suit is fabricated of a light weight



cloth fabric which completely covers the wearer and serves as a biological barrier. Built into the hood area is a face mask with a plastic visor, air inlet flapper valve, and an air outlet biological filter.

Two types of BIGs are used in the recovery operation. One is worn by the recovery swimmer. In this type garment, the inflow air (inspired) is filtered by a biological filter to preclude possible contamination of support personnel. The second type is worn by the astronauts. The inflow gas is not filtered, but the outflow gas (respired) is passed through a biological filter to preclude contamination of the air.

#### MOBILE QUARANTINE FACILITY

The Mobile Quarantine Facility, is equipped to house six people for a period up to 10 days. The interior is divided into three sections—lounge area, galley, and sleep/bath area. The facility is powered through several systems to interface with various ships, aircraft, and transportation vehicles. The shell is air and water tight. The principal method of assuring quarantine is to filter effluent air and provide a negative pressure differential for biological containment in the event of leaks.

Non-fecal liquids from the trailer are chemically treated and stored in special containers. Fecal wastes will be contained until after the quarantine period. Items are passed in or out of the MQF through a submersible transfer lock. A complete communications system is provided for intercom and external communications to land bases from ship or aircraft. Emergency alarms are provided for oxygen alerts while in transport by aircraft for fire, loss of power and loss of negative pressure.

Specially packaged and controlled meals will be passed into the facility where they will be prepared in a micro-wave oven. Medical equipment to complete immediate postlanding crew examination and tests are provided.

#### LUNAR RECEIVING LABORATORY

The final phase of the back contamination program is completed in the MSC Lunar Receiving Laboratory. The crew and spacecraft are quarantined for a minimum of 21 days after lunar liftoff and are released based upon the completion of prescribed test requirements and results. The lunar sample will be quarantined for a period of 50 to 80 days depending upon the result of extensive biological tests.

The LRL serves four basic purposes:

The quarantine of the lunar mission crew and spacecraft, the containment of lunar and lunar-exposed materials and quarantine testing to search for adverse effects of lunar material upon terrestrial life.

The preservation and protection of the lunar samples.

The performance of time critical investigations.

The preliminary examination of returned samples to assist in an intelligent distribution of samples to principal investigators.

The LRL has the only vacuum system in the world with space gloves operated by a man leading directly into a vacuum chamber at pressures of  $10^{-7}$  torr. (mm Hg). It has a low level counting facility, whose background count is an order of magnitude better than other known counters. Additionally, it is a facility that can handle a large variety of biological specimens inside Class III biological cabinets designed to contain extremely hazardous pathogenic material.

The LRL covers 83,000 square feet of floor space and includes several distinct areas. These are the Crew Reception Area (CRA), Vacuum Laboratory, Sample Laboratories (Physical and Bio-Science) and an administrative and support area. Special building systems are employed to maintain air flow into sample handling areas and the CRA to sterilize liquid waste and to incinerate con-

taminated air from the primary containment systems.

The biomedical laboratories provide for the required quarantine tests to determine the effect of lunar samples on terrestrial life. These tests are designed to provide data upon which to base the decision to release lunar material from quarantine.

Among the tests:

a. Germ-free mice will be exposed to lunar material and observed continuously for 21 days for any abnormal changes. Periodically, groups will be sacrificed for pathologic observation.

b. Lunar material will be applied to 12 different culture media and maintained under several environmental conditions. The media will then be observed for bacterial or fungal growth. Detailed inventories of the microbial flora of the spacecraft and crew have been maintained so that any living material found in the sample testing can be compared against this list of potential contaminants taken to the Moon by the crew or spacecraft.

c. Six types of human and animal tissue culture cell lines will be maintained in the laboratory and together with embryonated eggs are exposed to the lunar material. Based on cellular and/or other changes, the presence of viral material can be established so that special tests can be conducted to identify and isolate the type of virus present.

d. Thirty-three species of plants and seedlings will be exposed to lunar material. Seed germination, growth of plant cells or the health of seedlings then observed, and histological, microbiological and biochemical techniques used to determine the cause of any suspected abnormality.

e. A number of lower animals will be exposed to lunar material. These specimens include fish, birds, oysters, shrimp, cockroaches, houseflies, planaria, paramecia and euglena. If abnormalities are noted, further tests will be conducted to determine if the condition is transmissible from one group to another.

The crew reception area provides biological containment for the flight crew and 12 support personnel. The nominal occupancy is about 14 days but the facility is designed and equipped to operate for considerably longer if necessary.

#### STERILIZATION AND RELEASE OF THE SPACECRAFT

Postflight testing and inspection of the spacecraft is presently limited to investigation of anomalies which happened during the flight. Generally, this entails some specific testing of the spacecraft and removal of certain components of systems for further analysis. The timing of postflight testing is important so that corrective action may be taken for subsequent flights.

The schedule calls for the spacecraft to be returned to port where a team will deactivate pyrotechnics, flush and drain fluid systems (except water). This operation will be confined to the exterior of the spacecraft. The spacecraft will then be flown to the LRL and placed in a special room for storage, sterilization, and postflight checkout.

BROOKS AIR FORCE BASE, TEX.,  
July 11, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Aeronautical and Space Sciences  
Committee, U.S. Senate, Washington,  
D.C.:

As a member of and the executive secretary to the Interagency Committee on Back Contamination, I wish to express concurrence in the egress recovery procedures to be used on Apollo 11. This was a unanimous committee opinion at the March 1969 meeting for the first lunar landing. Additionally, Dr. Klein has not resigned from the committee and was present at the March meeting. To my knowledge there has never been a suggestion of coercion by any of the committee member-

ship nor by NASA on the agreed upon recovery mode for Apollo 11. Furthermore, the interagency agreement signed by the secretaries of Agriculture, HEW and Interior, the president of the National Academy of Sciences and the Administrator of NASA, clearly establishes a procedure for presenting a minority report by a person or persons on the Interagency Committee. No minority report has been received from any member. To my knowledge, no member has privately refuted the public position agreed to in March and May meeting nor has anyone changed his opinion in writing (see minutes of March, May, and June meetings). The entire membership, over the past 3 years has carefully considered the probability of back contamination from the Moon against other aspects of the Apollo 11 mission, and based upon our considered judgment believe that all necessary precautions are being taken to preclude any undue risk.

Col. JOHN E. PICKERING.

ROCHESTER, N.Y.,  
July 11, 1969.

Senator CLINTON ANDERSON,  
Aeronautical and Space Sciences Committee,  
U.S. Senate, Washington, D.C.:

As the Representative of the National Academy of Sciences on the Interagency committee on back contamination I wish to reject emphatically the allegations that my recorded opinions have been uttered under coercion or that my publicly voiced attitude differs from my privately expressed opinion. I am intimately acquainted with the recovery and quarantine procedures plan for Apollo Eleven and I concur with the committee view that they are adequate. Whatever improvements may or should be contemplated for future and more elaborate missions, there must be no change in the present schedule for the Apollo Eleven launch. I have not only recorded my opinion to this effect in the minutes of the Interagency Committee but I have publicly stated them on a nationwide TV broadcast on June 13.

WOLF VISHNICAC,  
Chairman, Department of Biology, Uni-  
versity of Rochester.

MOREHEAD CITY, N.C.,  
July 11, 1969.

Chairman CLINTON P. ANDERSON,  
Aeronautics and Space Science Committee,  
U.S. Senate, Washington, D.C.

HONORABLE ANDERSON: I am a member of the Inter Agency Committee on Back Contamination (ICBC) and want to let you know that I concurred with the back contamination protocol plans for Apollo eleven. In arriving at our decision concerning the procedures to be used the members were not coerced. Actually we always had the opportunity of filing a minority opinion and no member has resigned under protest. Dr. Sencer and our efforts throughout have been directed toward providing the best possible procedures for preventing possible back contamination under the conditions of the space flight as we understand them.

Respectfully,

Dr. T. R. RICE,  
Director of the Center for the Estuarine  
and Menhaden Research, Bureau of  
Commercial Fisheries, Interior De-  
partment.

PALO ALTO, CALIF.,  
July 11, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Aeronautics and Space Science  
Committee, U.S. Senate, Washington,  
D.C.:

It has come to my attention that allegations have been made concerning my activities as a member of the Inter Agency Committee for Back Contamination. For the record let me state that I have not resigned from the ICBC. In considering the Apollo 11 mis-

sion I was not coerced by anyone in reaching decisions regarding recovery operations or quarantine procedures. My views on these matters were fully discussed by the ICBC and I have not changed them. As a result of our deliberations the ICBC recommended that the mission proceed as currently planned on schedule. I supported this position then as I do now.

HAROLD P. KLINE,  
Ames Research Center, NASA, Moffett  
Field, Calif.

RALEIGH, N.C.,  
July 10, 1969.

Chairman CLINTON P. ANDERSON,  
Aeronautics and Space Science Committee,  
U.S. Senate, Washington, D.C.

HONORABLE SENATOR ANDERSON: Permit me to voice to you a note of reassurance concerning the prevention of back contamination during Apollo 11. I have been intimately associated with this program for six years and have been involved in all of the discussions and decisions of back contamination, as a consultant to the Interagency Committee on Back Contamination and as a professional in the contamination control field I find the Apollo 11 recovery and quarantine protocol to be entirely in keeping with our responsibilities and adequate for this flight. In addition may I state that no committee member has been discharged or has resigned and that the business of the committee was always conducted with the right of filing a minority report. Furthermore there has been no coercion of the members during our months of meetings preparing for the Apollo 11 mission. Finally please be assured that there has been no change in Dr. Senger's policies as chairman and of the deep conviction on my part that the planned procedures for Apollo 11 are entirely reasonable in relation to the predicted risk and under the conditions of this manned space flight. Respectfully,

F. BRIGGS PHILLIPS, Ph. D.,  
Director, Becton-Dickinson Research  
Center.

KENNEDY SPACE CENTER, FLA.,  
July 11, 1969.

Senator CLINTON P. ANDERSON,  
Chairman, Senate Space Committee,  
Senate Office Building, Washington, D.C.:

I am greatly distressed to hear of the statements made at this time about the ICBC as a member of the interagency committee on back contamination (ICBC), I have participated in every discussion and decision by the committee. These sessions have always been lively and every member or presenter of data has had ample opportunity to discuss, question or argue. In addition the ICBC charter allows the filing of a minority report by any member.

I have never been coerced in regards to any decision of the committee. I have never felt the need to file a minority opinion. Further, as one of the principal persons responsible for implementing the quarantine and back contamination program, I fully agree with our current plans and feel they will adequately protect the earth's biosphere.

My alternate on the committee, Dr. W. W. Kemmerer, Jr., agrees with the above statements.

CHARLES A. BERRY, M.D.,  
Director of Medical Research and Operations, NASA Manned Spacecraft  
Center, Houston, Tex.

U.S. DEPARTMENT OF AGRICULTURE,  
AGRICULTURAL RESEARCH SERVICE,  
Washington, D.C., July 12, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Committee on Aeronautical and  
Space Sciences, U.S. Senate.

DEAR MR. CHAIRMAN: As an alternate member of the Interagency Committee on Back

Contamination for the U.S. Department of Agriculture, I have served on the committee since its inception. Although our regulatory function is carried out by the Agricultural Research Service where I am assigned, the member for USDA has always been from the Office of the Secretary and in a position to determine and interpret policy.

I do not have a written copy of the allegations made, but as I understand it they involve (1) Dr. Kline's membership and his position on back contamination prevention techniques, (2) the private vs. public position of ICBC members, (3) attempted or implied coercion, and (4) lack of consideration of all possible modes of recovery.

To my certain knowledge, Dr. Kline is still a member of ICBC. He participated in decisions concerning recovery as a brief review of the minutes will show. So far as his personal convictions, as well as those of other ICBC members, are concerned, I have never heard anyone express one opinion to me in private and then proceed to sign for their agencies in a contrary manner. As would and should be expected, scrupulous attention was paid to every facet of the flight from the point of view of containment. The committee recommended both equipment and procedural changes and these have been made. Differences of opinion were vigorously debated, but never was coercion attempted or implied.

Finally, the recovery procedures were considered exhaustively. The minutes will show these discussions go back many months. NASA's position was certainly a reasonable one. They were willing to adopt any procedure that did not jeopardize crew safety. Anyone who views egress in biological isolation garments as a frank breach of quarantine has failed to consider procedures and equipment which start to function on the lunar surface and continue all the way home. Except for navigation and the ordinary human functions of eating, sleeping, etc., most of the transit time to Earth will be occupied in preparing the spacecraft so that the open hatch does not represent a frank break of containment. What risk there is, is unknown, but in the considered opinion of the committee it is acceptable. The committee is on record that certain equipment and procedural changes are desirable for future missions when deeper probes of the lunar surface will be conducted, but it agreed that these changes need not delay Apollo 11.

Sincerely,

A. B. PARKS,  
Assistant to the Administrator.

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION,  
Washington, D.C., July 11, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Committee on Aeronautical and  
Space Science  
Washington, D.C.

DEAR MR. CHAIRMAN: As a member of the Interagency Committee on Back Contamination representing the Apollo Program Office, I am familiar with all of the deliberations of this group since January 1968. The Committee has been provided with all pertinent program information and has participated in many open and frank discussions with program officials. There has been vigorous debate over the various problems and considerations related to containment and quarantine as the final procedures evolved. I emphatically deny any attempted or implied coercion of any Committee members. I am not aware of any differences between public and private opinions expressed by any members. There certainly have been none expressed by me.

It is difficult to decide what steps are really adequate when one is taking precautions against unknown risks. Just as there are critics who feel we are not taking adequate precautions, there are those who feel our

precautions are extreme and a waste of the taxpayers' money.

I am in full agreement with the ICBC formal position that the procedures for containment and quarantine planned for Apollo 11 are reasonable.

Sincerely yours,

LEE R. SCHEER,  
Director, Apollo Lunar Exploration Office.

ATLANTA, GA.,  
July 14, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Aeronautical and Space Sciences  
Committee, U.S. Senate, Senate Office  
Building, Washington, D.C.:

As a member and co-chairman of the NASA Interagency Committee on back contamination I submit the following:

1. I consider the landing and recovery operation for Apollo 11 as adopted unanimously by ICBC, adequate to fulfill requirements for containment of astronauts, equipment, and materials.

2. No member of the committee, to my knowledge, has privately stated views contrary to those publicly adopted by the committee.

3. The interagency agreement establishing the ICBC provides adequate safeguards for minority reporting. To my knowledge no minority reports have been received to this date.

JOHN R. BAGBY, Jr.,  
Deputy Director, National Communicable  
Disease Center.

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF MARINE RESOURCES,  
Washington, D.C., July 14, 1969.

HON. CLINTON P. ANDERSON,  
Chairman, Committee on Aeronautical and  
Space Sciences, U.S. Senate, Washington,  
D.C.

DEAR SENATOR ANDERSON: In my capacity as Department of the Interior representative on the Interagency Committee on Back Contamination, I wish to state that I support the Committee's position on post-landing recovery procedures for Apollo 11 astronauts. The decision to approve egress from the command module was made after assurance from NASA that measures specified by the Committee would be followed to prevent release of lunar particles to the earth environment and that the astronauts would be kept in effective isolation during recovery and transfer to the Lunar Receiving Laboratory.

The Interagency Committee on Back Contamination has been working with NASA officials on containment and quarantine requirements in the landing and recovery operations since the Committee was first organized and this subject has been under intensive examination during the past year. Members of the Committee have expressed themselves freely and NASA has responded to recommendations in order to reach agreement on procedures which would satisfy quarantine and containment as well as safety of the astronauts.

The Committee has under consideration recommendations for changes in recovery and transfer procedures for later Apollo flights. Subsequent decisions on this will be based upon the results of Apollo 11 and the fact that future missions will sample the lunar surface at deeper levels thus increasing the possibility of returning viable organisms.

If there is life on the moon, which is very unlikely, there could be some risk of contamination from Apollo 11 and possibly later missions. However, I am satisfied that the recovery procedures to be followed by NASA on Apollo 11 will keep this risk to a minimum.

Sincerely yours,

HOWARD H. ECKLES,  
Program Manager, Marine Resources  
Development.



# U.S. DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, I should like to respond briefly to the statement made yesterday by the Senator from Ohio (Mr. YOUNG), regarding the Federal judicial system as administered in the district of Massachusetts, and to correct some inaccuracies which it contained. Senator YOUNG has suggested that the jury in the Spock trial which was held in the district of Massachusetts was "hand-picked." The fact is, Mr. President, that the defense counsel, as prescribed by Congress in the Federal Rules of Criminal Procedures, plays a significant role with the prosecution in the jury selection process. The fact that the defense counsel in criminal cases of this nature has no limit on challenges for cause and 10 peremptory challenges of jurors drawn by lot in open court from a representative districtwide juror pool should speak for itself.

Senator YOUNG has said that he suspects that the assignment of the trial judge to this case "was arranged by the assignment commissioner at the behest of the district attorney." Mr. President, I know of no such office as assignment commissioner in the U.S. District Court for the District of Massachusetts. It is my understanding that after an indictment has been returned, assignments of judges to trial are made by lot.

The U.S. attorney has no voice in the assignment proceedings. Further, the U.S. attorney for the district of Massachusetts in that trial was an attorney whose professional ethics are beyond reproach and who carried out his duties as prosecuting attorney in the finest traditions of the Federal bar during his entire tenure in that office.

Finally, Senator YOUNG refers personally to the Honorable Francis J. W. Ford, as a "tyrannical" trial judge who showed "merciless severity" through the trial. The Senator from Ohio describes Judge Ford as having been "nominated by President Herbert Hoover to be U.S. district judge." The facts are these, Mr. President: Judge Ford was appointed to the U.S. district court by his good friend, President Franklin Delano Roosevelt, after having served with distinction as the district's U.S. attorney. From the date of his appointment, Judge Ford has brought the highest credit to himself and to our Federal judicial system. He is respected in Massachusetts and beyond as a jurist who has been assigned to and has treated with unimpeachable fairness some of the most difficult cases to be heard in the district's judicial history. The well-deserved esteem in which Judge Ford is held by members of the judiciary and the bar is a tribute to the integrity, the keen legal mind, and the highest standards of judicial conduct which have marked his career. His distinguished record needs no defense in this body, but in a day when the judiciary as a whole has been the constant target for abuse and criticism, we of Massachusetts can take pride in the respect which Judge Ford has brought to our Federal bench and cannot leave uncorrected the errors of fact and characterization which reflect upon it.

# RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON THE ABUSE OF LIBERTY

Mr. BYRD of West Virginia, Mr. President, on July 9, 1969, I made a statement for radio regarding the abuse of liberty by extremists and militants.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

## THE PERVERSION OF LIBERTY

The Pledge of Allegiance to our flag has, as its ending, the words . . . "with liberty and justice for all."

In America today we are witnessing a perversion of liberty in many areas of our national life. It is not too much to say, I believe, that the future of freedom in our Nation is threatened by the gross distortion of freedom by extremists and militants.

The near-treasonous denunciation of our Government, the radical plans to infiltrate industrial plants, the unholy invasion of our churches, the destructive disorder on our college and university campuses are examples of the perversion of liberty to which I refer.

All of these things have been committed under the guise of free speech and assembly and the rights enjoyed by a free people under our Constitution. They have been possible, and they have been tolerated, because of the guarantees of liberty in our fundamental law. Unless checked, they will become the greatest threat to the continuation of our liberty.

Many years ago when our republic was young, James Madison, the fourth President of the United States, recognized the kind of danger the Nation faces today when he said:

"Liberty may be endangered by the abuse of liberty as well as by the abuse of power."

The recent elections in which law and order and domestic tranquility were once again revealed as predominant national issues should tell us a great deal. They made it very clear that the average citizen is deeply concerned about the abuse of liberty that has become so prevalent in America and the lack of action by government or other proper authority to counteract it.

The vast majority of our people, I believe, are dismayed at the widespread effort of militants to undermine and overthrow our form of government. They are angered by the moves of the so-called Students for a Democratic Society to disrupt industrial plants. They are outraged by the interruption and desecration of worship services by radicals who demand money from the churches. And they are thoroughly and completely fed up with civil disorder of all kinds, whether in the inner city, the suburbs, in the streets, or on the college campus.

So-called "work-in" plans that aim at subversion and disruption of business and industry are an abuse of liberty. Disruption of religious worship is an abuse of liberty. Seizure of college buildings and the willful disruption of education activities is an abuse of liberty.

Abraham Lincoln said:

"It is safe to assert that no government proper ever had a provision in its organic law for its own termination."

Our Declaration of Independence and our Constitution are not charters for self-destruction. Permissiveness will not preserve freedom. Indecisiveness by legally constituted authority is the enemy of independence.

This should be a time for the American people, and for all in positions of authority, to rededicate themselves to the concepts and practices of a lawful and orderly society.

Our Nation has the right and the duty to protect itself, by whatever lawful means are necessary, against those who would destroy it. And a first duty of government is to enforce the law and maintain order.

Continued appeasement of those who abuse liberty can only lead to the destruction of liberty for all.

## CHEMICAL AND BIOLOGICAL WARFARE

Mr. NELSON. Mr. President, a highly informative and enlightening article on chemical and biological warfare, written by Seymour Hersh, was published in the Washington Post June 29.

The article raises a number of important questions which deserve the attention and the scrutiny of Congress and the American public. For example, what really is the policy of the U.S. Government in regard to the use of CBW weapons? How did the present estimates of the Soviet capability in CBW come into being?

In addition, the fact is brought forth that the CBW testing program has extended beyond the bounds of the continental United States to the Eniwetok Atoll in Micronesia. This is certainly a disturbing revelation, especially after finding that three sites within this country are at present being used to field test toxic CBW munitions. I commend this article to the Senate in the hope that it will stimulate a more vigorous discussion of an issue that has been too long neglected.

I ask unanimous consent that the article, entitled "Pentagon's Gas Plans Spring a Leak," be printed in the RECORD.

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

### PENTAGON'S GAS PLANS SPRING A LEAK

(By Seymour M. Hersh)

(NOTES—A free-lance writer, Hersh is author of "Chemical and Biological Warfare: America's Hidden Arsenal.")

These are bad times for the chemical and biological warfare (CBW) advocates in the Pentagon. Morale is low among the men who have visions of "War Without Death," as one propaganda slogan put it ten years ago.

Brig. Gen. James A. Hebbeler, head of the Army's CBW efforts, is retiring early to take a job in industry (not in chemicals). He's made it clear in private comments to a number of friends that the recent congressional criticism over CBW had much to do with his decision.

Early in July, a special 14-nation United Nations study team on CBW will deliver its report to Secretary-General U Thant, advising him that the world would be better off if all nations immediately outlawed preparations for biological warfare.

The U.S. Army bitterly fought the recommendation, at one point attempting to redefine certain biological agents—such as deadly bacterial toxins and incapacitating (nonlethal) biological agents—to exclude them from the U.N. recommendation. But the American delegation, headed by Dr. Ivan L. Bennett of New York University's medical center (and a member of the President's Science Advisory Council), held firm—encouraged no doubt by the other nations' unwillingness to leave a loophole for the American military.

The Army initially blanketed the early plenary sessions of the study committee, held both in Geneva and at U.N. headquarters in

New York, but by the closing meeting two weeks ago, the Army men were nowhere to be seen. "They just stopped showing up," one delegate said.

The U.N. recommendations will be heavily relied upon by the 18-nation disarmament conference in Geneva, which is soon scheduled to take up an English proposal to outlaw biological weapons.

Another jolt to the CBW advocates in the Pentagon came recently from the White House. The President recently ordered a full-scale high-level review of this country's CBW policies and programs. The decisions, which had the blessing of Henry Kissinger, the President's adviser on national security affairs, reflects a political reality: It's becoming increasingly difficult to justify spending more than \$600 million a year, including salaries, on a weapons system whose potential is, to say the least, unproven.

Another supporter of the review, sources report, is Secretary of Defense Melvin A. Laird, who knows a political problem when he sees one. Laird's endorsement, taken in the last few weeks, amounts to a significant about face. For shortly after moving into the top defense post, Laird called off a similar policy review that had been in sometimes tenuous existence since 1963. That decision is believed to have been pushed on the then-new Defense Secretary by the Joint Chiefs of Staff.

#### A NATIONAL POLICY

The history of the earlier review shows how difficult it is to get the Pentagon to give up any weapon.

Although initiated in the State Department in 1963, the study went nowhere until 1966, when the Pentagon sent over its version of national policy on CBW weapons. The State Department quickly produced its own version, as did the Arms Control and Disarmament Agency (ACDA). The inevitable series of meetings and discussions took place over the next two years (at one point a pro-Pentagon Navy captain was removed from the State Department's study team), but progress was made.

By midsummer 1968, just as some criticism over CBW was beginning to flare, the differences were narrowed to a few points, all negotiable.

Shortly after Jan. 1 this year, a major meeting was convened at which high officials of all agencies involved agreed to a flat ban on the first use of CBW agents with the exception of herbicides and tear gases (now in use in South Vietnam). It was also agreed that the combat use of all weapons, including the tear gases and herbicides, had to be authorized by the President.

The agreement was considered a milestone (it was the first time that any national CBW policy had been spelled out), and copies were quickly passed around to key agencies for approval. Everybody signed but the Pentagon.

Once a national CBW policy was set, the Pentagon then decided to press for the review of CBW policy it had long avoided.

As one military source explains, it was at this point that someone got to Laird and said, in effect, "We ought to have a study before agreeing to this." Laird then passed on the study recommendation to Kissinger, who agreed.

The Pentagon's ability to sustain studies and delay action isn't always harmful, but this time it may be. The State Department recently attempted to get Laird to issue a directive ordering that during the new study (expected to take six months or less), no significant action regarding CBW could be taken without presidential or at least White House approval. Laird refused to do so.

#### GAS FOR THE GERMANS

At issue is a West German request for the United States to ship it 40 kilos (88 pounds) of nerve gas. Shipments of two, four and

six-kilo packages of nerve gas have been going from the Pentagon to West Germany for years, allegedly because that nation needed the material for such uses as testing gas masks.

The German, sources say, accompanied the new request with a note explaining that it would be more economical to ship the larger quantities rather than rely on year-to-year shipments. "What are they going to do with this stuff?" one critical official asked explaining that 40 kilos would be enough agent to accommodate the West German test needs for years. "At some point, this stuff becomes a stockpile."

If the larger quantity of gas is shipped (and the decision is now being worked out in the Pentagon), it could put the West Germans in violation of the 1954 West European Union Protocol, which prohibits either the manufacturing or stockpiling of CBW weapons.

A more important question is whether the United States itself has been violating the protocol by shipping even small quantities of nerve agent to West Germany. The 1954 agreement stipulates that West Germany can only receive NATO-approved quantities of CBW materials; that is, the shipments must be publicized and made available to other NATO allies. This has not been done by the United States in the past, largely because the Chemical Corps has described the shipments as not militarily significant.

(The question was raised last year when West Germany, responding to a defector's charge that CBW efforts are being organized by the Bonn government, said in a press statement that the only CBW agents in the country were shipped there by its allies. The statement prompted some NATO allies, notably France and England, to ask the Pentagon what it was doing.)

Sources also report that Canada has recently requested increased shipments of CBW agents from the Pentagon, for unspecified reasons.

Another possible legal question centers around the U.S. practice of shipping VX nerve gas to allied nations.

The gas was invented by the British at their CBW facility at Porton Downs and is manufactured in America under special license. Can we then ship VX to West Germany and other nations without telling Britain? The question has occurred to the British.

Another complication for the military is the growing dispute among U.S. intelligence agencies over Russia's biological warfare capabilities.

For years, the Pentagon has been defending its efforts in biological warfare by arguing that the weapons are needed to serve as a deterrent. As late as June 4, Dr. John S. Foster Jr., head of the Pentagon research programs, privately wrote a complaining housewife that the American CBW effort is being maintained "for our own protection. Unfriendly nations are known to have large stockpiles, a vigorous testing program and an active military operational capability."

Yet it is on precisely this score that the intelligence apparatus is badly divided in this country, a division that has never been made known either to Congress or to the people.

The fact is that the State Department's intelligence agencies have reported for a number of years that there is no evidence whatsoever of any significant Russian activity in biological warfare. The Russians are believed to have conducted biological experiments on animals during World War II on an island off the coast of the Ural Sea, but the prevailing winds from the island blow inland, a factor that most experts indicate would clearly rule it out as a test center for biological weapons.

"We've been asking them [the Army] for years" to find the Russian biological test facility, one source told me, "and they can't."

Even in their classified briefings to mem-

bers of Congress, Army intelligence officials, while attributing a great CBW capability to Russia, are careful not to list specifically a biological test facility. "I never really was told anything solid," one source acknowledged after a classified Army briefing.

Yet Rep. Bob Wilson (R-Calif.) took to the floor of the House a few hours after the White House CBW review was announced to warn: "The Soviet Union today is better equipped militarily—offensively and defensively—for CB warfare than any other nation in the world." And Rep. Robert L. F. Sikes (D-Fla.), a former major general in the Army Chemical Corps reserves, told his colleagues a day later that "it is estimated by those who are experts and who have possession of the facts—and I stress fact rather than rumor—that Russia has ten times the capability in this field that we have."

#### COUNTING SHED ROOFS

Russia is known to have a strong program in chemical warfare, yet even this aspect of Russia's capabilities may be overrated. The Pentagon has never revealed any unclassified information about Russian CBW capability and tells questioners that to do so would compromise its intelligence sources, presumably spies. The only testimony on record came during congressional hearings into CBW in 1960 when Lt. Gen. Arthur G. Trudeau, then chief of Army Research, said:

"We know that the Soviets are putting a high priority on development of lethal and nonlethal weapons and that their weapons stockpile consists of about one-sixth chemical munitions."

A responsible Government official who has provided reliable information in the past told me how the Trudeau statistic, which is cited by the Army even today, came to be.

In 1963 or 1964, the source said, the Army issued a request to send a large shipment of nerve gas to West Germany under U.S. control. "Their argument was that the Russians have it in Russia; therefore we need it in Germany," the source recalled. The request was turned down.

To back up its plea, the Army presented evidence supporting Trudeau's statement. This consisted of analysis made from aerial photos of Russia that showed large storage sheds similar to those used for storing warfare gases at the Army's depot in Tooele, Utah. "The Army computed the roof size of the Russian sheds, figured out how many gallons of nerve gas could be stored in a comparably sized shed in Utah, added a 20 per cent 'fudge' factor and came up with the estimate," the source said.

There is no mystery about the U.S. Army's facilities for testing biological and chemical warfare agents.

Besides the now-famous Dugway Proving Grounds in Utah (site of the March, 1968, sheep kill), the Army has conducted secret tests with nerve gases on the island of Hawaii, 120 miles southeast of the heavily populated island of Oahu (Honolulu). In addition, the Army has tested bacterial toxins and other CBW agents on the Eniwetok Atoll in Micronesia. Some tests were conducted on islands known simply as Fred and Henry.

Despite the mounting evidence of the extensive U.S. programs in testing and developing chemical and biological agents, Dr. Foster was still capable of writing to the housewife: "We are not developing resistant strains of plague or any other disease. We are concerned with developing vaccines and treatment for this and other diseases . . . These vaccines and the therapy for the diseases are made available to the medical profession for the benefit of all people everywhere."

Yet, in 1962, a Chemical Corps general told Congress that 40 scientists were then assigned full time to work in genetics and added: "It is not unlikely that the major



contribution to biological weaponry will result from research and a better understanding of the science of genetics."

#### A BLIGHT FOR CUBA

Dr. Foster did not mention this, nor did he tell the writer about the time America came closest to actual use of biological warfare against an enemy. This was, according to at least three sources, during the 1962 Cuban crisis, when the Kennedy Administration was frantically seeking ways of punishing Cuba without resorting to bombing.

The Chemical Corps was assigned the job of finding a biological agent that would be capable of destroying the Cuban sugar cane crop. At the time, the United States had vast stores of dried antifood biological rusts and blights (one source said as much as 10,000 pounds of the antifood biologicals were stockpiled then), but none would work against sugar cane.

The Chemical Corps was given a month to come up with an effective agent, but could not. The program was dropped, much to the disappointment of the Chemical Corps, which had prepared elaborate logistical plans for spraying the agent over Cuba.

There is no evidence that President Kennedy would have authorized the use of biological weapons during the Cuban crisis even if an acceptable weapon had been developed, but the incident serves to raise once again the frightening prospect that if a weapon is available, it will be used.

#### PUBLIC OPINION SHOULD EXERT PRESSURE ON HANOI TO END WAR

Mr. FONG. Mr. President, on July 4, it was my privilege to address hundreds of patriotic citizens attending the Wai'alua 22d Independence Day Festival sponsored by the Kinney-Nozaki Post No. 5 of the American Legion, the North Shore Jaycees, the Wai'alua Athletic Association, and the Wai'alua Juvenile Delinquency Committee of the Wai'alua Community Association.

In my speech, I said:

I am convinced that, if the same pressure of world opinion were brought to bear on Hanoi that is now concentrated solely on America and South Vietnam, peace would be much, much closer!

I asked:

Where is the daily barrage of demands that the North Vietnamese and the NLF make some move—even one move—to de-escalate the war!

I pointed out:

An international commission long ago documented Hanoi's responsibility for fomenting war in South Vietnam. Therefore, Hanoi should not escape responsibility for stopping the war!

Surely, those loudest in their calls for peace should insist, with equal fervor, that Hanoi must do its part toward peace.

I ask unanimous consent that the entire text of my address be printed in the RECORD.

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

Master of Ceremonies Leong, Chairman Takemaka, Reverend Thompson, Ladies and Gentlemen, Friends: I am truly honored to share with you your 22d Independence Day celebration. What a wonderful tradition this community has established with your patriotic observances for more than two decades!

I especially want to commend the sponsors of your festivities today: The Kinney-Nozaki Post #5 of the American Legion, the

North Shore Jaycees, the Wai'alua Athletic Association, and the Wai'alua Juvenile Delinquency Committee of the Wai'alua Community Association.

To all who have worked so hard to make this day a successful and memorable one, my warmest congratulations! Let's give them a big hand.

I also want to commend each and every person here. By your very presence, you are reaffirming your gratitude for the priceless heritage handed down by generation after generation of Americans; and you are demonstrating your devotion to our beloved Nation and all it stands for: liberty, justice, human dignity, government of, by, and for the people!

For each of us, the Fourth of July is more than a day of festivities and fun. It is a day to be thankful, thankful that the flag we live under is the United States flag and that our Nation's banner has 50 stars, the last one representing Hawaii.

Had history been different, today we might be living under the British Union Jack, the French tricolor, the Russian hammer and sickle, the Spanish flag, or even the German.

Twice Hawaii was ceded to Britain—once in 1794 and again in 1843, after a show of British naval power. For five months a British commission actually ruled Hawaii. But England's monarchs never ratified these cessations, and Queen Victoria recognized King Kamehameha III as an independent sovereign.

A second world power, France, also used force to intimidate Hawaii. In 1839, the captain of a 60-gun frigate threatened war on Hawaii if his demands were not met. In 1849, French armed forces under Admiral de Tromelin took the city of Honolulu. Later, the Paris Government disapproved of his action, but did not drop their demands of Hawaii until after Kamehameha gave the United States Commissioner a deed of provisional cession, to be used if hostilities began with France.

Not to be outdone by the British and French, Russia sent out several round-the-world expeditions in the 1800s to seek likely sites for new colonies. In 1840, the Russian ship *Kadiak* put in at Honolulu, where the crew built a blockhouse and ran up the Russian flag. From there, the Russians sailed to Kauai, where they erected several forts, including one at Hanalei and one at the mouth of the Waimea River. Whenever foreign ships approached Kauai, the Czar's flag would be raised. After about a year, the people, led by Americans in Hawaii, rebelled and ousted the Russians, first from Kauai and then from Honolulu. Never again did Russian sovereignty prevail anywhere in Hawaii!

Other nations cast covetous eyes upon our strategically located mid-Pacific Islands. Spain considered a settlement here, and a German community was actually established on Maui.

So, on this day commemorating American independence, we in Hawaii realize anew that, instead of being one of the 50 United States, our Islands could today by cession be a part of the British Commonwealth; by conquest, a colony of France; or by occupation, a part of the U.S.S.R., Spain, or Germany!

Some kind fate or merciful destiny apparently intended Hawaii to be united with mainland U.S.A., now the oldest republic on earth and leader of the non-Communist world.

In these days when rebellious and anarchistic minorities are bent on destroying America and its fundamental institutions of government, schools, churches, and industry, it is heartening to have ceremonies such as these where loyal Americans can express their steadfast devotion to our Nation.

And while the instigators of violence who

agitate and destroy are small in numbers compared with our total population, we dare not underestimate their capacity to wreak havoc.

Termites are tiny, but they can cause incredible damage.

In America today, we have too many "termites" undermining the structure of the very institutions that protect and defend liberty and freedom for every American. By constantly gnawing at law enforcement offices, administrative agencies, legislative bodies, schools, courts, churches and synagogues, this destructive species aims at a complete breakdown of legal authority and discipline in America.

There are extremists who justify terror and violence on the ground the end justifies the means. From time immemorial, tyrants and dictators have used "the end justifies the means" as their battle cry. The atrocities committed thereunder shame the human race.

There are those impatient rebels who want to rebuild America overnight. It has taken America nearly two centuries to conquer the ancient scourges of mankind—hunger, disease, and ignorance—and we have progressed very far. But the rebels think they can do better "right now." I say, especially to young people here this morning, beware of those peddling instant solutions to complex problems. You may well lose the blessings you already have.

There are dissenters who magnify what's wrong with America and ignore what's right with America. They would have us believe the only way to correct what's wrong is to destroy all that exists—to overturn "the Establishment."

But they do not tell us what we would get in its place: anarchy; rule by force instead of rule by law; stifling of individual freedom; and curtailment, if not complete denial, of the right to dissent.

There are those self-righteous moralists who espouse a strange brand of morality in international affairs—one standard for America, but an entirely different standard for other countries.

What kind of morality is it that condemns America for helping a tiny nation defend its people from outside aggression, yet remained silent when Russia took over Czechoslovakia by armed force and subjugated its people to a puppet regime directed from Moscow!

What strange morality utters not a peep whenever Red China tests nuclear bombs and pollutes the atmosphere with radioactive fall-out!

What strange morality preaches that freedom does not exist in America but abounds in Castro's Cuba!

Where are the horrified protesters when Ho Chi Minh's troops shell innocent people in towns and hamlets all over Vietnam, blow up schools and school buses filled with children, kidnap thousands of villagers as part of a calculated campaign of terror!

Where were the outraged demonstrators when Mao Tse-tung unleashed his Red Guards against the Chinese people, causing widespread death and destruction among his own countrymen!

Where were the indignant marchers when North Korea committed piracy against America on the high seas and grossly mistreated our Pueblo captain and crewmen!

Where are the impassioned pleas and petitions to Ho Chi Minh to accord U.S. prisoners civilized and humane treatment! Some 1300 Americans are missing, yet Hanoi will not even let their families know whether they are dead or alive!

Where are the shocked outcries against North Korea for the murder of 31 Americans in an unarmed plane over international waters!

Where is the daily barrage of demands

that the North Vietnamese and the NLF make some move—even one move—to de-escalate the war!

We hear no such demands. All we hear are insistent calls that the U.S. and South Vietnam take the steps toward peace.

Why, I ask you, is there no pressure of public opinion on Hanoi and the Viet Cong to end the war?

An international commission long ago documented Hanoi's responsibility for fomenting war in South Vietnam. Therefore, Hanoi should not escape responsibility for stopping the war!

Surely, those loudest in their calls for peace should insist, with equal fervor, that Hanoi must do its part toward peace!

Instead, a rising crescendo of criticism is aimed at us—only a strange silence in regard to Hanoi.

I am convinced that, if the same pressure of world opinion were brought to bear on Hanoi that is now concentrated solely on America and South Vietnam, peace would be much, much closer!

If we are to have justice and equity and peace in this world, a single moral standard must apply—not just to America—but to ALL nations!

If we are to have justice and equity and peace in America, we must repudiate those inciting revolution and insurrection!

They seek the destruction of capitalism—the economic system that has produced the greatest good for the greatest number in all of human history!

They seek the destruction of the American system of government—the system that provides the greatest freedom and the greatest participation of its people in their own self-governance!

They seek the destruction of America's system of education—which provides better training for more students of all economic levels than ever before anywhere . . . and which has been instrumental in keeping America ahead of all nations, though we have but one-fifteenth of the world's population!

They seek destruction of law and order with a systematic campaign of killing and harassment of policemen and firemen, with arson, bombing, sniping, a reign of terror out of which they hope to land on top of the heap!

They seek to destroy the incredible industrial might of America through infiltration, sabotage, and subversion of America's working men and women!

They seek to destroy religious institutions, demanding reparations for grievances of ages past, disrupting holy ritual, and desecrating houses of worship!

They seek to destroy what you and I hold dear and precious and vital in our way of life, even the values that we seek to instill in our children.

My friends, one hundred and ninety-three years ago today, a band of brave men pledged their lives, their fortunes, and their sacred honor so that the people of thirteen American colonies might obtain the right of self-government and independence from all outside powers.

Today, against any threat to America—whether from outside or here at home—let us pledge ourselves with the same courage and the same dedication so that the rights we cherish will be preserved in our land.

Let the silent majority of Americans—the bulwark and backbone of our Nation—no longer be silent. But let us expose, ridicule, and resist those who would annihilate America, the last best hope of Earth.

They would redress wrongs, alleged or real, with greater wrongs. Let us redress wrong with right.

They would institute reforms that would deny the many freedoms and rights we enjoy. Let us institute reforms that make our

Constitutional guarantees a reality for all Americans.

They would abolish our system of private ownership and enterprise and replace it with government ownership, a system that has proven vastly inferior wherever it has been tried. Let us improve our private enterprise system, which provides most of the jobs and most of the income for the American people, so that all Americans will have a fair share in prosperity.

As we take the initiative for solving today's problems we will deprive the extremists of the opportunity to wreck America!

May we have the wisdom and the courage to succeed in this task!

May the Almighty bless this land and all its people and may this great Nation endure in freedom, independence, righteousness, and dignity forevermore!

Mahalo and Aloha.

#### THE VIETCONG AND THE NORTH VIETNAMESE COMMUNISTS

Mr. DODD. Mr. President, amazingly, there are still those who argue that the Vietcong is not really Communist and not really directed by the North Vietnamese Communist Party, or the Dang Lao Dong, as it is called.

The efforts of knowledgeable analysts have been cast aside as "propaganda." The texts of reams of captured documents have been rejected as fabrications, and the testimony of hundreds of defectors assailed as "forced lies."

For the benefit of those who still have doubts on this matter, I wish to draw the attention of Senators to a broadcast of the Vietcong's so-called Liberation Radio made on February 3 of this year, in commemoration of the Dang Lao Dong's 39th anniversary.

The broadcast was entitled "The Vietnamese Workers Party—Dang Lao Dong—the Great Banner of the Heroic Vietnamese People."

At the outset, this broadcast lets us know that the Dang Lao Dong's original name—Indochinese Communist Party—has been changed to "Vietnam Workers Party." This statement, like many others before it, should lay to rest the claim of those friends of Hanoi who tell us that, to prove his nationalism, Ho Chi Minh in 1946 disbanded the Indochinese Communist Party. The fact is, as an official party history published by Hanoi on the occasion of the 35th anniversary informs us, that the Indochinese Communist Party "only went underground."

The once secretive control of the so-called liberation effort in South Vietnam has of late become more public through broadcasts such as this one. Little wonder, then, that all Vietnamese who listen to the Vietcong radio shake their heads in disbelief when an American asks them if they think the Vietcong is controlled by Hanoi.

This Vietcong broadcast lets it be known that—

Since its emergence, the Party has led the Vietnamese revolution, assuming an extremely heavy responsibility before history, motivating our people to carry out the national democratic people's revolution, and building socialism and Communism in our country.

In case any still have doubts, objecting that this statement could well be

limited to North Vietnam, let me quote further:

For scores of years, our Southern people have been led by the Indochinese Communist Party and the Vietnam Workers Party.

The broadcast goes on to declare:

Party members form the vanguard in thoughts and action and fully deserve to be our entire people's clear-sighted and brave staff . . . the Party is worthy of our entire people's love and confidence.

Speaking of the republican government in Saigon, the broadcast boasts of the Dang Lao Dong's power in the South:

In the southern part of our country, the reactionary Vietnamese traitors are as afraid of the Party's power and reputation as owls are of sunlight . . . But how can they eliminate the Party's influence from the hearts of southern patriots?

Now totally identified as nothing but the Dang Lao Dong by their own declaration, the Viet Cong further boast:

It is these Viet Cong who, for the Vietnamese fatherland and for world revolution, are determined to fight to the end to drive out the Americans and overthrow the puppets.

It is my hope that Senators will find the time to study this revealing document carefully. It is a major indicator of what is to come if we are foolish enough to believe that the Vietcong are anything but what they are.

There is not a single reference in this text to the "People's Revolutionary Party," which purports to be the South Vietnamese Communist Party and which was created to serve as the vanguard of the southern revolution. Because the so-called People's Revolutionary Party is none other than the Dang Lao Dong by another name, the Vietcong broadcast could declare the Dang Lao Dong to be the "vanguard" of "the entire people."

I also challenge the disbelievers to find in this broadcast the slightest reference to neutrality for the future of South Vietnam. Though calling for "neutrality" in all foreign broadcasts, in this domestic broadcast, as in other domestic broadcasts, the Vietcong left out all reference to neutrality and instead pledged to "achieve the revolutionary objectives set forth by the Vietnam Workers Party 39 years ago."

So here we are. In their own words, the Vietcong movement is identified as the same thing as the South Vietnamese Communist Party—PRP—which, in turn, is identified as a branch of North Vietnamese Communist Party, or Dang Lao Dong; which, in turn, is identified as the synonym for the Indochinese Communist Party. And the goal of the Indochinese Communist Party, it should be pointed out, was the establishment of a unified Communist government covering the territory of old Indochina, that is, Vietnam, Laos, and Cambodia.

Mr. President, I ask unanimous consent that the entire text of the broadcast be printed in the RECORD.

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



**VIETNAM WORKERS PARTY ANNIVERSARY  
GREETED—THE VIETNAM WORKERS PARTY,  
THE GREATER BANNER OF THE HEROIC VIET-  
NAMESE PEOPLE**

In our people's history of liberation struggles, 3 February 1930 is one of the most glorious dates. It is the birthday of the Indochinese Communist Party, now the Vietnam Workers Party.

This day, 39 years ago, while our entire people were still staggering in the terrible long night under French colonialism, the Indochinese Communist Party emerged as the brilliant morning star, clearing away the dark clouds and heralding a shining dawn, and showing the direction and lighting the way for the revolution to move forward. Since its emergence, the party has led the Vietnamese revolution, assuming an extremely heavy responsibility before history, motivating our people to carry out the national, democratic people's revolution, and building socialism and communism in our country.

Thirty-nine years of the party have been 39 years of strenuous persevering, and fierce struggles. Living through extremely hard but very glorious periods, from soviet Nghe-Tinh to Bac Son, Nam Ky, and Ba To uprisings, the party always stood firmly against strong winds and waves. Although tens of thousands of its members were imprisoned, tortured, or executed, it constantly arose, dashing directly at the enemy. In stormy periods, it clung more firmly to the masses in which it was firmly rooted and became experienced, mature, and invulnerable to any reactionary force.

In 1945, only 15 years of age, the party led our entire people in successfully carrying out the August revolution. This was the youngest Marxist party in the world to win administrative power at the time. During the anti-French resistance, it led our entire people from victory to victory and finally defeated the French colonialists, completely liberating half of our country.

Since 1954, under its leadership, our 17 million kith-and-kin northern compatriots have achieved their national, democratic people's revolution and are devoting all their efforts to building socialism.

After 4 years of extremely brave fighting, the northern part of our country has completely defeated the U.S. aggressors' war of destruction, preserved the fruit of the revolution, and wholeheartedly aided the southern revolution, thus fulfilling the duty of a great rear to a great frontline.

Meanwhile, our 14 million southern compatriots, under the NFLSV's leadership, have successively defeated every scheme and plan of the U.S. aggressors and their country-selling lackeys, and are vigorously advancing their general offensive and simultaneous uprisings toward complete victory.

After 39 years of tirelessly fighting for the fatherland, the people, and the class, the Vietnam Workers Party has developed the workers class' fine nature and has built an extremely brilliant tradition of revolutionary struggle for a genuine Marxist party. So far, its lines have been the shining manifestations of Marxism-Leninism applied in a most correct and creative manner to the circumstances of Vietnam.

These lines constitute the basic cause of our people's great and consecutive successes and are valuable contributions of the Vietnamese revolution to the treasure of world revolution.

The party has made revolutionary ethics and thoughts penetrate more and more deeply into Vietnamese society, eliminating evil vestiges of nonproletarian classes. Revolutionary ethics and thoughts have played an essential role in our entire people's life, production, and combat. These are a bright patriotism, a deep hatred for the enemy, a wonderfully pure Vietnamese heroism, and a noble international spirit. The party has

formed a powerful rank of members consisting of the most outstanding persons in the [words indistinct] among the people.

They form the vanguard in thoughts and action and fully deserve to be our entire people's clear-sighted and brave staff in the fight against the enemy and in the struggle for making our country rich and strong. It has many glorious sons whose names have been closely associated with the nation's heroic struggle. They are Tran Phu, Le Hong Phong, Nguyen (?Duy) Cu, Ha Huy Trach, Nguyen Thi Minh Khai, Vo Van Tan, and tens of thousands of other members who have offered their whole lives to the communist ideal and the vital undertaking of the nation.

The party's ranks have constantly developed, increasingly strengthening the vanguard force of the class and the nation. The party is worthy of our entire people's love and confidence.

How glorious it is for it to have so talented and virtuous a leader as President Ho who first brought Marxism-Leninism into our country and who is respected and loved by our entire people as the old father of the nation and is considered by the revolutionary world as a brave and loyal comrade in arms. The party's history is one of constant struggle for the fatherland's independence and freedom and for the people's peace and decency.

Now, every patriotic Vietnamese, when holding a full bowl of rice, wearing a beautiful dress, going to school, enjoying every democratic freedom, taking a gun to shoot at the enemy, or enjoying the honor of standing at the anti-U.S. forefront, cannot help thinking of the good deeds achieved by the party, the saviour of our country and the guide who has helped our people to regain their life. For scores of years, our southern people have been led by the Indochinese Communist Party and the Vietnam Workers Party which have shared with them good and bad. When drinking water everyone thinks of the spring, our southern people will remember forever the party's good deeds.

Although the north and the south remain separated, no partition line can separate the hearts of our 31 million compatriots. As far as the southern PLAF is concerned, it has grown up and matured and is worthy of carrying on the traditions of "boundless loyalty, unexcelled courage, and glorious victories."

This is attributable to the fact that over the past 8 years, the NFLSV, with its extremely correct, creative military and political lines, has constantly helped us in improving our correct revolutionary viewpoint and stand, training us in the thoroughly revolutionary spirit and in revolutionary heroism, equipping us with an unshakable determination to fight the Americans, and helping us to acquire genuine enthusiasm. We have fulfilled our tasks because of the clear-sighted, skillful leadership of the NFLSV.

The Vietnam Workers Party is the organizer and leader of the heroic Vietnam People's Army, an older, fraternal army which has fought to protect every inch of Vietnamese land and has handed down to us extensive, rich experience in defeating the U.S. aggressors. Our PLAF has deeply engraved in its heart gratitude toward the Vietnam Workers Party for its meritorious deeds.

The prestige of the Vietnam Workers Party has spread widely at home and abroad. In the southern part of our country, the reactionary Vietnamese traitors are as afraid of the party's power and reputation as owls are of sunlight. They have sought by every means to slander the party and distort facts about it. But how can they eliminate the party's influence from the hearts of southern patriots? Frightened by communism and nursing hatred for it, the traitors, with the most evil intentions, have labelled southern patriots as "Viet Cong," in the hope of distort-

ing the significance of the noble actions taken by our armed forces and people for the interests of the people and the country.

Today, everyone in our country, in the world, in the United States, and in Paris has clearly understood that the Viet Cong are the most lovable, most respectable Vietnamese who are sinking the most dishonest, most cruel enemy of progressive mankind in the quagmire of defeat. It is these Viet Cong who, for the Vietnamese fatherland and for the world revolution, are determined to fight to the end to drive out the Americans and overthrow the puppets and to insure that no single aggressor remains in Vietnam.

The solemnly commemorating the anniversary of the founding of the Vietnam Workers Party, all our PLAF pledge, together with the people, to resolutely struggle to liberate the south, protect the north, reunify the country, and, together with the entire Vietnamese people, build a peaceful, independent, democratic, unified, prosperous, and powerful Vietnam and, thereby, achieve the revolutionary objectives set forth by the Vietnam Workers Party 39 years ago.

**SOUTHWESTERN ASSOCIATION OF  
NATURALISTS OF TEMPE, ARIZ.,  
SUPPORTS 100,000-ACRE BIG  
THICKET NATIONAL PARK**

Mr. YARBOROUGH. Mr. President, support for the establishment of a Big Thicket National Park is not limited by the legal boundaries of the State of Texas. The Southwestern Association of Naturalists of Tempe, Ariz., adopted a resolution on April 18, 1969, to support my bill, S. 4, to establish a Big Thicket National Park of at least 100,000 acres in southeast Texas.

The Southwestern Association of Naturalists describes the Big Thicket as a natural area of unusual ecological and conservational interest, possessing vegetational and wildlife characteristics found nowhere else in the United States. They recognize the importance of retaining this area in a more or less natural condition indefinitely for the enlightenment and enjoyment of the people of the United States.

Mr. President, I ask unanimous consent that the resolution and policy statement be printed in the RECORD.

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

**RESOLUTION FROM THE SOUTHWESTERN ASSOCIATION OF NATURALISTS, CONCERNING A BIG THICKET NATIONAL AREA, IN TEXAS**

Whereas an ecotonal forest area in eastern Texas, comprising parts of Hardin, Liberty, San Jacinto, Polk, and Tyler Counties, and popularly known as the Big Thicket, is a natural area of unusual ecological and conservational interest, possessing vegetational and wildlife characteristics found nowhere else in the United States, and

Whereas much of this area is still relatively unmodified and possesses no known assets of high economic value, and

Whereas this area is relatively close to large and rapidly growing population centers of the United States where natural recreational areas are increasingly in demand, and

Whereas many members of the Southwestern Association of Naturalists (SWAN) are acquainted with this area and regard it as an area, parts of which should be retained in a more or less natural condition indefinitely for the enlightenment and enjoyment of the people of the United States; Now, therefore, be it

*Resolved by the membership of SWAN in*

meeting assembled, That this organization adopt the appended Policy Statement on the Big Thicket National Area, and

That it also endorse in principle a bill introduced by Mr. Yarborough into the Senate of the United States to establish the Big Thicket National Park (S. 4) as may be modified in detail by normal legislative procedures, to comprise a "block and corridor" area of approximately 100,000 acres (out of some three million acres originally contained by the Big Thicket area), and be it further

Resolved, That the president and secretary of SWAN submit copies of this resolution to the President of the United States and to his concerned administrators in the Department of the Interior; to concerned Members of the Congress of the United States; to the Governor of Texas and to his administrators of such state lands as may be involved; and to such other organizations and individuals as may express concern with this project.

THEODORE M. SPERRY,  
Chairman, SWAN Conservation Committee.

#### POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Where ever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Thevenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

#### TRIBUTE TO DR. FRANK P. GRAHAM

Mr. JORDAN of North Carolina. Mr. President, I hope I may be allowed this opportunity to pay tribute to a truly outstanding North Carolinian and a great American—Dr. Frank Porter Graham.

I speak now in recognition of his retirement after a 60-year career as an educator, statesman, and international diplomat who gained world recognition at the crest of his career as a United Nations mediator.

Some Senators in the Chamber today will remember him from his Senate days. All Senators, I am confident, know him at least by reputation because of the important service he performed in a wide variety of Government assignments from the thirties through the period of World War II.

He dealt with many issues during those years, ranging from education and science to economics and national security, and he enjoyed the confidence and respect of Presidents in every administration from the Roosevelt years through the Kennedy era.

I think it appropriate, however, that he climaxed his career with the services he performed through and with the United Nations.

This is so because Dr. Graham is, above all, a man of peace and a humanitarian dedicated to the causes of the oppressed and downtrodden.

It was that concern for others and the depth of his personal philosophy that made him a loved and respected educator in his years as president of the University of North Carolina and which earn for him a special place in the hearts of North Carolinians now even though his public career has ended. It is significant that his most recent award was tendered him by the National Child Labor Committee and the National Sharecroppers Fund.

It is as such a man that I salute Dr. Graham now, not just for his service to his country and the world, but for his courage, integrity, and dedication to the causes of justice and equality.

#### THE TRANSPACIFIC ROUTE CASE

Mr. INOUE. Mr. President, twice I have spoken in this body about the transpacific route case. Shortly after the President's decision to intervene in the case and overturn the Civil Aeronautics Board's decision, I pointed out the need for new competitive air service to Hawaii and urged the President to arrive at a decision quickly. After his review the President on April 24 instructed the Board to restrict competitive service on many of the routes originally authorized by the CAB and to reopen the case for further proceedings to select a car-

rier to serve the South Pacific route decreed by the President. The President's April decision had the unfortunate side effect of postponing further new domestic air service to Hawaii. The international and domestic phases of the case are so intertwined that a final result cannot be reached in the domestic case until all issues have been resolved in the international phase.

On July 1, I told the Senate that the delay was creating havoc with the Hawaiian economy, geared as it is to tourism. I said that the vacation plans of thousands of Americans had been frustrated because of the failure to implement new air service. I urged the President to make his final decision quickly in order to "minimize the inconvenience and economic damage that is occurring daily."

On July 2, the President's latest decision was announced. Once again it spelled confusion and increased economic catastrophe for the State of Hawaii. For the second time, the President rejected the CAB's recommendation that Continental Air Lines be selected to serve the South Pacific air route. He sent the case back to the CAB for additional consideration within even tighter Presidential guidelines that have been interpreted to compel the CAB to select a large trunk airline to serve the route.

In the meantime, new domestic air service has been postponed—this time indefinitely until the President approves a carrier for the South Pacific routes. Although the President said he did not mean for domestic service to be delayed further, he remanded the case to the CAB with full knowledge that any change would require reconsideration of the domestic authority authorized by the CAB in January. The CAB must now engage in careful deliberations to arrive at a domestic service pattern that will fit the international route structured by the President.

Mr. President, whatever the final outcome of the transpacific case and as a citizen of Hawaii, I would be pleased and delighted to welcome to my island State any of the major competitive airlines, be it Continental, Braniff, Alaskan, Western, Eastern, American, Trans-World, or another. I am convinced that the present statutory procedure for the granting of international air routes must be changed. In the first place, there is serious question that the President acted properly and within the statutory authority delegated to him by Congress in the Federal Aviation Act. His actions appear to have invaded areas of responsibility which Congress delegated solely to the CAB—areas completely outside the limited responsibility of the President in these cases, confined as it is to considerations of foreign policy and national defense and security. His actions have also jeopardized the integrity and continued independence of the CAB as a regulatory agency.

The allegations of impropriety on the part of the President standing alone are grave enough to justify congressional investigation of the transpacific case. But I suggest that such an investigation is required, whether or not the President



acted within his power. The simple fact is that a procedure which permits route cases to degenerate into a debacle like the transpacific case does not serve the public interest. Such a procedure must be reviewed, and changed if necessary, to prevent the recurrence of a fiasco like the transpacific case.

My State has suffered economic damage, the traveling public has been hurt, the CAB has been mauled, and the only airlines to benefit thus far are the large incumbent carriers who make more money with each day of delay. I believe the Senate Subcommittee on Aviation must look into this matter. It is the constitutional power of Congress to regulate commerce with foreign nations that is at stake, as well as the provision of adequate airline service and the maintenance of competition in the airline industry.

Mr. President, I urge the chairman of the Subcommittee on Aviation, the distinguished senior Senator from Washington (Mr. MAGNUSON), and the vice chairman, the distinguished junior Senator from Nevada (Mr. CANNON), to schedule hearings at the earliest possible date to investigate the manner in which the transpacific case has been handled and to consider legislative changes in the Federal Aviation Act which may be required to protect the public and the CAB in the exercise of its delegated powers.

#### TV STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON PENTAGON SPENDING PRACTICES

Mr. BYRD of West Virginia. Mr. President, on July 7, 1969, I made a statement for television regarding Pentagon management and spending practices.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

##### BYRD FAVORS PENTAGON STUDY

Criticism of the so-called military-industrial complex is increasingly heard. A comprehensive study of the nation's defense management and spending practices is needed. I am glad that the President has created an outstanding panel of civilians to make such a study. I believe that a strong national defense is necessary. But I also believe that the taxpayer should get a dollar's worth of defense for each dollar spent. We should not gloss over military waste, or condone vast overruns in the cost of procurement of weapons and supplies. Congress must provide whatever defenses our country needs. But it must also exercise tight control over the defense budget. I hope that the review to be made will contribute significantly toward that end.

#### McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, each year it is my pleasure to conduct for high school students in my State of Wyoming the McGee Senate internship contest, which brings to Washington one boy and one girl for a week of observing democracy in action here in the Senate and in Washington. The contest is designed to stir up interest among high school

students in national and international questions.

As a part of the contest each student was required to complete an essay on "Our President: How Should We Choose Him?" Frankly, it was a study of our electoral college system. This year, as I am each year, I was impressed with the depth of understanding and the dedication to our democratic principles displayed by these young people in their essays. This topic is one of vital interest today, and the essays reflect sound reasoning which should be of interest to us all.

Of course, it would be impossible for everyone to read all these essays, but I think some of the most outstanding ones selected by an impartial panel of three judges should receive wider circulation, and I ask unanimous consent that two of these essays, written by Miss Peggy Knittel, of Casper, Wyo., and Mr. Kim Viner, of Laramie, Wyo., which received honorable mention in the McGee Senate internship contest, be printed in the RECORD.

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

##### DEMOCRATIC REFORM

(By Peggy Knittel, Natrona County High School, Casper, Wyo.)

Today, Americans are faced with the difficult task of assessing the present system of electing a president, and if necessary, finding a better means of choosing their nation's leader. The most controversial issue that has come up in the new assessment is that of the electoral college. Many Americans contend that the electoral college is obsolete and unnecessary. Others are of the opinion that it violates the ideals of democracy upon which the United States was established. Still others believe that since the electoral college has operated for nearly 200 years with few mishaps, it should be preserved. Americans are, and rightly so, hesitant to alter the Constitution. They feel that they must hold to the basic ideals set forth by their Founding Fathers. For this reason, the evolution of a new system may be a lengthy, tedious process, a process disastrous to a democracy. But the time for hesitation is over. Citizens of the United States must evaluate the present system and formulate a plan for improving the method of electing a president.

In the beginning, the electoral college was founded as an important safeguard of democratic government. But even as it was being drawn up, there was controversy as to the merit of the plan. How to choose a chief executive was the most bitterly debated provision of the Constitution. The Founding Fathers discussed innumerable proposals—election by the national legislature, by the Senate alone, by the state governors, and even by the state legislatures. As for the proposition that the people elect the president by direct voting, the consensus was that the populace simply would not have the necessary "information and discernment" to do the job properly. By way of compromise, a plan was adopted which provided that each state choose well-informed electors, equal in number to its U.S. Senators and Representatives, who would then get together and elect a president by majority vote. Few changes have been made in the electoral college since 1787.

In today's presidential elections, each party is represented by a different slate of electors equal to the number of congressmen in each respective state. When a U.S. citizen votes, he does not vote for the candidate directly, but actually casts his ballot for

the slate of electors chosen by his candidate's party. In the December following a presidential election, the winning electors meet in their state capitals and cast their votes. The candidate receiving the majority of the electoral college votes is then named president. Unfortunately, the plan of the electoral college has never worked quite as it was intended. From the beginning, voters wanted no independent body of "wise" men electing a president for them. However, the plan was adopted and accepted by the American public. The plan soon showed major drawbacks, many of which have grown more evident in recent years.

Critics of the electoral college contend that in any form the electoral college is undemocratic. The very foundations of democracy rest on the principle of majority rule. The president and vice-president should be elected by a majority of the people. However, three times in American history, presidents who received fewer popular votes than their opponents have been elected. Because of the "winner take all" tradition, which awards all of a state's electoral votes to the winning candidate in that state, millions of citizens who vote on the losing side in each state are, in effect, deprived of their votes. For this reason, the system discourages people from voting in traditionally "one-party" states. As things are now, the electoral system violates the democratic principle of "one man, one vote" because millions of Americans' votes play no part in the final tally. Also in violation of the "one man, one vote" idea is the fact that some votes carry more influence than others. For example, a single voter in New York has the potential of swinging 43 electoral votes, while a Wyoming voter can swing no more than three. The popular vote and electoral vote are often wildly disproportionate.

Under the "winner take all" system, a candidate can carry just twelve states by a thin margin and win the presidency, with less than 25% of the nation's popular vote. However, since only 17 of the 50 states have laws requiring their electors to vote for the candidate with the highest number of votes in that state, electors may vote against the will of the people who voted them into their one-day ceremonial office. Here again single votes carry more influence than large numbers. Another major fault of the electoral system is the procedure for breaking a deadlock. If no candidate receives a majority of the electoral votes, the House of Representatives chooses the president. The Senate meanwhile picks the vice-president, thus making possible the mismatch of a president of one party with a vice-president from another. It is evident that the electoral college has not functioned as the safeguard of democratic government it was intended to be.

Over the years, many plans for removing the faults of the electoral college have been brought before Congress. Today there are four major proposals being considered by Congress for electoral reform. The first, the Automatic Plan, would retain the present system, but abolish the electors. This plan would automatically award the electoral votes to each state's popular vote winner, thus eliminating "faithless electors" who might break their party pledges. The chief drawbacks of the Automatic plan are that it would not abolish the "winner take all" system, nor the unequal weights given to voters in different states. The second, the District Plan, would retain the electoral college but provide that each state's votes be divided as to districts. The electoral vote for each district would then be cast for the candidate who carried that district, with the two "bonus" statewide electoral votes going to the candidate who received the largest popular vote in each state. This plan's major drawback is that it might lead the local politicians to gerrymander the electoral districts to favor one party.

The third, called the Proportionate Plan, would do away with the "winner take all" system by dividing the electoral vote in each state according to the percentage of popular votes cast for each candidate in the state. A total of 40% or more of the electoral vote would be required to elect a president. Critics of this plan feel that it would undermine the two-party system, since minority parties would be able to win electoral votes and prevent a candidate from receiving a much-needed majority. The last plan, the popular vote plan, would do away entirely with the electoral college. It would base the election of the president and vice-president on a nationwide popular vote. In order to win, a candidate would have to receive a minimum of 40% of the popular vote. If no candidate received as much as 40%, there would be a run off election between the two candidates who received the highest number of popular votes. The drawback of the direct vote plan, as in the proportionate plan, is that it could make it possible for minority parties to alter the outcome of the election by using their votes as political blocks, and selling their support for political favor. Of the four proposed plans, possibly the most democratic is the system of direct election by popular vote. This plan does away with the undemocratic principles of "winner take all" systems, "faithless" electors, presidents who are not popular favorites, political deadlocks, and certain votes carrying more weight than others. The direct election plan would insure the "one man, one vote" basic concept of democracy. Of all the plans presented in the past years, the direct election system appears to be the plan that most effectively removes the faults of the electoral college system.

As evidenced by recent legislation, the long-term trend of the American political system is toward direct democratic participation of the voter in every level of government. Since the president is the only official who represents all the people of the country, the next logical step in the plan for more democratic participation of the voter is direct popular election of the president. At this time of nationwide unrest, Americans can not afford political stumbling-blocks in the process of choosing their nation's leaders. The future of the American nation rests with the people. Likewise, the power to elect the nation's president should lie in the hands of all citizens.

#### OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?

(By Kim Viner, Laramie Senior High School, Laramie, Wyo.)

There are two main steps in the selection of a President for the United States: the convention and the general election. Due to the present structure of each, I feel that both need to be revised.

The first step in selection is the National Convention which was devised in 1908 by the Federalist party. The system for balloting in the convention has been revamped many times, yet, many of the original problems still exist. The first problem is the selection of the various delegates who vote in the National Convention. The method of selection varies from state to state. For example: in Maryland there is a presidential preference primary in which the voters give their preference for president but the voting delegates are chosen by state convention. In Nebraska delegates are chosen by direct election but no presidential preference is stated. In Wisconsin the primary voter expresses his choice for a presidential candidate and a slate of convention delegates is pledged to him. The second problem still existing involves the voting of delegates at the convention. Delegates come to the convention pledged rather than being pledged after the first ballot. Through this method the voters voice goes entirely unheeded in many cases. Also, because of this method, some of the

rumors about shady deals made to obtain the nomination appear more true.

The following list of attitudes was given to John Kennedy (relating to governors who were delegates): Governor C.—enjoys being wooed and is looking for support to be key-note (at convention) or nominator (of Kennedy); Governor D.—reportedly has been reached by Johnson people though still far from being committed; Governor G.—reportedly made a deal with Symington, can be wooed. I feel the National Convention should be abolished. In its place should be a nation-wide presidential primary system which could be regulated by Federal law and be put in effect by a constitutional amendment. This system would do away with much of the confusion and inefficiencies of the system. However, it must be noted here, that no matter what type of election is held, without the wide participation of voters, any of the systems could fall under the party bosses of certain areas.

The second step involved in choosing our President is the general election and the electoral college vote. Certain parts of the general election were questioned in the last presidential election. For example: in Cooke County, Illinois there was a question whether the votes were correctly counted and television commentators noted in some states the popular vote may be off as much as three percent. The second and most important step in the election is the casting of the electoral college vote. The electoral college is the most out-of-date segment of American politics. The electoral college, as a method of electing a president, was written into the Constitution, Article II, section 1, and was revised by the 12th amendment, adopted in 1804, declaring a vote for the president is also a vote for the vice-president. Most historians agree the founding fathers included the electoral college in the election of the president because they had reservations about the people's ability to choose the correct candidate. To overcome this incapability they left the final decision in the hands of the carefully chosen electors. However, the electoral college has elected a president three different times who received a minority of the total popular votes cast. The problem in this area is the fact that in the first incident the two candidates had an equal number of electoral votes and the election went into the House of Representatives due to a peculiarity which was corrected by the 12th amendment. In the second incident the problem occurred when two sets of electoral votes were returned by some states. This problem was also corrected later. The third case, however, was simply a case in which the winner was the loser, and, this could happen again if a change is not instituted. The second problem lies in the electors themselves.

Almost everyone agrees it is dangerous to have a system which allows individual electors to vote for whomever they wish despite the results of the popular vote in their state. In a close election a small group of persons could frustrate the wishes of the majority of the electorate. This is possible because there is no law which states electors must vote for the candidate who wins the majority in their state. This happened in 1960 and again in 1968 when, in each case, an elector voted for a separate candidate. I feel the best way to resolve the problems of the electoral college is to abolish it and replace it with a better system. My own proposal for a new system is as follows: the presidential candidate with the largest number of popular votes would win the election. To eliminate questioning over the counting of ballots, a federally appointed official would be on hand at each polling and counting site. The vote would first be counted in each congressional district, then in each state, then sent to Washington, D.C., and tallied by a board of election commissioners. In the case of a tie, the result of the election would

be decided in the House of Representatives with each representative having one vote and the candidate having the most votes would be declared the winner. I feel the proposals I have submitted are, not only more feasible, but also, another step toward complete democracy in these United States of America.

#### THE ANTI-BALLISTIC-MISSILE SYSTEM

Mr. MURPHY. Mr. President, I am extremely pleased to see that another major California newspaper has editorially endorsed President Nixon's ABM proposals. An editorial published in the Los Angeles Times, which I asked to have printed in the RECORD yesterday, pointed out that a majority of those Americans who have made up their minds on the ABM are in favor of it, according to the polls.

Today I ask unanimous consent that an editorial published in the San Diego Union of July 7, 1969, also be printed in the RECORD. This editorial underscores some of the facts of the debate on this issue and concludes that these facts, indeed, emphasize the need for the authorization of an anti-ballistic-missile system.

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

#### MOMENT OF TRUTH NEAR: FACTS EMPHASIZE NEED FOR ABM

A moment of truth for the defense of the United States of America will come in the next few days when the Senate considers an authorization for a modest anti-ballistic missile system (ABM).

The issue of whether the United States should begin to construct a pilot defense system against enemy intercontinental weapons has unfortunately been clouded with emotion, politics, misrepresentation, guesswork and good intentions.

But the facts are clear.

It is a fact that neither proponents nor opponents of the ABM have said that the United States of America does not have a moral right and obligation to defend herself against attack. We do.

It is a fact that the United States is not engaged in an arms race with anyone. We have not established a major new offensive weapons system in this decade.

It is a fact that under the world conditions existing today the nation that does not have strength behind its voice in world councils might as well be speaking into the wind.

It is a fact that both the enemies of the United States and the non-Communist world in which we are a leader are obviously seeking to surpass our military strength by the end of the next decade, on land, on sea and in space.

And it is a fact that the ABM question simply cannot be made conditional on any other national problem in the economic sense—not the poor, not cities, not the war in Vietnam, nor the balance of payments or education. Each national problem must bear individual scrutiny; each solution must be on merit.

From the facts it is clear there is a potential threat to the security of the United States. From the national debate the major alternatives are evident:

We can do nothing—just give up. No responsible person advocates this.

We can try to make our intercontinental missiles impregnable to enemy attack. This is impractical.

We can build more intercontinental missiles, seeking by sheer power to deter pos-



sible attack. This is expensive, and is a definite invitation to an arms race.

We can tinker with our defense planning—perhaps serve notice that we will launch our missiles the very second we detect a rocket coming in our direction. Even the concept is frightening. It could literally mean the end of the world.

We can put total trust in the good faith and good intentions of our enemies. This is obvious folly.

Or we can, as President Nixon proposes, make a start by building defenses for our missiles in Montana and North Dakota to assure the enemy he could not escape destruction if he attacks.

This is the only approach that makes sense. A modest ABM system will protect a portion of our deterrent strength. It will be a defensive, not provocative act. It will preserve defensive and diplomatic flexibility. It will be the least expensive and least agonizing of all the alternatives. And the persons charged by us with the responsibility to protect our country against enemy attack assure us that it will work.

It would, in short, keep our powder dry and our options open.

#### THE PESTICIDE PERIL—XXVI

Mr. NELSON. Mr. President, the Stevens Point, Wis., Daily Journal reported last week that the directors of the National Association of State Departments of Agriculture have set up a special committee to improve Federal and State control over the use of pesticides. Don Wickham, president of NASDA, said the association "must recognize the need for more stringent controls on pesticides."

Farmers are the biggest users of pesticides in the United States; they depend on the pesticides to kill insects which would harm their crops. However, in recent years scientists have become alarmed by the persistence of certain toxic pesticides and the effects they are having on our environment—effects which also pose a potential threat to man. Farm crops revealing too high levels of pesticide concentrations by the Food and Drug Administration standards are kept off the market, and the farmer is the one to suffer the loss.

The action taken by the NASDA is significant and timely. It represents a growing awareness among the agricultural community to the pesticide threat. There are now known substitutes for persistent, toxic pesticides, but considerable research is still needed in this area. Just yesterday the Department of Agriculture issued a release reporting two grants awarded to three State universities to study biological approaches to the control of cotton insects. In addition, the Department of the Interior has announced a new program to develop a catalyst which would cause DDT to degrade more rapidly after application.

I ask unanimous consent that the Stevens Point Daily Journal article, the U.S. Department of Agriculture release, and the U.S. Department of the Interior release be printed in the RECORD.

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

[From the Stevens Point (Wis.) Daily Journal, July 11, 1969]

#### TIGHTER PESTICIDE CONTROL URGED

OCEAN SHORES, WASH.—Action to tighten federal and state control over the use of

pesticides was taken by the directors of the National Association of State Departments of Agriculture Thursday.

Don Wickham, New York State commissioner of agriculture and NASDA president, said the association "must recognize the need for more stringent controls on pesticides."

The board directed Wickham to develop recommendations for state and federal action. Wickham asked Charles Ellington, Maryland director of agriculture, to head a subcommittee to recommend both amendments to federal laws and a model state law.

"Many states already have the necessary legislation and have instituted tighter controls on pesticides," Wickham said.

The U.S. Agriculture Department announced Wednesday a 30-day ban on the use of nine long-lasting pesticides—including DDT—in government pest control programs. A NASDA spokesman said its action was undertaken before that announcement.

#### BIOLOGICAL CONTROL OF COTTON PESTS TO BE STUDIED

WASHINGTON, July 14, 1969.—Biological approaches to control of cotton insects will be studied at three State universities under terms of two grants and a cooperative agreement recently signed by the U.S. Department of Agriculture.

USDA's Agricultural Research Service will provide financial support for the studies, which will be led by the universities' agricultural experiment stations.

At the University of California, Berkeley, Dr. Robert van den Bosch will lead research on biological control of a cotton pest, *Lygus hesperus*, by interplanting cotton with strips of alfalfa, which supports several natural insect enemies of the lygus bug. In related tests, alfalfa will also be interplanted with safflower to support natural insect enemies on this crop. The interrelationships of lygus and its natural enemies in solid and strip harvested alfalfa and in nearby cotton fields will be determined. Earlier studies indicate these approaches to pest control may reduce the need for conventional insecticides.

ARS will support the 3-year studies with a \$30,000 research grant. Dr. Sloan E. Jones, stationed at Beltsville, Md., will represent ARS in this project.

At the Texas A&M University, Dr. Perry L. Adkisson and Dr. Winfield Sterling will lead studies on the nutritional requirements and mating and egg-laying habits of selected parasites of the bollworm and tobacco budworm. Using this information, they will then develop methods for mass-rearing the parasites for field releases in control programs.

ARS will support the 2-year study with \$40,000; the University will provide an additional \$28,000. Dr. Erma Vanderzant and Dr. Richard L. Ridgway, stationed at the College Station, Tex., ARS entomology laboratory, will represent USDA in this project.

At the University of Arkansas, Fayetteville, Dr. Jacob R. Phillips will lead studies of genetic differences in insecticide resistance of various strains of bollworms and tobacco budworms. These studies may show what role insect migration plays in spreading of insecticide resistance among various strains of insects.

Related studies of genetic traits associated with various strains' adaptation to different climates may suggest ways to control the pests biologically by disrupting these genetic traits—a possibility that might be exploited by interbreeding strains adapted to different climates. The reproductive capacity of their progeny may be adversely affected.

ARS will support these studies with a \$39,930 research grant. Dr. Waldemar Klassen, stationed at the ARS Metabolism and Radiation Research Laboratory, Fargo, N.D., will represent USDA in this 3-year project.

#### FEASIBILITY STUDY FOR DDT CONTROL

Award of a contract to evaluate the feasibility of developing a process which could control the environmental pollution caused by DDT was announced today by Secretary of the Interior Walter J. Hickel.

The contract is regarded as a first step in the search for a catalyst which would cause DDT to self-destruct.

The Secretary said it is hoped that a catalyst can be developed which would prevent not only future deposits of DDT from endangering the environment but degrade pesticides already in the soil so they would no longer be toxic.

The \$96,520 contract was awarded through the Federal Water Pollution Control Administration to the Aerojet-General Corp. of El Monte, California.

"Success in this effort will make a significant contribution toward ending the environmental pollution caused by DDT," Secretary Hickel said. "Existing evidence indicates a possible relationship between DDT and the reproductive cycle in birds, damage to commercial fishing, and the aquatic food chain."

Carl L. Klein, Assistant Secretary for Water Quality and Research, who has jurisdiction over the FWPCA, said that only after an appropriate catalyst was developed could a practical method be found to combine it with a pesticide in such a way that the strength of the pesticide could be weakened over a certain period of time. He noted that DDT, in its present form, takes from 10 to 12 years to decompose.

Under the terms of the contract, three different approaches are to be studied. One calls for placing DDT and a catalyst in a capsule in such a way that possible destruct action is delayed until two to four weeks after the application date. Another would have DDT and a catalyst placed in the same divided pressurized can so that they mix at the time of spraying, with possible destruct action by the catalyst coming in the same two- to four-week period after application.

Tests are also to be made using DDT containers with partitions that dissolve after six months or a year, thereby automatically allowing the catalyst to begin the process of attacking the DDT. The idea in all cases is to secure positive scientific controls over DDT and especially its persistence.

After the laboratory tests are completed, spray tests are to be made in pilot areas in which different catalysts are to be used in a variety of applications. Evaluation of the pest control and the destructing catalysts would be made weekly or even bi-weekly to determine the effectiveness of the catalysts and the time they take to decompose DDT.

Work under the contract will be performed at the Aerojet-General Corp. laboratories in El Monte, Calif. The scheduled completion date is April 1, 1970.

#### ADDITIONAL SUPPORT FOR COMPENSATION OF VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, on January 15, 1969, I reintroduced my bill to compensate innocent victims of crime in the District of Columbia and certain other federally administered areas. The bill is S. 9 of the 91st Congress. I had previously introduced a similar bill in the 89th and 90th Congresses.

Recently I received a letter from Mr. Leo A. Huard, of the University of Santa Clara Law School, in California, informing me of a private effort by a group of students at the University of Santa Clara to provide relief for crime victims in the local area. This is a very encouraging development; first, because of the initiative it shows; second, because it demonstrates

once again the public support for the concept of helping crime victims.

Mr. President, I ask unanimous consent that Mr. Huard's letters, a news release from the University of Santa Clara, and an article, entitled "SHOP Aids Victims of Crime," published in the Santa Clara Views of March 1969, be printed in the RECORD.

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

THE UNIVERSITY OF  
SANTA CLARA, CALIF.,  
June 24, 1969.

DEAR SENATOR YARBOROUGH: In view of your introduction of a bill to create a Federal Violent Crimes Compensation Commission, I think you will find the enclosures interesting.

It is refreshing also to see a substantial group of college age men and women engaged in such worthwhile endeavors. There are many young people like these.

Good luck with your bill.

Sincerely,

LEO A. HUARD.

THE UNIVERSITY OF  
SANTA CLARA, CALIF.,  
June 23, 1969.

Mr. OSBORN ELLIOTT,  
Editor, Newsweek,  
New York, N.Y.

DEAR Mr. ELLIOTT: I was very much interested in the Newsweek story "Help for the Victim" (Newsweek, June 23, 1969, p. 59), because I can furnish evidence that someone is trying to help the victims of crime. I am enclosing copies of a press release and a story from our alumni news letter concerning the efforts of some college students to alleviate the misery of the Sam Wassertstein's and Park Huey's of this world.

The campaign referred to in the release and the story raised \$7,000, most of which is being invested under the supervision of the Community Bank of San Jose to enlarge the SHOP fund. The student directors of SHOP propose to continue their efforts next year in order to raise enough money to give meaningful help to Susan Bartolomei and others in the same predicament.

The enthusiasm with which so many college students have worked for SHOP is a real tribute to their social awareness and their sense of social responsibility.

Sincerely,

LEO A. HUARD,  
Dean.

#### SHOP Aids VICTIMS OF CRIME

Victims of crime, like young Susan Bartolomei of Ukiah who was left paralyzed from the neck down after being shot five times, will be the benefactors of a new multicampus organization, Students Helping Other People (SHOP), begun this month at the University.

Developed by Santa Clara students, SHOP already has branch units on the nearby campuses of Foothill, San Mateo and San Jose State.

SHOP's first goal is to raise \$100,000, which its members plan to do by staging raffles, concerts and drawings during the next two months on all four campuses.

Incorporated by the State as a non-profit, charitable organization, SHOP is governed by a nine-man board of directors, all Santa Clara students. Its purposes are to provide relief for 1) those who have suffered injury or damage to person or property through crimes and criminal assaults; 2) those who have suffered injury or damage to person or property while rescuing another or another's property from criminal assaults or natural calamities, such as fires, floods and earth-

quakes; and 3) other similar charitable purposes.

The idea originated in a philosophy class of Dr. Patrick Hughes. Guest lecturer for the day was Law School Dean Leo A. Huard who was explaining the difference between law and justice. As an illustration, he said that if Susan Bartolomei had been hit by a car, she probably could have collected \$400,000 from the driver's insurance company, but because she was a victim of a crime, there was no recourse open to her.

After her tragedy, a bill was passed by the State Legislature that provides a maximum of \$5,000 for victims, but Susan's hospital bills alone exceed \$35,000 at the present time.

Huard said that when the class was over, the students and Prof. Hughes became very interested in doing something about the situation. After investigating the problem legally they formed SHOP and applied for incorporation.

Students involved in the organization and administration of SHOP include Patrick Tondreau of Mt. View, Lee Greeley of Redwood City, Marcia Fort of Mt. Vernon, Wash., David Arata of Saratoga, Robert Watson of Los Angeles, Philip Mastrocola of San Jose, Larry Bolton of Arcadia, Jeanne Huard of Saratoga, Martha Paine of Hollister and Frank Sapena of Santa Clara.

#### THE TEXTILE-APPAREL INDUSTRY

Mr. SCOTT, Mr. President, an economic development program is going on in this country backed by Federal legislation and Federal funds and frustrated by our foreign economic policy.

The Appalachian Regional Development Act of 1965 states "that nationwide development is feasible, desirable, and urgently needed." The act provides for Federal and State joint action to help the economic development of the region and of substantial areas nearby in eight Appalachian region States and in the State of Mississippi.

Appalachia is one of two regions undergoing economic development in this country. The other is the core city, in almost every city in our land.

Both of these underdeveloped areas have several things in common. They have high unemployment rates; large portions of their workers have low skill levels; family incomes are below national averages; living conditions are often substandard. There is one more thing these two areas have in common; they have large portions of their employed workers employed in the textile-apparel industry, that is, in textiles, apparel, and manmade fiber production.

Throughout our Nation as a whole, one in every eight workers in manufacturing industries is a textile-apparel industry worker. In the Appalachian region, one in every four manufacturing workers is in the textile-apparel industry. In all, the textile-apparel industrial complex provides 2.4 million jobs in the United States today. In Appalachia and within 50 miles of it—many of which areas have similar conditions—are about 1.1 million textile-apparel industry jobs.

Some counties in Appalachia have 90 percent or more of their manufacturing workers employed in the textile-apparel industry. Somewhat over 20 percent of the jobs in the textile-apparel industry in the entire United States are in the Appalachian region. The manmade fibers

sector of this industrial complex provides half of its jobs in the Appalachian region.

In many of our largest cities the textile-apparel complex also plays a significant part in providing employment. In the five boroughs of New York City, 30 percent of all manufacturing jobs are directly related to the production of textile and apparel products. In Manhattan alone, 39 percent of all manufacturing jobs are in the textile-apparel industry.

Naturally, an industry of the size and importance to our economy as the textile-apparel industry is also providing many jobs for others. Cotton farmers, sheep ranchers, machinery manufacturers, paper manufacturers, utility companies, and many other industries supply the textile-apparel complex with billions of dollars in goods and services each year. The purchasing power provided the employees of this industrial complex provides many more jobs in consumer goods and services industries.

This is an industry which can provide jobs to unskilled or semiskilled workers. Training can be done on the job after the person has been hired. High educational levels are not needed for the majority of jobs in this industry. This means that it is a very large source of employment for those groups in our economy who traditionally have the highest unemployment rates: Negroes, women, unskilled workers. These are the people who live in the areas of underdevelopment in this country.

If the textile-apparel industry is to be a moving force behind the development of Appalachia and the core city, it must be able to function as a growing industry, an industry whose markets are fairly reliable in size and growth. As things now stand, the textile-apparel industry cannot make plans for growth, plans to hire more people, start up new plants, enter new areas where reserves of unemployed people are waiting to work.

At the same time that our textile-apparel complex is providing jobs for our harder-to-employ citizens, it is being frustrated by the tremendous rush of imported textile and apparel products entering this country every day of the year. This industry is not interested in shutting off all imports of apparel and textiles, it recognizes the need to help economic development in all parts of the world as well as in our own country. But it does need to have an orderly market at home if it is to continue as the important and viable industry that it should be.

When the importation of cotton textile and apparel products began to be a threat to the stability of our domestic markets for these products, our Government undertook to help establish an international understanding concerning the world trade in cotton products. That was at the very beginning of this decade. The Long-Term Cotton Textile Arrangement has, in large measure, provided orderly markets within the United States as well as in every other participating country in the world.

We have seen a marked change in the type of clothing and textiles used over



this decade. Now the dominant type of fiber for many textile and apparel products is man made rather than cotton. In response to this change, foreign textile and apparel producers have shipped us ever-increasing amounts of manmade fiber textiles and apparel. They have shipped us so much that in many important areas imports are already providing disorderly domestic markets.

As the textile-apparel complex views the situation, the best solution to the problem is the establishment of an international arrangement covering all major fibers. To be most effective, this arrangement should be modeled after the cotton arrangement. This would permit foreign producers to increase their exports to the United States in proportion to the growth in our domestic markets. At the same time, this type of arrangement would enable American textile and apparel producers to manufacture for orderly markets with a demand more easily determined than under current conditions.

Before I close, I would like to give you an idea of the importance to the economy of my State of Pennsylvania of the textile-apparel complex.

In Pennsylvania, this industrial complex employs 250,000 people, about 16 percent of all manufacturing employment in the State. It pays \$1 billion in wages and salaries to these employees. The industry has 3,000 plants located throughout the State.

The textile-apparel complex in my State is a big employer of core city workers in such places as Philadelphia and in many cities in our area of Appalachia. In Philadelphia alone, 83,000 people work in the textile-apparel complex. The contribution is even greater in some areas of Appalachia. For example, over 40 percent of the manufacturing employment of the Wilkes-Barre-Hazleton and Scranton areas are in the textile and apparel industry, some 36,000 of 88,000 workers.

Almost all of the textile and apparel companies in my State are being hurt by imports. With normal growth this industrial complex could continue to supply increasing job opportunities to people who need low skill threshold entry opportunities. Continued, unchecked growth of textile and apparel imports, particularly in wool and manmade fibers, will do irreparable harm to this important industry in my State and many others.

We need an orderly access arrangement whereby we can share the growth or decline in our textile and apparel markets with the developing nations of the world. To do less than this would be an admission that this complex is not important to our national economy. I do not believe this. I think that the textile apparel complex is an extremely important segment of our industrial complex and we cannot afford the luxury of allowing it to decline.

#### DR. O. C. ADERHOLD

Mr. TALMADGE. Mr. President, Dr. O. C. Aderhold, president emeritus of the University of Georgia, passed away

July 4 after a long illness. During his tenure as president, from 1950 to 1967, he provided forceful, dynamic leadership that assured the university of a ranking position in the forefront of higher education, not only in the South, but throughout the Nation. He established himself as one of Georgia's greatest and most beloved educators.

The year Dr. Aderhold assumed leadership of the University of Georgia, enrollment totaled 4,517. The university's physical plant was valued at \$12 million. Seventeen years later, at the time of his retirement, 14,500 students were enrolled, studying at modern, well-equipped facilities worth more than \$100 million.

These statistics are impressive. But even more important was Dr. Aderhold's concern with the aims of education. Under his tutelage, the university is producing graduates able and eager to provide Georgia with the concerned, intelligent leadership so vital to the progress of any society. This was his great accomplishment, for which all the State is indebted.

Mr. President, I join all Georgians in mourning Dr. Aderhold's death. Mrs. Talmadge joins me in extending our deepest sympathy to the family.

I ask unanimous consent that selected editorial eulogies from Georgia newspapers be printed in the RECORD.

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

[From the Atlanta (Ga.) Journal, July 11, 1969]

#### DR. ADERHOLD

When Dr. O. C. Aderhold became president of the University of Georgia in 1950 it was a small institution made up of a number of schools and colleges, frequently on diverse courses. Some of these schools were good, some were bad and a few were deplorable.

When he retired 17 years later, the institution had expanded enormously in size. What matters, though, was the increase in quality and prestige.

Dr. Aderhold provided the force which brought the several units together and kept them there. He knew how to build for quality and he did this. He knew how to get money for new buildings and new buildings sprung up as a result of this talent. He knew salaries had to be brought up to standards and they were. When he left his office in 1967 he left a university which could contribute enormously to a state which badly needed quality from the top in order to improve its economic standing, its literacy level and its social scheme. The improvements in Georgia are notable. It is easy to show that they came from the greatly improved university and University System of Georgia. Dr. Aderhold's imagination and work will live on for a long time. The Journal joins his many other friends in extending sympathy to his family.

[From the Atlanta (Ga.) Constitution, July 9, 1969]

#### DR. O. C. ADERHOLD

Dr. O. C. Aderhold presided in an era of great change at the University of Georgia. When he became president in 1950, the university had slightly more than 4,000 students, and it granted one doctoral degree in 1951. The great college rush of the late Fifties and Sixties so transformed the school that in 1967 when Dr. Aderhold retired, Athens had more than 14,000 students and granted that year 151 doctorates.

Dr. Aderhold, who died during the past weekend, served, then, during 17 years of tremendous educational and physical changes at the university. "No man has ever done more for education in Georgia," said Dr. George L. Simpson Jr., chancellor of the University System.

His family and friends may be proud of Dr. Aderhold's enduring contributions to this state.

[From the Savannah (Ga.) Evening Press, July 8, 1969]

#### DR. O. C. ADERHOLD

Dr. O. C. Aderhold, who died Friday night after a long illness, was a leader in the development of the University of Georgia and was at its head during the period of its greatest growth.

While he was president of Georgia, the state university expanded from 4,517 students to 14,500. The worth of its physical plant grew from \$12 million to more than \$100 million. Its research budget rose to \$14 million representing about 800 studies by 650 faculty members.

During the Aderhold years from 1950 to 1967, the university's number of graduate students increased from 361 to 1,725, and when he became president emeritus, he left it with a still more prominent future in education assured.

Dr. Aderhold was a native of Georgia, a Lavonia farm boy who made his way up through the ranks in education and who made friends all along the way. The many Georgia graduates who knew him, and the many who profited from the growth of the university during his presidency, mourn his passing.

[From the Waycross (Ga.) Journal-Herald, July 9, 1969]

#### DR. ADERHOLD WAS BUILDER

Dr. O. C. Aderhold was at the helm of the University of Georgia when it experienced its greatest growth.

While his 17 years were during a post-war boom period for education, the wise planning and practical leadership of this career educator helped put the University in the forefront of the nation's institutions of higher education.

During his tenure as president, the University grew from 4,517 students to more than 14,500 in 1967. The physical plant increased from \$12 million to more than \$100 million.

The research budget grew to more than \$14 million representing about 800 studies by 650 faculty members.

During the Aderhold years the number of graduate students increased from 361 to 1,725.

These great accomplishments would not have been possible without dynamic leadership.

These excerpts from speeches by Dr. Aderhold mirror an outlook that helped make the University the great force it has become in our time:

"Education is an investment in people. Business is good when people have the ability to produce and the desire to buy. Where schools are best, average incomes are greatest and retail sales are highest . . .

" . . . education, to be worthy of its name, must be concerned with the worth, the dignity and the value of the individual"

Dr. Aderhold has had a life-long interest in education not only at the campus level but at every stage. He once served as president of the Georgia Education Association and he was executive secretary of the General Assembly committee which founded the Minimum Foundation Program for public education, the "constitution" of the state's current school program.

All Georgians are indebted to this distinguished man. His passing saddens us but

the campus of the University at Athens, expanding and dynamic, stands as a monument to his service.

# RALPH NADER EXPOSES NEED FOR PUBLIC INFORMATION ON HEALTH EFFECTS OF FOOD ADDITIVES

Mr. YARBOROUGH. Mr. President, this morning Ralph Nader testified before the Select Committee on Nutrition and Human Needs, so ably presided over by the junior Senator from South Dakota (Mr. McGOVERN), about the food supply of the United States. In my view, his statements regarding the lack of public information concerning the contents of food products and the effects of food additives which are regularly placed in the food we all consume should be of great concern to everyone.

During the hearing it was disclosed that Mr. Nader as a citizen and, I might add, the committee itself have been unable to obtain complete information as to what various commonly consumed foods such as frankfurters and baby foods contain.

Mr. President, in view of the importance of Mr. Nader's statement, I ask unanimous consent that it be printed in the RECORD.

Mr. McGOVERN. I join the distinguished Senator from Texas in asking unanimous consent that Mr. Nader's statement before the select committee this morning be printed in the RECORD.

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

## STATEMENT BY RALPH NADER

Mr. Chairman, Distinguished Members of the Select Committee on Nutrition and Human Needs, I am grateful for the opportunity to comment on the matters of greatest moment before you. The Select Committee's mandate, as set forth in Senate Resolution 281, is "to study the food, medical, and other related basic needs among the people of the United States and to report back to the appropriate committees of the Senate..." From this mandate, there clearly flows the Committee's inquiry into the quantity, quality and distribution of the nation's food supply. This inquiry, past hearings show, involves industry, government, the marketplace and the ultimate receivers of food products. I would like to concentrate on the food industry and its relations with government in this statement.

The food industry is one of the few commercial activities that has 201 million customers in this country. Its consumer body is universal. The industry also offers the product that has the most intimate consumption pattern. These two obvious facts have important and less obvious corollaries. One is that the industry has a vertical and horizontal structure that amasses to itself the most comprehensive matrices of political and economic power. It has the concentrated power of mighty corporations and the decentralized power of growers and distributors right down to Main Street, USA. It has felt the lobbying might of political votes and differentiated economic interest groups, each organized around a special focus in their trade groups, but all ready to rally around the totem pole of their aggregate self-interest. A mighty \$100 billion industry—affecting the public in endless ways, overt and covert—with little critical oversight by external institutions—public or private. A crucial touchstone of the relentlessly successful acquisition of its ob-

jectives is its transformation of government agencies into a manner of corporate socialism with such fallouts as annual subsidies to Standard Oil in its role as "farmer,"—the greatest semantic defense of concentrated agri-business ever developed.

The structure of the food industry has pointed consequences adverse to consumer welfare and citizen knowledge. These consequences were pointed out in great detail in the report of the National Commission on Food Marketing (1966) and its voluminous technical studies. The Commission warned against the growing concentration in national food processing and distribution, declaring that it worked to reduce competition, raised high barriers to entry by new firms and was not at all counterbalanced by economics of scale. It is significant that almost all the recommendations of the Commission have gone unheeded, including its caveats against conglomerates and the necessity for action in this area. The conglomerates continue their takeover of the food industry. Greyhound Corp., which cannot even equip many of its buses with safe tires, now wants to produce hot dogs et al by taking over Armour—the nation's second largest meatpacker. ITT is taking over Continental Bakery. Competition requires competitors competing over better quality and service. The corporate radicalism, which pitches food companies headlong into concentrated collectivism, should alarm all those who value the traditional precepts of competitive enterprise.

One of the telltale signs of a deteriorating competitive performance in any industry—despite huzzas from the Chamber of Commerce table to the contrary—is the enhanced ability of firms to promote product distinctions without a genuine difference. This is known as competing more and more about less and less that is relevant to the purported purpose or use of the product. This trivial product differentiation, often shading into effective monopolistic competition, is significantly a function of high concentrations in the relevant product markets. The National Commission described the phenomenon quite succinctly:

"High concentration in the food industry is undesirable because it weakens competition as a self-regulating device by which the activities of business firms are directed toward the welfare of the public at large. When a few large firms dominate a field, they frequently forbear from competing actively by price; competition by advertising, sales promotion, and other selling efforts almost always increases; and the market power inescapably at the disposal of such firms may be used to impose onerous terms upon suppliers or customers. The breakfast cereal field provides one of the clearest examples in the food industry: Four firms have 85 percent of the business; advertising and sales promotion amount to 19 percent of manufacturers' sales; retail prices of cereals rose more than other retail food prices between 1954 and 1964; profits are nearly double the average for all food manufacturing; and entry of a new competitor would be extremely difficult.

"The substantial costs built into the price of food as a result of various forms of selling effort—advertising, sales promotion, expensive packaging, salesmen—are an important form of inefficiency in the food industry."

It is important not to misunderstand, as segments of the food and advertising industries are wont to do, the Commission's point. The thrust of the Commission's conclusions is that these costs are mostly directed toward non-price, non-quality competition, not to promotional costs *per se*. A tour of a cereal plant offers a glimpse of the tremendous effort that has gone into the packaging, style, shape, copy activities, the shape, color and texture of the cereal and how little attention is devoted to the nutritional level of the cereal. In a spectacularly maligned passage,

the Commission majority asserted its view of the consumer's position:

"The principal criticism of the efficiency of the industry, in the broad sense of the term, is the cost devoted to selling efforts that yield little value to consumers. This point is closely related to the other principal criticism of the food industry from the standpoint of consumers; the difficulty they encounter in trying to buy so as to get the most for their money.

"The difficulty takes numerous forms. Some advertising is misleading or downright deceptive; some package sizes and designs exaggerate the contents; essential information that should be contained in labels if often hard to find, illegible, or even missing; package contents may be in odd or non-standard amounts for no technical reason, making price comparisons difficult; per-pound prices of the 'large economy size' occasionally are higher than per-pound prices of smaller sizes; "cents-off" labels proclaim price reductions that may not be genuine; special prices create confusion as to what the going price is; not all products advertised as weekend features are sold at special prices; consumer grades are confined to a few products and are by no means uniformly used even for those; and standards of identity are lacking for many products."

When one company controls over 95% of the canned soup market (Campbell Soups); when by 1958, according to the Commission's studies, 80% of all food industries were classified as oligopolies (a condition of few sellers); when four companies—Kellogg, General Foods, General Mills, and Quaker Oats have over 85% of breakfast cereal sales; when the 22 largest food manufacturers spend about 18% of sales on advertising (compared with less than 3% for automobile companies), it is imperative to evaluate continually the effect on the consumer of such market structure and these built-in costs. If all these promotional costs reflected consumer-benefiting technological innovations and enhanced nutrition, for example, it would be one thing. As a coverup for quality deficiencies and inefficiencies, such promotional costs simply drain the consumer's real income without his achieving value comparable with the increased costs. Food manufacturers spend on promotion a percentage of sales only exceeded by the soap and cosmetic industries. The difference is that one industry is selling food (a necessity) and the other (cosmetic industry) is selling hope.

The connection between industry structure and conduct and the consumer's pocketbook is clear but rarely communicated in understandable terms. The chief Federal Trade Commission economist—Willard Mueller—who manages to escape the arcane terminology of his profession, recently described what price fixing by the leading bread bakers of the State of Washington meant to consumers. Prior to the commencement of the conspiracy in 1954, Seattle bread prices were very near the national average. During the tenure (1955–1964) of the price-fixing, Seattle bread prices rose sharply and averaged between 15 percent and 20 percent above the national average. After the FTC's decision against the bakeries, Seattle bread prices began to tumble and for the past four years have been at or below the national average. Mr. Mueller concluded about this not untypical situation: "The people of the State of Washington paid about \$3.5 million more for bread each year during 1955–1964 than they would have paid had prices continued at the national average, or about \$35 million over the 10-year period. Since 1964, when the conspiracy was declared illegal, Washington consumers have paid about \$15 million less for their bread than they would have paid had the conspiracy continued in effect."

Such market conduct cheapens the con-



sumer dollar, much as government-inspired inflation does and in effect not only reduces real income, but probably impairs the food budget of poorer households.

A standard food industry argument about higher costs is to cite figures showing that there has been a decline in the percentage of consumer income spent on food since 1935. This argument merely reflects Engel's law of diminishing percentage expenditures for foods as real incomes increase.

In their operating practices, however, food manufacturers and processors do everything they can to overcome Engel's law. The trade press is filled with pages stressing the same themes—maximize sales and reduce costs. There are many ways to achieve these goals—some of them quite laudable. What is of concern here is the achievement of the goals at the expense of quality, nutrition, quantity and truth in the marketplace.

Before moving to a number of specific cases illustrating central themes of deplorable industry behavior, it is useful to describe briefly both the burden on the industry and the manipulative strategies *vis-à-vis* the consumer which are harmful and blinding.

Food products are consumed with such profound need and deep trust by people that the common law long ago reserved hazardous food products for strict liability treatment. Harmful ingredients or deteriorations in food represent a classic "latent defect" of tort law. Harm done to persons by such food products constitutes a silent violence which is usually not perceivable by the senses until it is too late. The defense of *caveat emptor*—now heading for oblivion—generally went out long ago in food product liability cases. The silent violence of harmful food products ranges from minor discomforts to erosion of bodily processes, shortening of life or sudden death. With the growing chemical and other technologies of food growing, processing and packaging, the magnitude of potential harmful genetic impacts is alarming scientists at recent symposia. Silent violence is rarely confronted by high level calls for law and order, mass demands for empirical and statistical studies as for street crimes and disorders. The nature of the assault—quiet, most often harmful over time, and attacking cell or tissue structure—simply does not generate the kinds of moral indignation and concern reserved for the more primitive types of domestic violence.

Under such an insulation, and absent government data gathering, regulatory and enforcement activity worthy of the challenge, the food industry has institutionalized an indifference to the adverse consumer consequences of its manufacturing, processing and merchandising responsibilities. Much of the industry's activity goes beyond indifference, moreover, and is calculated to maximize sales and minimize costs no matter what the nutritional toxic, carcinogenic or mutagenic impact may be on humans and their progeny.

What the food industry does to reduce critical consumer feedback and divert consumer attention to highly controllable demand patterns is really quite simple. Long ago, anthropologists documented in their study of diverse societies that food preferences are culturally determined. Some societies eat insects which would repel Americans; other societies think semi-digested fish regurgitated from a mammal to be a prime delicacy. The pertinent point is that a far more complex society with mass, instantaneous communications offers many opportunities for skilled salesmen to shape consumer preferences. There is nothing esoteric about this practice. It is applied social science. Generating cultural determinants of food tastes and preferences has become an industry all by itself. Heredity does not explain why Americans eat Bond Bread and why Frenchmen would not even call it bread,

much less eat the spongy conglomerate. Culture—commercial culture particularly—explains the difference.

For the domestic food industry there are several important consumer preferences to meet if a particular product is to be commercially successful. These are: *taste, texture, tenderness, aesthetics and convenience*. The ingenious misuse of modern chemistry—especially coloring agents, seasonings and preservatives—can meet these preferences. The tragic factor is that these preferences can be met by non-nutritious, contaminated, deteriorating and other adulterated food products. Further, the same chemical tactics that meet these preferences also mask the true condition of the product and dull what sensory detection facilities the consumer has to alert him to wholesome products. The soothing pictures and messages on the packages and in the media further lull the consumer into blind trust.

Now, for some specific cases out of many to show how some of the afore-mentioned principles are applied and how supremely indifferent or calculating the industry is to the consumer's welfare:

1. A combination of facilitative technology, creeping greed and a somnolent U.S. Department of Agriculture has resulted in a very significant increase of fat content in frankfurters. Between 1937 and 1967, fat content increased from 18.6% to 31.2% and the protein content decreased from 19.6% to 11.8%. The upswing in fat content continues with the latest figures in the 33% range and the American Meat Institute claiming that the maximum fat content normal in this product is in the 33-35% range. New techniques—some developed by the USDA and some developed in Germany promise even more emphatic production of "fatfurters." Recent Department of Agriculture tests show brands exceeding 40% fat with one brand reaching 51%. As is its industry-indented practice, USDA refuses to divulge fat content by brand name. Rather it proposes to limit fat content to 33% which together with water, spices and miscellaneous debris very nearly exceeds the substandard meat that makes up the rest of this sausage type product. Fifteen billion hot dogs are consumed annually by Americans. If we accept reputable and repeated medical studies and judgment linking high fat diet to higher blood cholesterol levels which are connected with the rising incidence of heart and coronary disease (the nation's leading cause of death) then these 15 billion hot dogs are among America's deadliest missiles. As an economic fraud—looting would be a better word—the "fatfurter" is costing consumers tens of millions of dollars. The looting is done with slide rule efficiency—each manufacturer knows how many pennies per pound he saves with every increment of fat. The consumer, of course, has no idea how much fat is in frankfurters—there has been no labeling required—and little awareness of the serious health hazard involved in his later years. Hot dogs as a device to defraud people under the guise of meat, and as a food form to sell the substandard meat palatably, has matched the dreams of any meat companies avarice.

Given the fore-going on hot dogs, it should not come as any surprise that hamburgers are subjected to similar adulterations with ingredients that are cheaper than meat. All over the country, hamburgers are exceeding state ingredient requirements. In New York City, hamburgers were exposed recently by the Commissioner of Consumer Affairs, Bess Myerson Grant, as highly adulterated with such discernible matter as starchy flour, cereal and chemical additives. (A 1963 New York State study came to similar conclusions.) Although advertised as "all beef" hamburgers, they were really "shamburgers." Earlier this year in Columbus, Ohio, city officials tested hamburgers and found that

70% of them (from 40 stores) exceeded fat content limits of 20% for ground beef and 30% for ground meat advertised as hamburger. The 1967 Wholesome Meat Act hearings in the Congress contained further documentation of this problem.

An additional and little mentioned problem from excessive fat content in these products is that a far greater percentage of calories come from the fat than the fat-meat percentages in the hot dog or hamburger would indicate. (Fat has 9 calories per gram while protein has 4 calories per gram.)

2. One of the enduring characteristics of the food industry is its penchant to sell now and have someone else test later. In case after case, the sequence of doubt to risk to reasonable certainty of harm has been the burden of researchers outside the food industry. It comes as a highly disturbing disclosure that this sequence is emerging for the one area of food product in which most people hold greatest trust. I am speaking of baby food.

Competent nutritionists are showing growing concern over the amounts of salt, sugar, starch and monosodium glutamate in many baby foods. Salt is of particular concern because of its link to increase hypertension. According to a prominent expert on infant nutrition, Dr. Samuel Fomon, University of Iowa, a child with a hereditary exposure to hypertension would be especially affected now and in later years by the salt in baby food. Sodium intake is increased further to the degree that baby foods with abundantly salted meats, vegetables and even some fruit displace milk. Why is salt put in baby food? Not for the baby, but to please the taste of the mother. The same appeal accounts for the addition of sugar to strained vegetables. Sugar also provides the baby food with a cheaper substance than vegetables and loads the baby with empty calories (i.e. a nutritionally poor, caloric and possibly atherogenic substance). A research official at the H. J. Heinz Company admitted that the inclusion of salt and sugar by his company was in response to another company's initiation of the practice and claiming that their food tasted better in their advertisements. As a minimum, since salt and sugar do nothing for the baby, yet raise risks against the baby, the burden of proof should be on the companies who use them. They have not met nor attempted to meet this burden of proof at all, as far as any of their disclosures indicate.

Price and profit considerations also determine the use of increasing amounts of modified starches in strained fruits and dinners. The use of starch has no nutritional justification but it does have nutritional adversities. According to Harvard nutritionists, this starch replaces meat, and decreases the concentration of iron, copper and other nutrients not found in milk (which is a principal nutritional justification for the introduction of baby food). Why is modified food starch added to baby food? One reason is to preserve the texture of the food against baby's saliva liquifying unmodified starch. The modified starch is no longer normally digested. (A pertinent study by Thomas A. Anderson, National Research Laboratory, H. J. Heinz Company (1969) suggests that modified starches are not digested "in a manner identical to their unmodified counterpart." He also suggests that modified starches actually raises the blood cholesterol level.)

The attraction of monosodium glutamate (85% of which is produced by Accent International) to the baby food producers is enhancing the flavor of these starchy foods for the benefit of the mother. There is no evidence that baby craves MSG. It was not until the late 1940's that large scale MSG production began in this country. Yet not until last year did the first report of the "Chinese restaurant syndrome"—a cluster of patho-

logical reactions affecting some people who ate Chinese food—emerge. Typically, the report was not done by industry researchers, but by an independent physician. There still is no data on the tolerance of babies to MSG. It is known that MSG increases the sodium content of the food, that it has reacted in large doses, most seriously on mice and chicks, that the FDA has conducted tests on how much MSG is going into baby foods and that Campbell Soups is contracted for tests at Alvan Medical College, N.Y. The question repeats itself—when the benefit is nil nutritionally and is commercially geared to the mother, why take the risk without studying the effects first?

Another ingredient on which alarms are being raised is the nitrate content of vegetable baby food. Nitrates come from the residuals of nitrogen fertilizer (which is expected to increase massively in the next few decades). Once inside the baby, nitrates can lead to nitrite poisoning—to which babies are most vulnerable. Professor Barry Commoner of Washington University, St. Louis, has written a paper on such poisoning discovered by European public health officials among infants that was traced to the consumption of unrefrigerated American-processed baby food. Professor Commoner claims that in recent tests he ran on strained beets in baby food, the amount of nitrate was consistently above what is considered acceptable levels. He plans to publish this data officially in the fall. The more precise extent of this toxic hazard to infants is not fully known in this country because no one is trying to find out in any systematic way. The food industry does not appear interested in incorporating detection techniques or doing research on this problem.

Other activity toward safer baby food is worthy of note. The Nutrition Committee of the Pediatrics Academy is urging the industry to reduce the salt content of baby foods. There is little hope that the baby food companies, especially the hard-liner of the industry—Gerbers—will listen to the pediatricians. Heinz is experimenting with unsalted food and perhaps the company will inform the Committee of its findings.

3. The food companies are averse to labeling their products for nutritional content so as to permit the consumer greater choice and judgment. Baby food displays a listing of ingredients (sugar, salt, starch, MSG) but there is obviously a need to list protein, fat and important vitamins and minerals. West Germany requires specific nutrient labeling and there is no evidence of pending bankruptcy of German food companies. An FDA toxicological adviser, Dr. O. G. Fitzhugh, declares that the individuals who are particularly susceptible to MSG should learn to stay away from food with large amounts of MSG. However, many foods, such as mayonnaise, french dressings and salad dressings may also contain MSG and are not required to list it on the label. Previously it was noted that the USDA does not require the label of hot dogs and sausages to carry the percentage content of their major components such as fat, spices, water and meat. But pet food manufacturers eagerly put detailed ingredient statements on their labels (e.g. dog food produced by Armour & Company and by General Foods Corporation) to let owners know what their pets are eating.\* Similarly, detailed labeling

\*The Senate hearings on the 1967 meat act contained information about a substantial number of poor people eating dog food as a normal diet. I have heard of this consumption pattern from various sources around the country including the large northern cities. The pet food companies, I am told, have some surveys which point more concretely to this being the case. Certainly the television commercials display an exuberance on dog food which may persuade some people that what is so good for the dog is good for the master.

obtained for cattle feed because cattle owners want fast growing, large cattle for market.

4. The case of artificial sweeteners illustrates the unwillingness of the industry in anticipating and resolving a health problem. The significant marketing of artificial sweeteners began a decade ago. The FDA, without engaging in precautionary testing, had promptly included these sweeteners (cyclamates) on its GRAS (Generally Recognized As Safe) list. These artificial sweeteners were promoted as an antidote to obesity, without any evidence that this was the case. Sales rocketed, increasing seven-fold between 1962 and 1967. One aspect of General Foods handling of these sweeteners can be illustrated in the following way. A customer can go into a market and buy a packet of Kool-Aid. On the back, there is the following FDA required statement: "Contains 31.5% calcium cyclamate and 3.2% sodium saccharin, nonnutritive artificial sweeteners which should be used only by persons who must restrict their intake of ordinary sweets." Now compare this advice with the content of TV advertisements for exactly the same product, but which omit entirely this advice. (Exhibit)

Late last year, due entirely to government research at FDA, scientific doubt was cast on the safety of cyclamates, which millions of Americans were consuming daily in food and drink. It was discovered that a breakdown chemical of cyclamates called Cyclohexylamine appeared to cause genetic damage. On the basis of this and other damaging British information, private label foods containing the cyclamate were banned by three British retail chains from the shelves of 27 department stores and 270 supermarkets. No similar action has been taken by any American business. The FDA put out recommended intake levels in a manner conducive to non-comprehension by anyone but a physician. In addition, it is very difficult for a consumer to find out how much cyclamate by grams is in the artificially sweetened products. The FDA has not widely distributed cyclamate content by brands and sizes. And cyclamates still remain on the FDA GRAS list as a product for which no testing and no tolerance levels are required.

5. If we accept the rhetoric of modern business in the area of the social responsibility of the large corporation, it is not incumbent for the large food companies, at least, to study and act on the dietary patterns of different groups that make up their consumer market. Should not General Mills, General Foods, Quaker Oats, Green Giant, Ralston-Purina, Kellogg, Lipton, Coca-Cola and other companies be actively concerned about the USDA reporting last year as follows: In 1955, 40% of families consumed poor diets, by 1965 the figure reached 50%. Of the families living on poor diets, 63% had income above \$3000/year. Other trends between 1955 and 1965 showed "an increase in the proportion going to grain products because of more purchases of bakery products; and an increase in the proportion going for beverages such as soft drinks, punches, ades and beverage powders." (USDA—Household Food Consumption Survey, 1965-1966 report No. 1) The same report indicated that "From 1955 to 1965 (percentage) consumption increased for soft drinks, punches and ades, potato chips, crackers, cookies, doughnuts, ice cream, candy and peanut butter." Do the food companies have an overall responsibility for what they sell, for the dietary shifts downward in nutrition that their campaigns promote, for the deep ignorance of nutrition in the population that breeds food quackery at its extreme?

Other questions come to mind: Is private industry generating an economy of deficient abundance with middle-class consumers being persuaded in faulty food diets? Why has private industry neglected to apply to domestic consumer markets the highly nutritious

foods developed for people overseas under government sponsorship or encouragement? While the food corporations of the U.S. supply "Vitasay" to Hong Kong, "Pronutro" to South America and "Incapurina" to the same area, U.S. consumers are being fed on potato chips, pretzels, snacks that come in various sculptures and colors. While the Coca-Cola company is distributing a high protein chocolate drink "Saci" to developing countries, it supplies the U.S. with cola—a massive affliction that contains absolutely no vitamins or proteins. It does add caffeine, however, and is not required to announce that fact on its label, contrary to nearly unanimous FDA staff recommendations in 1966. The views of companies testifying before this Committee will be interested to read on these subjects. (By way of comparison, the following food selections for good nutrition by the Agricultural Research Service, USDA, October, 1968, are appended. You may wish to note how many heavily merchandised so-called food products are absent from this list and would never make any such a list.)

Telling evidence as to the inadequate concern for consumer welfare by food manufacturers and processors is the amount of funds committed to research and nutritional testing. The National Commission on Food Marketing reported in 1966 that in 1964 the food manufacturing companies spent \$1,389,000,000 on advertising, while the same companies in the same year only spent \$135,000,000—less than one-tenth as much on research and development. Of this \$135,000,000 spent on corporate R&D, fully 90 percent was devoted to research and development of such promotional items as package design, consumer motivation and the like. Only a bare \$12,000,000 was spent on basic food research. Food and kindred products rank lowest, except for primary metals, in the number of research and development employees per 1000 employees. The industry's attitude toward its own responsibilities in testing the various effects, short and longer range, of their additives is reflected in the tragically low research and testing budget, most of which goes to developing new convenience foods using more additives and not on the effects of these additives on the human organism. The level of technical competence in the food laboratories is now, as judged by the producers of food additives who sell to these companies (Chemical and Engineering News Record, October 10, 1968).

One of this century's greatest geneticists, Dr. Herman J. Muller, put this kind of problem in proper focus:

"What we are concerned with . . . is the possibility of (food additives, drugs, narcotics, antibiotics, pesticides, air pollutants and water pollutants) being mutagenic, that is, producing mutations in the genetic material, and being thereby damaging not only to the directly exposed individuals but even to their descendants.

"It is now important to know what substances have such effects, how they may be recognized and dealt with, and in what ways the effects will be expressed in the exposed and subsequent generations."

Over the past several years, leading geneticists and biologists meeting at scientific meetings have expressed alarm at the lack of national policy and commitment to understanding the somatic and genetic impacts on people by the thousands of chemicals, including food additives, that are confronting us. When scientists such as Dr. Rene Dubos, Dr. Richard A. Kimball (Oak Ridge National Laboratory), Dr. Marvin Legator (FDA) and Dr. Matthew Meselson of Harvard show deep worry, it is time we all became concerned about the need for safety guidelines and monitoring procedures within an overall strategy of prevention.

The specific and mounting pressure for action is well stated in an FDA five-year program 1970-1974:



"The use of direct food additives in food manufacture will have approximately doubled by 1974 from the level of use prior to the passage of the Food Additives Amendment (1958) to the Food, Drug and Cosmetic Act. Over 1,000,000,000 pounds of some 2,500 food additive chemicals will be consumed. Both the methodology for their detection and their long-term toxicological significance require an expansion of research activities by the FDA. Unknown alteration products further complicate the attaining of the necessary security in the safety of the food supply. The primary need at present is for the development of multi-additive detection methods to facilitate surveillance and measurement of actual additive intake levels. The needs are similar in the area of natural poisons such as the mycotoxins."

In the time available, a few words should be directed toward the performance of the FDA and USDA in safeguarding and promoting the quality and nutritional value of the food supply. Federal government performance can be divided into five functions—research, regulatory, support, statistical and studies and educational.

1. *Research*—USDA research on the food supply has been heavily dictated by the Department's promotional responsibilities and the state of surplus commodities or the health of particular agricultural sub-industries. These activities have clearly taken precedence over activities to insure product quality and nutrition which affect the greatest number of citizens. The Department's proud sense of priorities was displayed on March 10, 1969 before the House Appropriations Subcommittee. Dr. F. R. Senti noted the Department's achievements in improving cotton products and cotton markets, developing treatments for apple ciders for longer storage periods, the reduction of cucumber spoilage and similar advances which may indirectly help the consumer but directly assist the sellers. In dollar terms, the USDA's budget request for fiscal 1970 was \$33,448,000 for industry oriented research and only \$5,527,000 for what is termed "nutrition and consumer use research." In addition the Department requested another \$8,558,000 for "marketing research."

When dealing with its regulatory duties, FDA in most cases does not do its own research nor does it, in most cases, reveal the raw data of industry or other outside scientists. It just reviews the summaries of these data. The tragic results of this practice have been well documented in the field of drugs. What is not as well known is the way the FDA allowed itself to err in the food irradiation project of the U.S. Army. In 1962, the FDA approved the preservation of bacon by treating it with radiation. They granted this approval after reviewing the summaries of scientific data done outside the agencies. It was not until five years later that FDA discovered a series of danger signals in the old data that required them to remove permission to treat any food with radiation. In the intervening period, more than 30,000 Army and Air Force recruits were fed food similar to that which had caused eye lesions and nutritional deficiencies in laboratory rats. (Article from FDA Papers appended).

It is apparent that FDA needs more funds and manpower for research which presently is only a small percentage of FDA's overall annual budgetary level of some \$23,000,000 for fiscal year 1970. In no area is the distributive injustice of federal funds more clearly etched than in this pathetic allocation for insuring the purity and safety of the nation's food supply. FDA has failed, however, in vigorously pushing for its rightful share of public funds and in taking the lead for bringing public attention on the woeful absence of minimal research facilities and manpower. An authoritative assessment of how little is being done in genetic monitoring, including the impact of food

additives and pesticides, by Dr. S. S. Epstein, Director of Research, Children's Cancer Research Foundation, Inc. is submitted for the record. Dr. Epstein provided this material in response to questions put to him last August by Senator Edmund Muskie.

2. *Regulatory*—The regulatory deficiencies of the USDA in meat and poultry inspection are now well known. Successful pressuring of Departmental personnel to refuse public disclosure of inspection reports, widespread complicity, incompetence and demoralization among the inspector corp., and the ad hoc overruling of honest inspectors by politically attuned supervisors are samples of this breakdown in inspection and enforcement. The massive violations of the Department's own standards make a mockery of law and order in poultry and meat plants and the state inspected plants are operated within a worse system of anarchy.

Unlike most regulatory agencies, the FDA does not have subpoena authority either to summon witnesses or to require firms to divulge pertinent records. The agency has requested Congress for such authority but a battery of trade groups defeated this elementary power to protect the consumer at the earliest stage of any potential risk situation. A lengthy list of plants which refused FDA inspection requests in 1962 is appended for the record. Anemia pervades the legal authority of the agency. Abuses and deficiencies pervade the industry that this authority purports to control. The monthly seizure and recall lists that appear in *FDA Papers* provide some illustrative cases. Samples are provided for the record. FDA is trying to stop the illegal diversion of incubator reject eggs into human food channels. Contaminated carmine red color finding its way onto candy, food seasonings, meat extenders and barbecue sauce over a wide area was a recent FDA case.

Present compliance levels with microbiological contamination eliminating procedures are estimated by FDA to be approximately 65% of the industry. This means that 35% of the industry is engaging in practices that could lead to widespread food contamination and disease. For example, there are presently an estimated 2 million human cases of salmonella a year. The National Research Council report (November, 1968) on salmonella stated: "In addition to the pain and suffering it causes, this disease is responsible for substantial costs in the form of medical care, hospitalization and lost income through absence from work . . . we consider the total cost to be at least \$300 million annually and probably more." Last year, Congressman Benjamin Rosenthal of the House Government Operations released details on the commercial resale of dozens of foods after they were rejected by the government as unfit for government procurement.

An instance showing how helpful FDA subpoena power would be came from a voluntary act of cooperation earlier in the decade. A canned product for infant feeding was recalled from the market when it produced convulsions in over 130 infants. In this case the manufacturer furnished complete information about manufacturing processes, formulas, and other pertinent data, and one FDA scientist was able to pinpoint the difficulty. A change in the formula and processing operation gave a baby food too low in vitamin B<sub>6</sub>. When this vitamin was added to the formula, FDA reports, there was no more trouble.

In 1967, the Report on the National Commission on Community Health Services, chaired by former HEW Secretary Marion Folsome, described the current level of support being given to food protection at all levels of government as "grossly inadequate." "It does not even permit the responsible agencies to apply available knowledge to prevent such illnesses, much less to cope with the multitude of new and emerging prob-

lems . . . Changes in the production and processing of foods, increasing exposure of foods to chemicals, and changes in food preparation and nationwide distribution methods and techniques, together with inadequate public health controls, have created the potential for massive nationwide outbreaks of food-borne illnesses."

It is important to recognize that those companies who wish to strive for excellence in nutrition and food quality are at a marked disadvantage when there is inadequate policing of the industry, when abuses are rewarded with greater sales and when the less reputable capitalize on the irregular or non-existent enforcement of the law.

3. *Support Function*—Both the USDA and the FDA have neglected their support function for state and local government particularly in the dissemination of information, techniques and evidence of violations. The Wholesome Meat Act of 1967 requires a stronger role by USDA toward the state's inspection services, as does the Poultry Inspection Act of 1968. The FDA in its 5 year program plans wants to turn what little enforcement and surveillance activity it has to the states and to develop voluntary compliance by industry. The entire posture is one of passivity in the midst of a need to deploy legal regulation far more comprehensively.

4. *Statistical and Studies*—The prototype system has been worked out in the health area on a nationwide basis. The computers are available for use. But the national and Congressional will to establish a first rate system of data gathering on food-borne diseases, their etiology, nutritional content of various food products and the like, apparently will have to await a disaster, judging by past responses in the consumer protection area. Studies for preventive impact are likewise lagging. More creative work has been done on the food needs and problems of the astronauts in recent years than on the nutritional needs of 200 million other Americans.

5. *Education*—The FDA apparently views its educational role in food as one principal of rebutting nutrition quacks. Thus, to any one who writes FDA expressing concern over the quality of the food supply, the FDA sends him a four page specially prepared question and answer sheet filled with complacency and assuaging remarks rebutted repeatedly by FDA officials through out the years in speeches and statements. Many other answers are to questions that are more like strawmen and hardly representative of the real problems confronting a federal food safety regulator.

In marked contrast to statements by Dr. Herbert Ley, Jr., Commissioner of Food and Drug Administration and others, the fact sheet replies to one question on additives this way: "Today's scientific knowledge, working through good laws to protect consumers, assures the safety and the wholesomeness of every component of our food supply." On December 3, 1968, Dr. Ley told the 12th FDLI-FDA Educational Conference: "I am not going to tell you that FDA has devised the perfect system for keeping hazardous chemicals out of our foods, and you'll simply have to live with it. But I must also point out that our scientific knowledge in this particular field is still extremely superficial. We know too little of potential secondary and long-range effects of man's chemical diet."

Another illustration of educational lag is the failure of USDA to inform consumers that food processors and retailers have developed coding systems that indicate the date the package was packaged and inspected or an expiration date for perishables. But consumers cannot utilize these cryptic codes. Yet shouldn't USDA attempt to provide the same protection for consumers that exist for retailers? Otherwise, the integrity of USDA

grades is impaired because they were applied before the product degraded over time.

#### CONCLUSION

A nation which took until 1967-1968 to "discover" hunger in its midst is a nation which has been complacent far too long about its food supply. Year after year, the Agricultural Yearbook painted a glorious picture of America's food supply with a marked ability to ignore the nutritional deprivations and dietary deficiencies of millions of Americans and as well the deteriorating impact on food quality by the food industry. Quantity is not necessarily quality and it certainly is not necessarily just distribution. We have little about which to be complacent. Heart disease, cancer and stroke—the three leading causes of death in this country—are increasingly being tied to diet. Infant mortality which is in part a function of malnutrition is not being eliminated as rapidly as possible. Presently, the U.S. ranks 12th in the world in infant mortality. The U.S. has a high background of genetic defects which is currently being cited as one explanation for the 20% of pregnancies that do not end in birth.

Life expectancy of an American male who reaches the age of 40 has increased less than 4 years since 1900. Life expectancy for a white American male from age 1 to 65 is slightly lower than it was in 1959-1961. The U.S. in life expectancy at birth presently ranks 18th for men and 11th for women, according to the Public Health Service. The enormity of our neglect of these problems, as against our enormous unused resources with which to respond, makes it more morally imperative to appraise thoroughly this silent violence and overcome it.

#### OIL IMPORTS

Mr. HANSEN. Mr. President, the highly controversial issue of oil imports and the present mandatory oil import program is now under study by an oil import task force established by the President. Statements have been solicited from all parties interested in the oil import question. Because of the vital importance of oil exploration and production to the State of Wyoming, I have submitted such a statement to the task force.

One important aspect of the overall effects increased imports could have on the domestic petroleum industry is in an adequate domestic natural gas supply.

Earlier this year, in testimony before the House Committee on Interior and Insular Affairs, Assistant Secretary of the Interior for Mineral Resources, Hollis M. Dole, and Director of the Bureau of Mines, John F. O'Leary, warned that a shortage of natural gas is imminent without the development of new productive capacity. In fact, during 1968, for the first time in history, we utilized more gas than we added to proved reserves. The same is true of gas liquids. For the fifth time in the past 9 years, we suffered a net decline in crude oil reserves.

The discovery, development, and production of oil and natural gas go hand in hand, and although we could, at the expense of further development of our domestic petroleum-producing capacity, make up the difference in our oil needs, gas is another question.

With 140,000,000 domestic gas users in the Nation dependent on a reliable supply of natural gas for all or part of their household needs—heating, cooking,

laundry, and the like—we simply cannot afford to run short.

It is not a problem of running out of gas. Secretary Dole told committee members we are not running out of mineral resources, but there is every indication we are short changing the science and mineral technology industries, needed for their discovery capabilities, profitable production and processing, at a time of widening world competition and increasing demands.

The increased shift to foreign sources of supply raises an important question, Dole said. How long can the United States rely on investment abroad to substitute for the development of new technology in expanding the U.S. mineral supply? There is evidence that time is running out.

I will point out to my good friends and colleagues, who believe that removal of oil import quotas would lower product prices, that the impact on the domestic natural gas industry could be disastrous. Gas is something we cannot import like oil. Optimistically, according to Director of the Bureau of Mines O'Leary, we are between 5 and 7 years away from establishing a viable gas synthesis technology, capable of supplementing our natural gas supplies of this clean and flexible fuel.

Mr. President, I ask unanimous consent that the text of my July 15 statement to the Cabinet Task Force on Oil Import Controls be printed in the RECORD.

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

#### STATEMENT BY SENATOR CLIFFORD P. HANSEN

The Nation's security as to essential fuels, long-range supplies of petroleum, the stability of the U.S. dollar, and the economics and government operations of more than half of our states including my State of Wyoming, are vitally affected by our Government's oil import policies. Therefore, the review and the conclusions of the Cabinet Task Force on Oil Imports Controls will be of far-reaching consequence to all Americans. As a member of the Senate from one of our important oil-producing states, I welcome the opportunity to present, for the task force's consideration, the following views.

World events are such that it would seem the question as to whether the United States should pursue policies which will assure access to adequate petroleum supplies within our own control is not even debatable. Fortunately, and due in great part to the Mandatory Oil Import Program initiated by President Eisenhower, the Nation has been able thus far to maintain its self-sufficiency in essential supplies of both oil and natural gas.

However, our self-sufficiency in both oil and gas, both of which are developed and made available in the exploratory programs of the domestic petroleum industry, already has been lost. While the United States has excess oil producing capacity, it does not have sufficient idle capacity to fill domestic requirements should all present imports be disrupted or discontinued. Last year for the first time, U.S. productive capacity fell below domestic demand. Shortages of natural gas are said by the Bureau of Mines to be in prospect as early as this winter, and this is confirmed by natural gas utilities which have informed the Federal Power Commission that they are presently unable to contract for new gas supplies needed to meet expanding consumer requirements.

This Nation, therefore, already is confronted with a fuel crisis which our best authorities believe to be imminent. Such a prospect illustrates that security as to essential energy supplies cannot be confined to the narrow concept of developing fuels to "fight the last war". A family having investments in natural gas equipment for heating, for air-conditioning, and for laundry, certainly would face insecurity as to both their health and their economic status if gas storages suddenly rendered their expensive gas appliances useless.

There are 40 million gas meters in the U.S. and a \$30 billion investment in gas appliances, and a family having such investments in natural gas equipment for heating, cooking, air conditioning, laundry and the like certainly would face insecurity and health hazards if a gas shortage suddenly made such appliances useless. And gas is something we can't import like oil.

It should, therefore, be kept in mind that imported oil which discourages exploration for and development of domestic crude oil, likewise is discouraging the search for, discovery and availability of additional supplies of natural gas which already is in insufficient supply to meet existing demands. Viewed in terms of such realities, it is clear that "security" as to U.S. petroleum fuels, both oil and gas, is important in terms far broader than for waging war. In fact, the most serious shortages of petroleum liquids since World War II have occurred in situations which did not involve general or extended warfare—the Iranian oil shutdown of 1951, the Suez crisis of 1956-57, and the Arab-Israeli war of June 1967.

It is assumed that the Department of Defense, responding to the Task Force's appeal for interdepartmental commentary, as well as other witnesses, will document the strategic defense necessity of maintaining adequate petroleum fuels, and the need for effective import controls to serve that purpose. Therefore, I will limit the remainder of my comments to other aspects of the problem which I consider almost equally important.

First, it is my conviction that the United States, as the consumer of about a third of the world's liquid petroleum fuels, and the great bulk of the natural gas burned for both household and industrial purposes, simply could not afford to become substantially dependent upon foreign sources for these fuels. It is estimated that, by 1980, the domestic consumption of petroleum liquids will average 18 million barrels daily. In hearings recently before the Senate Antitrust and Monopoly Subcommittee, witness after witness estimated that—with no import controls—the United States would increase imports to about 50 percent of consumption in the relatively short range of about five years. Many believe that with no restraint on imports, the overabundance of low-cost foreign oil would, within this period, rise to 75 percent or more of the domestic market.

For illustrative purposes, however, assuming a 50 percent import level, it becomes apparent that imports in 1980 would approximate 9 million barrels a day. At \$2 per barrel, which is minimal, imports of this order of magnitude would represent a dollar outflow of \$18 million daily and would approach \$8 billion a year. Should we go the route of such increased dependence, it is clear that we would be importing natural gas from Canada and from other world areas in liquefied form, at perhaps additional costs of \$2.5 billion to \$4 billion a year.

Because this Nation is the most massive user of petroleum fuels in the world, it is clear that the balance of payments impact of a rapidly accelerated and unlimited dependence on foreign supplies would be intolerable. It would create a cost and a dollar drain that without question could not be offset, and the ultimate result, I am convinced, would be a devaluation of the dollar.



It is all too clear that, aside from the security problem and even if we had unquestioned assurance of access to world supplies at current prices for the foreseeable future, the United States—as a matter of economic policy and its own national interest—could not afford to be a customer of foreign countries for the bulk of its petroleum supplies. It is equally clear that an end, or a substantial loosening of import limitations now existing, would point the Nation in the direction of this intolerable economic predicament. I submit that such a course would be economic folly.

My own State of Wyoming is the 5th ranking petroleum producing State and also one of the most active in exploration and new discoveries. Last year oil and gas production increased by \$31 million to a total value of \$406 million in Wyoming. In a state of only 300,000 population, the industry employs 7,000 people and pays more than 40 percent of total state taxes including a one percent minerals severance tax enacted this year.

Over 70 percent of the mineral estate in Wyoming is in government ownership and it is interesting to note that at the present time, about 70 percent of Wyoming's oil production is from the public domain. Further, it ought not to go unnoticed that 39 percent of all the funds in the Bureau of Reclamation's revolving fund, which is the royalty from production on public lands, comes from oil and gas development in Wyoming.

Minerals are Wyoming's number one industry and oil and gas account for 75 percent of total minerals production value. Obviously any diminution in petroleum exploration and production from whatever cause would have dire effects on the overall economy of not only Wyoming but all major oil producing states.

One other point upon which I wish to comment involves the integrity of the oil import program. It is essential that any regulatory program apply equally to those citizens and those companies being regulated. Any regulatory process which accommodates one citizen, or one company, or one geographic area, at the expense of another, cannot survive. It becomes morally bankrupt. It becomes, from a practical standpoint, unworkable—because one special deal or exception begets demands for more special deals and exceptions.

The present Mandatory Oil Import Program, during the Johnson Administration, was so used and abused. It took on the character of a cookie jar or goodie bank from which only certain and select boys, on the basis of promises that they would share the benefits, were allowed the choice morsels.

This is a known fact that the chief executive officer of at least one company receiving a special deal to move large amounts of gasoline from a refinery in the Virgin Islands to the U.S. mainland was listed as a \$100,000 contributor to the Humphrey-Muskie campaign. This certainly leaves considerable doubt in my mind about the objectivity of the oil import program as it was then administered.

This is no way to run a government program. It is the certain road to a loss of confidence in government. It is the eventual road to charges of rank favoritism and scandal. Former Interior Secretary Stewart Udall, who riddled the present program with exceptions and exemptions during the three years, 1965-68, made the understatement of the year on page 106 of the June 1969 issue of *Fortune* magazine, where he states, with respect to his administration of the oil import program, "It was a minor miracle that I got by without any major scandal."

I commend Mr. Udall for his candor, and I say that this comment embodies a valuable lesson for the present Administration. The Task Force will be bombarded with appeals for special exemptions, special treatments and special deals. It should make cer-

tain that whatever restructuring it recommends in the present program deal first and foremost with assuring that the *special deal* is out and will not be tolerated in the Nixon Administration. Unless that is made clear, the program, in my opinion, is foredoomed and its purpose, however important, will be automatically thwarted.

Now, I turn to one specific case of special pleading. This involves pressures precipitated by the Occidental Petroleum Company to carve out a special deal under which a large portion of the New England petroleum market would be carved out and set aside for that company, to be supplied from its prolific wells in Libya. Under the Occidental plan, this company would misuse the Foreign Trade Zones Act as a means of circumventing the oil import program. In a Foreign Trade Zone which the State of Maine seeks at Machiasport, Maine, Occidental would construct a 300,000 barrel refinery. From this refinery, 200,000 barrels daily of petroleum products would move into U.S. markets.

This bizarre plot to gain special exemption from the import program is particularly attractive, because it now has two rivals. No less than three companies now have offered to build refineries at Machiasport, if permitted to operate on foreign oil. To gain such special privilege, they have promised price cuts to New England consumers and they have pledged to put up to 20 cents per barrel of imported product into a special kitty for a New England Conservation Fund. In the case of Occidental's plan, this would amount to \$7 million a year.

Much support has been garnered for the Occidental project on claim that New England faces (1) shortages, and (2) unreasonable prices for home heating fuel. There have been no shortages, and the facts show that wholesale prices of home heating fuel in New England have been as low or lower than prices in any other geographic area of the United States. New England simply does not have a case for special favor under the oil import program on the basis of either short supply or unreasonable prices. Certainly, it does not have a case justifying special treatment giving a multimillion dollar economic advantage to one company or even a group of companies.

In this connection, the charges which have been made with respect to New England fuel prices have implied that certain large supplying companies have engaged in practices which amount to a restraint of trade. It has been charged that some large suppliers have been unwilling or unable to meet the requirements of small, independent fuel oil dealers and jobbers. It has been charged that these large suppliers have followed a pattern of buying out and eliminating the competitive smaller jobbers and dealers. Such practices, if they exist, would seem to involve questionable and perhaps illegal tactics. If there are, in fact, practices which amount to trade restraint due to the economic power of any company or group of companies, then there clearly would be a case for prosecution under Federal antitrust laws, and the proper place for such complaints is before the Department of Justice. The Oil Import Administration is neither the intended nor the proper agency to handle charges of unfair competition or price discrimination if either, indeed, exists.

Neither can practices of price discrimination, or anti-competitive practices, be corrected by handling special competitive advantages to one refiner. Two wrongs do not make a right. Therefore, I appeal to the Task Force to recommend to the President rigid standards or guidelines which would apply with equal force to all parties affected by the oil import program. It is the special deal and the special exception which brought the present program into disrepute and resulted in the present study. Unless ironclad guarantees are assured against such special deals

favoring particular persons, particular companies, or particular geographic areas, the basic weakness of the present program will have been left intact for correction by some future Task Force, or perhaps by the Congress.

In conclusion, I make and stress these particular points:

1. Loss of reasonable sufficiency in petroleum fuels from domestic sources in the United States would leave the Soviet Union as the single major world power with adequate petroleum to meet its economic requirements and to wage war. Therefore, the necessity for import controls on petroleum to serve the vital end of maintaining reasonable self-sufficiency is more important than ever.

2. Because the consumption of petroleum in the United States is so large and growing so rapidly, the Nation—aside from the defense question—could not afford dependence on foreign sources for a major portion of our energy requirements; the pressure on our balance of payments position would be intolerable and the strain on the dollar unbearable.

3. Any diminution in present rates of petroleum exploration and production resulting from increased imports would have dire effects on the economies of major oil producing states such as Wyoming where petroleum exploration and production is the number one revenue, employing and tax paying industry.

4. The first goal of the Task Force should be to firmly establish guidelines and standards which will apply equally to all affected parties, so as to restore the integrity and stability of the program which was all but dismantled by special deals and exemptions during the Johnson Administration.

5. There has been no demonstrated need for increased imports of foreign oil, and the record before the Task Force will show, in fact, that U.S. exploration for and development of both oil and natural gas has been declining for over a decade. It is self-evident that any substantial increase in imports would further aggravate the downward trend in exploration-drilling, and jeopardize our ability to meet future demands for these fuels. Therefore, total imports should be held within their present relationship to domestic demand, and serious thought should be given to reducing this ratio if present unhealthy conditions in the domestic industry persist.

#### MOON LANDING DAY—HOLIDAY FOR MANY

Mr. YARBOROUGH. Mr. President, on Sunday, next, a very brave young American will set foot on the moon. He and his two companions will thus join the ranks of the great explorers and adventurers of our time. Furthermore, as in the days of Columbus, it can truly be claimed that man has entered into a new world.

Recently, I received a petition from 26 of my fellow Texans urging that this date be made a national holiday. The statement is indicative of the intense interest my fellow Texans, particularly those from the Space Capital of Houston, show in this project.

I ask unanimous consent that the petition and the names and addresses of the 26 signers be printed in the *Record*.

There being no objection, the petition and signatures were ordered to be printed in the *Record*, as follows:

HON. RALPH YARBOROUGH and HON. JOHN TOWER: We the undersigned desire that you advocate and support the declaration of a

National Holiday to recognize and celebrate man's first landing on the Moon. Surely no other exploratory effort in the history of mankind will have been as meaningful.

Ward J. Idol, Houston, Tex.

E. F. Newenschwander, Houston, Tex.

F. Rodd, Houston, Tex.

Gaither E. Simmons, Houston, Tex.

Noble H. Solvason, Houston, Tex.

James M. Curtis, Houston, Tex.

Raymond Kulrak, Houston, Tex.

Mrs. J. A. Parks, Houston, Tex.

Syd Joplin, Houston, Tex.

James A. Beshirs, Houston, Tex.

Jack E. Whitley, Houston, Tex.

Erwin W. Schulz, Houston, Tex.

W. P. Springer, Houston, Tex.

R. C. Rumble, Houston, Tex.

Joseph A. Ayres, Houston, Tex.

W. H. Day, Houston, Tex.

John Richto, Houston, Tex.

Earnest A. Siger, Houston, Tex.

Charles W. Lord, Houston, Tex.

Willie Eckles, Houston, Tex.

Bill J. Coye, Houston, Tex.

J. L. McIntyre, Houston, Tex.

Charles J. Morngence, Houston, Tex.

J. O. Soam, Houston, Tex.

M. B. Landers, Houston, Tex.

Mrs. Jesse Thompson, Houston, Tex.

### THE DO SOMETHING ADMINISTRATION

Mr. DOLE. Mr. President, in recent days, scattered journalistic statements have created the impression there is a deep current of discontent throughout the Nation over what the authors of these statements refer to as the inaction of the Nixon administration.

It is true that the new administration has declined to use the tired techniques of previous Democratic administrations to ballyhoo its programs.

It is quite obvious that the public welcomes the respite from the continual sales pitch it has received during the past 8 years to sell these programs. This does not mean, however, that the Nixon administration has the Nation in the doldrums. On the contrary, we now have a hardworking, no-nonsense administration of which our citizens are proud. This fact is effectively outlined by David Lawrence in his recent column entitled "Administration Critics Answered," published in the Washington Evening Star of July 10. I 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:

#### ADMINISTRATION CRITICS ANSWERED

(By David Lawrence)

A lot of criticism has been uttered by Democrats in Congress that the country is witnessing a "do-nothing" administration. President Nixon and his Cabinet have been charged with failing to furnish Congress with important legislative proposals that could have been acted on in the last six months.

But a countercomment is made by the Republicans—namely, that the country is witnessing a "do-nothing" Congress. This, of course, is a generalization, as there are many committees in both the Senate and House which have been working assiduously on certain problems.

Yet it is true that hardly any major legislation has been enacted. If the subject is examined more closely, it will be found, however, that constructive activity has also been going on during the last six months in the Executive Branch of the government. For when an administration changes, the

incoming president and his cabinet must familiarize themselves with each problem and get a picture from the inside before they can concentrate on how to make improvements in established practices.

The Executive Branch of the government under President Nixon is in fact a "work-hard" administration. It is reluctant to act impulsively or come to conclusions without a thorough analysis of the merits of the pro-and-con of controversial subjects. This takes time.

Congress itself has an obligation to enact laws dealing with vital problems, and there is nothing in the Constitution which says that either the House or the Senate or both must wait for recommendations from a president before starting to legislate. It is significant, therefore, that neither the House nor the Senate has initiated and passed important legislation in recent months.

Not long ago, a group of 23 Republicans from the House went around the country to find out firsthand something about the campus riots. They brought back a lot of interesting information which was presented in a report to the President. This is the kind of contact that could be made on other kinds of governmental problems, too.

While each house has committees which specialize in particular subjects, not many members of either house can find the time to read thoroughly all the printed reports. There are journalists who do more reading on the various subjects before Congress than is done by some senators or representatives. This is due not to a lack of interest on the part of congressmen, but to a preoccupation with problems from their home states or districts or with a specialized subject or two dealt with by the committees on which they serve.

If each house could send around the country a group of 20 members and if each group could spend a few weeks studying a particular topic, the information gathered would be invaluable to Congress. Members who go back to their own districts or states too often find themselves importuned for jobs or favors.

Special groups really could learn what the American people are thinking about—their reactions to the crime wave, their feelings about busing children from one school district to another, and their views on ways and means of getting better quality education for people of all races. The anti-poverty program, for instance, and the impact of the Medicare program are but two of the many important issues that are before the government and on which the thoughts of citizens should be obtained.

Government is a far more difficult operation than it has ever been at any time heretofore in American history. For the growth of population to more than 200 million has created problems. States and cities as well as the federal government have never had to deal with one of the biggest challenges today—How to redistribute the population. Virtually 70 percent of all the people are concentrated in urban areas occupying less than 3 percent of the land in the United States. More factories could be built in country districts, and other devices could help to redistribute population.

With all these problems facing the country, members of Congress who are crying out that the administration of President Nixon is "doing nothing" are not being realistic. The truth is Congress itself could be of greater help if it really got in direct touch with the thinking of the American people as a whole and then constructively legislate.

### SURPLUS FEDERAL LAND FOR HOUSING

Mr. HART. Mr. President, on July 8, I introduced a bill (S. 2563) which would amend the Federal Property and Administrative Services Act to permit the dis-

posal of surplus real property for public housing purposes.

My attention has now been called to the fact that the U.S. Conference of Mayors, at its annual meeting in Pittsburgh, Pa., on June 18, 1969, passed resolution 15, specifically urging that the Federal Government make surplus Federal land available for housing.

I ask unanimous consent that the resolution of the conference be printed in the RECORD.

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

#### RESOLUTION 15. SURPLUS FEDERAL LAND

Whereas one of the factors inhibiting construction of necessary housing units across the country is the lack of available land in suitable locations; and

Whereas local governments are searching for land not only for housing but for many other public purposes, such as parks and recreation; and

Whereas the federal government from time to time makes surplus federal land available to local governments for a variety of purposes; and

Whereas under present regulations and laws governing the disposition of surplus federal land the acquiring local government must pay fair market value for the property,

Now therefore be it resolved that the U.S. Conference of Mayors calls on the Administration and Congress to recognize the needs of local governments with respect to surplus federal land and enact legislation which will make such land available to local governments at less than fair market value.

Be it further resolved that Congress immediately provide funds for construction of military public quarters on lands now held as reserve for military housing, or that such lands be reclassified as surplus and made immediately available for housing.

Be it further resolved that the Conference urges that if surplus federal land is appropriate for housing or park and recreation use, a local government should be given a preference to acquire it for those purposes.

Be it further resolved that the following should be used as guidelines for disposition of surplus federal property: (1) If the local government originally donated the property to the federal government, the property should be reacquired at no cost. (2) If the federal government originally paid for the property, the local government should be permitted to reacquire it at the original cost. (3) In no instance should local governments be required to pay more than 50% of the fair market value.

### TAX REVISION PROPOSALS

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in yesterday's Washington Daily News. The editorial indicates the need for the prompt enactment of the Nixon administration's tax revision proposals.

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

[From the Washington (D.C.) Daily News, July 14, 1969]

#### SENATOR LONG'S NEW SIGNAL

Senator Russell Long, who is in a key position of power as chairman of the Senate Finance Committee, apparently has done a switcheroo on the question of hustling along the surtax extension bill. About \$9 billion in government revenue is at stake in this bill—the difference between a probable inflation-spurring deficit and a modest surplus.

The Senator earlier had indicated he and



the other Senate Democrats would not act on the tax bill until it had been loaded with tax "reforms" to their satisfaction. But now he volunteers to get the bill moving before July 31, or mid-August at the latest.

There already is some tax reform in the bill as passed by the House, and the Senate could add more if it chooses. But, as the senator now agrees, the important need is to get the tax bill passed "to balance the budget and stabilize the economy."

Tax revision long has been urgent and both President Nixon and Congress now are committed to a sweeping overhaul. But, as Sen. Long and everybody else knows, some revisions are bound to arouse dispute. The delay would jeopardize the government's revenue and stir up more inflation.

Whatever the reason for Sen. Long's shift in attitude, he is on the right track—and we hope the other Senate Democrats will join him. The sooner the tax bill is passed, the sooner Congress can get to work on tax reforms.

### THE NEED FOR FEDERAL RAIL SAFETY

Mr. HARTKE. Mr. President, in railroad safety, the illness is evident, the remedy is given.

The illness is the increasing number of railroad accidents. The very week of the publication of the Federal task force report, two railroad accidents occurred validating the report's conclusion. A passenger train derailed outside Washington, D.C., killing one person and injuring a hundred more. In Nevada, a freight train carrying 750-pound bombs exploded, throwing bombs more than 300 yards. Both accidents were caused by equipment not now regulated by either State or Federal Governments.

The remedy is a recently released Federal task force report on railroad safety, recommending that "legislation authorizing broad Federal regulating power over railroad safety should be enacted." That recommendation only serves to endorse the bill (S. 1933) I had the honor to introduce in this body on April 22, 1969.

So far we have been luckier than we deserve. Potentially tragic accidents have occurred in relatively isolated areas; miraculously few have been injured. Continued neglect will not be rewarded by continued luck. Let us enact meaningful railroad safety standards before there is a major railroad tragedy. The July 7, 1969, issue of the National Observer brought some much needed national publicity to this urgent problem.

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

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

#### TASK FORCE REPORT ON RAIL SAFETY IS OVERSHADOWED BY TWO ACCIDENTS

The report of a Federal task force on railroad safety did not receive much publicity last week; it was overshadowed by two spectacular train wrecks.

A passenger-train derailment outside Washington, D.C., on June 28 killed one person and injured 100. The apparent cause: a buckled rail.

A freight train carrying 750-pound bombs caught fire in the Nevada desert, blowing 15-foot holes in the roadbed and hurling bombs more than 300 yards. The apparent cause: a faulty axle bearing.

The task force, which was composed of

labor, management, and Government representatives, recommended that "legislation authorizing broad Federal regulatory power [over railroad safety] should be enacted. . . ." Its conclusion was illustrated by those accidents; both wrecks were caused by equipment not now regulated by either state or Federal governments.

#### RISE IN NUMBER OF ACCIDENTS

The task force, detailing the rising number and severity of railroad accidents, suggested railroad safety has become a national problem and now requires national cures. Some examples:

Grade-crossing accidents account for two-thirds of all railroad fatalities, approximately 1,600 a year. Yet only one-fifth of the nation's grade crossings are protected by automatic safety devices.

More than 8,000 train accidents were recorded last year with two-thirds of them caused by derailments.

The cause of accidents is almost evenly divided among human error, equipment failure, and track and roadbed defects. The severity of the accidents is multiplied by the cargoes now carried in greater quantity—hazardous materials such as chemicals, acids, explosives, and gases.

But, if the dimensions of railroad accidents are clear, the possibility of much immediate improvement in railroad safety is not. The report stressed the need for "a co-ordinated approach by industry, labor, state, and Federal Government" and recognized "long-standing differences among the three groups" as one barrier to prompt improvement.

#### RESEARCH IS NEEDED

In its recommendations, the task force called for: rules and regulations establishing safety standards in all areas of railroad safety; the creation of a panel to assist in lawmaking and to study present industry influence on existing regulations; the initiation by Government and industry of research on safety technology; a concerted grade-crossing safety program; and better methods of reporting railroad accidents.

On Capitol Hill, Sen. Vance Hartke, Indiana Democrat and chairman of a Commerce subcommittee on surface transportation, praised the task force's participants for their unusual co-operation but stressed that "with rail accidents increasing at an alarming rate, it's imperative for Congress to take decisive action soon."

But such action is sure to rankle those now concerned with railroad safety, and will be strongly contested. At present no Federal standards govern the design, construction, or maintenance of railroad cars, trucks, frames, wheels and axles, track, switches, or roadbed.

The task force sketched the "areas of agreement rather than disagreement" between the parties who must co-operate before any new railroad-safety provisions can go into effect. But until these differences are explored and resolved, train wrecks will continue to overshadow task forces.

### STATE TRAFFIC SAFETY COUNCIL AND NEW YORK POLICE LAUNCH CAMPAIGN AGAINST DRINKING DRIVERS

Mr. GOODELL. Mr. President, the State Traffic Safety Council of New York has done pioneering work in the field of drinking, driving, and drugs. An outstanding example of this is the fact that more than 900 public officials attended 2-day workshops on this subject conducted by the council in Watertown, Buffalo, Rochester, Syracuse, Albany, Binghamton, Valhalla, and Farmingdale. Some 300 agencies and political units of government participated in these seminars.

The council has also conducted valuable training programs in other areas such as police administration, accident control and prevention, and the use and maintenance of accident records.

I would like to take this opportunity to commend the council and its leadership for the vital contribution they are making to insure that New York State highways are safer for motorists and their families. Gov. Nelson Rockefeller has served as an active, hard-working honorary chairman of this organization since its inception, and I heartily applaud his efforts in the field of traffic safety and police work. To my knowledge no other Governor in the United States has worked so hard to improve the police profession and to upgrade its standards and personnel. A word of thanks is owed to C. W. Owens, president of the New York Telephone Co., who is serving so vigorously and ably as the president of the council. He succeeded Baldwin Maull, vice chairman of the board of the Marine Midland Banks, Inc., as the council's finance chairman and more recently as president. Both of these outstanding leaders are serving the council and providing it with dedicated leadership at the specific request of Governor Rockefeller. Another man who has provided outstanding leadership to the council in recent years is N. H. Wentworth, vice chairman of the boards, the Continental Insurance Cos. After serving the council as president and finance chairman, he is now the chairman of the council's executive committee.

It is only appropriate to mention the names of the business and industrial leadership which has been promoting traffic safety through the council's programs. These men give of themselves to promote the health and welfare of all New York State residents. Their effort deserves the attention not only of the Congress but also the attention of business and industrial leaders in every State of the Union. Here is a list of the names of the men serving on the council's finance and advisory committee, to whom I gladly pay tribute for their inspiring work:

William R. Adams, president, St. Regis Paper Company, New York.

Melvin W. Alldredge, chairman of the board, the Great Atlantic & Pacific Tea Company, Inc., New York.

Frank A. Augsburg, Jr., president, George Hall Corporation, Ogdensburg.

G. Wallace Bates, vice president and general counsel, New York Telephone Company, New York.

George S. Beinetti, President, Rochester Telephone Corporation, Rochester.

Joseph M. Bell, Jr., Chairman of the Board, New York State Electric and Gas Corporation, Binghamton.

Lee S. Bickmore, Chairman of the Board, National Biscuit Company, New York.

R. Burdell Bixby, Chairman & Secretary, New York State Thruway Authority, Elmsmere.

Kenneth E. Black, President, The Home Insurance Company, New York.

Lew L. Callaway, Jr., Publisher, Newsweek, Inc., New York.

George Champion, Chairman of the Board, The Chase Manhattan Bank, New York.

Donald C. Cook, President, American Electric Power Company, Inc., New York.

Kempton Dunn, Chairman of the Board, Abex Corporation, New York.

Gordon Edwards, Chairman of the Board, Kraftco, New York.

Victor T. Ehre, President, Utica Mutual Insurance Company, Utica.

Edmund H. Fallon, Executive Vice President, Agway, Inc., Syracuse.

Gilbert W. Fitzhugh, Chairman of the Board, Metropolitan Life Insurance Company, New York.

J. Frank Forster, President, Sperry Rand Corporation, New York.

Curtiss E. Frank, Vice Chairman of the Board, Dun & Bradstreet, Inc., New York.

Paul A. Gorman, President, Western Electric Company, Inc., New York.

Henry H. Henley, Jr., President, Cluett, Peabody & Company, Inc., New York.

Henry B. Henshel, President, Bulova Watch Company, New York.

J. Victor Herd, Chairman of the Boards, The Continental Insurance Companies, New York.

Andrew Jones, Senior Editor, Reader's Digest, Pleasantville.

Robert C. Kirkwood, Chairman of the Board, F. W. Woolworth Company, New York.

Samuel J. Lefrak, President, Lefrak Organization, Inc., Forest Hills.

George J. Leness, Former Chairman of the Board, Merrill Lynch, Pierce, Fenner & Smith, Inc., New York.

Charles F. Luce, Chairman of the Board, Consolidated Edison Company of New York.

L. W. Lundell, Chairman of the Board and President, C. I. T. Financial Corporation, New York.

John O. Zimmerman, President, General Motors Acceptance Corporation, New York.

Earle J. Machold, Chairman of the Board, Niagara Mohawk Power Corporation, Syracuse.

Malcolm A. MacIntyre, President, Chemical Division, Martin Marietta Corporation, New York.

Mercer C. Macpherson, Vice President, Chemical Bank New York Trust Company, New York.

David J. Mahoney, Chairman of the Board, Canada Dry Corporation, New York.

Joseph A. Martino, Honorary Chairman of the Board, National Lead Company, New York.

R. C. McCurdy, Former President, Shell Oil Company, New York.

William G. Miller, Former Vice President Chairman of the Board, Worthington Corporation, Harrison, New Jersey.

William H. Moore, Chairman of the Board, Bankers Trust Company, New York.

William H. Newcomb, Chairman of the Board, Great American Insurance Company, New York.

William S. Renchard, Chairman of the Board, Chemical Bank, New York Trust Company, New York.

Ralph Saul, President, American Stock Exchange, New York.

John M. Schiff, General Partner, Kuhn, Loeb and Company, New York.

J. Fred Schoellkopf IV, President, Marine Midland Banks, Inc., Buffalo.

Lewis P. Sells, Chairman of the Board, Associated Dry Goods Corporation, New York.

A. C. Seymour, Executive Vice President, Royal-Globe Insurance Companies, New York.

John A. Spencer, Regional Vice President, General Electric Company, New York.

Jack I. Straus, Chairman, Executive Committee, R. H. Macy & Company, New York.

William J. Taylor, Chairman of the Board, Railway Express Agency, Inc., New York.

John J. Tuohy, Chairman of the Board, Long Island Lighting Company, Mineola.

Huntington M. Turner, Executive Vice President, H. S. Koster & Company, Inc., New York.

George R. Vila, Chairman of the Board & President, Uniroyal, Inc., New York.

Thomas F. Willers, president, Hooker Chemical Corp., New York.

The June issue of Law & Order magazine has featured an article describing the New York council's activities. Mr. President, I ask unanimous consent that this article, "Police Launch Campaign Against Drinking Drivers," be inserted in the RECORD at this point.

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

#### POLICE LAUNCH CAMPAIGN AGAINST DRINKING DRIVERS

The drunk behind the wheel is not a new problem nor was he invented along with the auto. In ancient Rome, Caesar warned his chariot drivers not to drive after drinking. Lord Nelson warned his sailors about overimbibing, then rationed rum or grog as a daily fuel for men whose lives at sea were filled with hardship. After his victories, however, the whole crew got extra rations and also got gloriously drunk. Thus it comes as no surprise that the problem is still with us and growing to alarming proportions. There is ample evidence today that alcohol is a factor in 50% or more of our highway fatalities. More alarming than the actual fatalities, however, is the fact there is reason to believe that alcohol is a factor in 50% of all accidents.

A recent report to Congress stated that "every witness who testified at a recent hearing on this problem expressed deep and growing concern regarding the incidence of impairment by alcohol in relation to highway accidents. Though it is, on the basis of present information, impossible to state how many accidents were in fact the result, or even in part the result of the driver's or the pedestrian's consumption of alcohol, the statistics do indicate clearly that alcohol is a factor present to some degree in about 50% of all accidents. This is a serious problem and a perplexing one. Its alleviation and control will be extremely difficult but its magnitude precludes its evasion."

LAW AND ORDER Magazine has periodically called attention to the serious nature of this problem on a national scale. This effort was made to highlight the fact that this is more than just a police headache. The problem transcends police work and has invaded all levels of society. The poor get drunk as well as the rich, and the middle class has no monopoly on drinking. The skilled and the unskilled drink. And drinking, once thought to be an exclusive prerogative of the male, has shown a disturbing increase among women.

#### ALCOHOL AND DRUGS

Equally alarming in today's society is the use of drugs. Dr. Bernard Newman, President of the National Association of Police Laboratories, estimates there are as many, if not more, individuals driving cars under the influence of one form of drug or another than there are under the influence of liquor. Where the drinking and driving problem has been thoroughly researched, the fact about the use of drugs and driving have hardly been gathered, let alone touched.

Dr. Newman, who is a widely acclaimed lecturer and Director of the Suffolk County (N.Y.) Police Laboratory, is recognized as one of the pioneering experts in this field. Investigations conducted by Dr. Newman frequently show drivers who appear under the influence of alcohol, when tested, show no signs of it.

We know the use of drugs is causing a rising number of traffic accidents and deaths, but we can't do anything more about it because we need more knowledge, facts, studies and research. In many cases today it is difficult to determine by blood, breath or urine tests if a person is under the influence of drugs, Dr. Newman says.

He further states that "The law handles the 'drugged driver' the same way it handles the drinking driver. Yet it doesn't really de-

fine the term 'drug' or the term 'under the influence of drugs.'"

Dr. Newman points out the law is meaningless if there is no way to prove guilt or no means available at present to prove guilt. "We simply don't have the guidelines," he says. "Laws are not the answer. The time has come for a major university or federal agency to step in and fund some much needed research in this vital area."

When Dr. Newman talks of drugs he is referring to all forms of drugs from the common aspirin to pain killers to tranquilizers to heroin, the worst. It is obvious that marijuana or heroin have a definite and immediate effect on the reflexes of the driver—and these are indeed dangerous drugs. But relatively little is known of the impact of many of the so-called minor drugs such as the little aspirin or medicines prescribed by doctors for the common cold. The body of knowledge on what these drugs do as they relate to the average driver is so skeletal that it is more than obvious that much serious research needs to be done.

#### NEW YORK'S STATEWIDE CAMPAIGN

Law and order recently discovered that a statewide campaign was being conducted in the State of New York to combat the rising incidence of drinking, drugs and driving. This campaign was launched by the State Traffic Safety Council—New York—under the presidency of Baldwin Maull, Vice Chairman of the Board of the Marine Midland Banks, Inc., and President of the New York Telephone Company, Cornelius W. Owens, who is the Council's Finance Chairman. Governor Nelson A. Rockefeller is the Honorary Chairman of this organization. The Council is a private, non-profit agency wholly dedicated to traffic safety and supported by contributions from business and industry. It has been in existence for nearly ten years.

Governor Rockefeller recognized the urgency of the drinking driving problem facing the state when he recently called on the legislature to enact a tougher law zeroed in against the drinking driver. The Council, thus alerted by its Honorary Chairman, quietly began preparations for a massive attack on the problem. The planning and organization in New York established a pattern for other states to follow. To our knowledge no other state has ever attempted anything on a comparable basis.

Before detailing the campaign, one might well ask what is the nature of the drinking-drug-driving problem in New York State? The problem falls into several categories:

1. Tougher laws are needed.
2. Stricter enforcement is needed.
3. Prosecutors should enforce the law and judges should hand out meaningful sentences.
4. The public must support enforcement of the laws and also their enforcement agencies.

The situation is not peculiar to New York. It exists in every state in the nation. The courts are sympathetic to offenders. Prosecutors are reluctant to prosecute. Juries are inclined to be more understanding than they should be. Thus with the cards already stacked against them, the police naturally are reluctant to enforce existing laws. A recent survey conducted by the State Traffic Safety Council—New York—among police agencies showed that arrests and convictions in drunken driving cases was at best negligible and almost nonexistent.

#### WHEN ARE YOU LEGALLY DRUNK?

Stripped of its legal verbiage, the New York drunk-driving law states that if the alcohol content of a man's blood is 0.15%, he's legally intoxicated and shouldn't be driving, and if he is, his alcoholic content is prima facie evidence of his guilt. A 0.10% alcoholic content in his blood indicates to the arresting officer that the driver has had it and should be removed from the road. It is also evidence of sufficient strength to



prosecute. This is true in most states though a few consider an alcoholic content of 0.08% as *prima facie* evidence. Most European countries also consider the smaller 0.08% figure as damaging evidence or proof that the motorist is unfit to drive and should be hauled into court. Europe is stricter than we are.

Here's how New York organized a statewide assault on the problem: Following a staff conference of the State Traffic Safety Council and conferences with state and local officials, the program virtually dictated itself. Eight regional two-day seminars would be held at key population centers in New York.

Julian D. Rivo, the Council's Director of Research and Planning, was placed in charge of the attack. Mr. Rivo has an interesting background. A graduate of the University of Buffalo, he served for six years as Training Director in the Sheriff's Department, Erie County, New York. While there, he developed the curriculum leading to an Associate Degree in Police Science at Erie County Technical Institute and later served with the Municipal Police Training Council in the Office of Local Government at Albany, New York. As a dedicated police official and training director, he has maintained a twenty year interest in the problems of enforcement as they relate not only to general training and upgrading of performance standards for police, but a special interest in enforcement as it relates to the drinking driver.

The Council issued a press release strongly endorsing Governor Rockefeller's proposals for stiffer laws against the drinking driver. Hundreds of newspapers in the state picked up the story and featured it prominently. The press went one step further: It interviewed local police officials to find out what they thought of the need for such legislation and enforcement. Their follow-up stories established the need for further action.

#### RELUCTANT LAWMAKERS STALL BILL

Most officials interviewed agreed with the Governor's position and also endorsed the Council's call for support of this legislation. But lawmakers are reluctant to pass such laws, and as we closed the June issue, no concrete action has been taken on the bill. In the meantime, the State Traffic Safety Council felt it could not wait for the solons to make their move. The problem was urgent and action was called for, while the merits of the bill were being debated in Albany.

The Council initially sent out letters of invitation to all enforcement agencies in New York—nearly six hundred. It invited the chiefs and sheriffs to these seminars and also to send their men to the seminars at Watertown, Buffalo, Rochester, Syracuse, Albany, Binghamton, Valhalla and Farmingdale.

The Council obtained the cooperation and approval of the New York State Association of Chiefs of Police, New York State Sheriff's Association, New York State Police, International Association of Chiefs of Police, and New York State Municipal Police Training Council.

Sponsoring agencies at the eight sites included the Watertown Police Department, Albany Police Department, Broome County Sheriff's Department, Westchester County Sheriff's Department, Nassau County Police Department, Suffolk County Police Department, Erie County Sheriff's Department, Rochester Police Department, Monroe County Sheriff's Department, and the Syracuse Police Department.

#### THE TWO-DAY SEMINARS

The two-day course would seek to answer the following questions: How does the manner in which alcohol is consumed affect the driver? What laboratory tests are available to detect the drugged driver? Why do police reports of accidents frequently note the presence of alcohol or drugs in only a fraction of the cases? Why is conviction of the drinking driver helped by scientific evidence show-

ing the motorist's blood alcohol content at 0.15% or more at the time of arrest? Does a referee have discretion to suspend or revoke drivers' licenses in chemical test refusal cases? Were the new drinking and driving regulations largely responsible for the substantial reduction in road accidents in the first year following the passage of Great Britain's Road Safety Act? What legislation is needed in New York State to implement the federal standard on "Alcohol in Relation to Highway Safety"? What steps or programs must be taken at the local level to reduce accidents and fatalities arising from the drinking driving or drug problem?

While the Council sought to answer these questions specifically, it was felt that the police and other public officials should be given a thorough indoctrination on the full scope of the problem. Accordingly, speakers—experts in their areas—were provided by the state or local agencies for each workshop.

Dr. Newman, whose services were loaned to the Council for the entire series of seminars by Commissioner John L. Barry of the Suffolk County Police Department, was the keynote speaker at each session. Max I. Basner, Senior Referee, New York State Department of Motor Vehicles, was an especially powerful speaker on the subject "Revocations/Suspension of Drivers' Licenses in DWI/DWAI." Sgt. Frank D. Smith, Division Headquarters, New York State Police, spoke on "Breath Testing Equipment" at seven locations. His services were provided through the courtesy of Superintendent William E. Kirwan under whose direction the State Police have cracked down on drinking drivers wherever they are found in jurisdictions under their control. It is significant that drunken driving arrests by the State Police rose 41% to nearly 5000 in 1968. Other speakers who spoke at all eight sites were John O. Moore, Motor Vehicles Program Coordinator, New York State Department of Motor Vehicles; Emerson H. Westwick, Traffic Safety Specialist, Institute for Highway Safety, Washington, D.C.; and Edward T. Ayres, Assistant Director, Bureau of Alcohol, New York State Department of Mental Hygiene. The District Attorney or one of his top assistants, in each county where the seminar was held, spoke on prosecution of drunken driving cases, and a local magistrate covered the subject of the role of the court.

Commissioner Francis B. Looney of the Nassau County Police Department welcomed the nearly 300 police and other public officials who attended the workshop held in Long Island by indicating that his department would continue to maintain pressures on motorists who imbibe too much and then drive their motor vehicles. Nassau County has obtained several breath-testing machines and in recent years has virtually doubled its arrests of drinking drivers.

When the final session was held in Syracuse nearly 900 police and other officials had attended the eight workshops. The Council received many letters of commendation from law enforcement agencies whose personnel had participated in the two-day course. It is too early to predict the impact of these seminars on enforcement practices in New York. Suffice it to say these hard-nosed officials and chiefs who sent hundreds of their men to these sessions on full pay did not do it as a courtesy. Scattered evidence, however, indicates that the drinking driver had better watch out in New York State. Conversations with police who attended these workshops reveal they have returned to their departments inspired and convinced that if our highways are to be rid of this menace, the police must jack up their efforts and the courts and prosecutors must cooperate with the police.

Fifty thousand deaths a year on our highways are too many. The public is demanding better protection. They will get it if they support their enforcement agencies. For the police can only do as good a job in traffic control and safety, in strict enforcement

against the drinking driver, as the public is willing to support. It may very well turn out that what is happening in New York State may have a judicious impact on the forty-nine other states. Time will tell.

#### FISH INSPECTION

Mr. HART. Mr. President, the Consumer Subcommittee of the Senate Commerce Committee has been holding public hearings on S. 1092, my bill to authorize mandatory Federal fish inspection.

It is with great pleasure and satisfaction that I present to my colleagues a resolution—No. 43—on this subject adopted at the Sixth Biennial Michigan AFL-CIO Convention held in Grand Rapids, June 9-11, 1969.

In contrast to the testimony presented yesterday by the administration, the Michigan AFL-CIO urges legislation that will provide consumer protection "at least as strong and effective as that of the meat and poultry inspection statutes."

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

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

#### RESOLUTION 43—SEAFOOD PROCESSING LEGISLATION

Whereas, The Labor Movement, led by the Amalgamated Meat Cutters and Butcher Workmen, AFL-CIO, played a major and decisive role in the enactment of strong and effective legislation for the inspection of meat and poultry, and as a result no filthy, diseased, or adulterated red or poultry meats can be legally sold in the United States by mid-1970, and

Whereas, A major food problem exists concerning fish and no mandatory federal inspection of seafoods exists in one of the most highly perishable foods, and

Whereas, The mishandling of this food caused serious illness and death for eleven persons in the past five years due to botulism, and

Whereas, Most of all of these deaths could have been prevented by proper inspection of the product or facilities processing these foods, and

Whereas, There is general agreement on the need for fish inspection legislation and many companies are still protesting and are seeking a cut-rate program that would eliminate an inspector in the plant during processing which would make such legislation a sham and a farce, and

Whereas, Strong and effective fish legislation based on the meat and poultry programs is before Congress (S. 1092) championed by our own Senator Philip A. Hart (D. Michigan) and

Whereas, A major effort will be made this year to provide this additional protection to the consumer, therefore be it

*Resolved*, That the Michigan State AFL-CIO strongly supports the legislative campaign for fish inspection and that it supports legislation that will provide consumer protection at least as strong and effective as that of the meat and poultry inspection statutes, be it further

*Resolved*, That copies of this resolution be sent to the Maritime Trades Department, AFL-CIO, and to all Senators of the United States.

#### WHAT IS RIGHT WITH AMERICA

Mr. BENNETT. Mr. President, a leading daily newspaper in my home State of Utah recently sponsored a contest and invited teenagers to submit essays on "What's Right With America." The

quality of thinking and dedication to our Nation's highest ideals that is evident in the winning essays provide the answer to the essay subject, in my opinion: What's right with America are young citizens such as these.

First-place winner Jolynn Anderson, who, incidentally, was 13 years old on Independence Day, based her essay on President Nixon's memorable inaugural suggestion that we in America learn to talk rather than shout, so we can hear words and thoughts rather than the cacophony of voices.

Miss Anderson wrote:

I hear an overwhelming chorus of another side of America, the real America. The America that will lead all citizens to a great, prosperous and happy future.

What's right with America? It's you. You're right about America. And as long as each one of us can feel this way and keep working in the right direction—That's what's right with America!

Mr. President, I believe each of us can benefit from reading this excellent essay. I ask unanimous consent that it be printed following these remarks. I also ask unanimous consent that the runners-up in the contest also be printed. They were written by John B. Quinn, 18, of Bountiful, Utah, and Kevin C. Cromar, 16, of Salt Lake City. All of the essays appeared in the July 4 edition of the *Deseret News*.

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

#### WHAT'S RIGHT WITH AMERICA

(By Jolynn Anderson)

(Jolynn Anderson, 13, is the daughter of Mr. and Mrs. Belmont F. Anderson, 2746 Apple Blossom Ln., and will be in the eighth grade at Churchill Junior High School this fall. Jolynn is active in sports such as skiing, baseball, swimming and gymnastics, along with studying history, social science and similar subjects. As first prize winner, Jolynn receives a \$500 U.S. Savings Bond.)

In his Inaugural address President Nixon said he didn't like the shouting in America. He said we should talk instead of shout so we could hear each other's words instead of voices. I hear shouting. The headlines blast out the news of riots, demonstrations, war. The television blares of discontent, black power and civil disobedience. The neighbors talk of rising costs, governmental problems and poverty. Youth talk of drugs, cars and end of the world.

Oh, yes, I hear all this. But overpowering it are the words of Americans, not the loud voices. I hear an overwhelming chorus of another side of America, the real America. The America that will lead all citizens to a great, prosperous and happy future.

And what do I hear? I hear a group of Community citizens planning an outing for Senior Citizens. I hear a young man of 17 say in a talk, "I may or may not be a leader of this country in the next few years, but I know for sure that I will be a leader in my community, my church, and a leader in a home. I want to be the kind of leader that will advance my community, that will support and develop my church, and I want to be the kind of father and husband that leads a happy and secure family."

I see a group of Boy Scouts, young and energetic, half of them already advanced to the Eagle Scout rank, performing a good deed task of cleaning a ball park.

I see a community, my community, and schools planning a D for Decency Week, when they show what they like about good movies, proper music, wholesome entertainment and books that improve the mind.

I read of a group of young people in Florida who demonstrated for the obliteration of obscenity. I watched a group of school students collect money, clothes and toys for a school for the mentally retarded.

I see a large majority of college students, well dressed, clean looking, building themselves, and a credit to their university. I know minority groups who respect law and order and who expect to work for what they get.

I watched our Legislature in action. They were honest, hardworking men, anxious to make the right vote to improve their state.

What's right with America is everywhere. It isn't hidden, it isn't disguised, it isn't so subtle you can't see it. It's in your home, in your school, in your church, on the street, in your government, on the battle front in Vietnam. You're looking at it, hearing it, feeling it, breathing it. It's you, it's your sister, it's your teacher, your bishop or reverend, your congressman, your soldier brother, your mom and dad, your President of the United States.

What's right with America? It's you. You're right about America. And as long as each one of us can feel this way and keep working in the right direction—That's what's right with America!

#### WHAT'S RIGHT WITH AMERICA

(By John B. Quinn)

(NOTE.—John B. Quinn, 18, is a recipient of a \$250 U.S. Savings Bond as second place winner. A son of Mr. and Mrs. Horace A. Quinn, 1130 N. 718 East, Bountiful, he was graduated from Viewmont High School this spring. John was active in debate, Model United Nations, football, swimming and track. He also was a Sterling Scholar nominee in social science and was a member of the National Honor Society. He is holder of the Eagle Scout and Duty to God awards. John plans to attend Claremont Men's College, Claremont, Calif., this fall.)

In recent years, America's ineffectual search for peace in Vietnam and her seemingly insurmountable domestic crises have forced America to experience spasms of self-questioning. Thus the seething domestic situation has led critics to label American society a contemporary wasteland, a "sick" society. As guidelines become scarcer, emotionalism becomes more common. Hence the radical demands vast transformations while the reactionary of the right, the superpatriot, insists that America lost its way somewhere in the past and only an about face will cure her ills. Fortunately, an examination of these extremists will not reveal the true conditions of America. It is upon the goals, principles, and values of the average citizen that America will survive or fail. Collectively, this may be termed the American Conscience.

The American Conscience is based upon a code of principles originally formulated in 1787 upon the writing of the United States Constitution. Among these principles are equality under law, self determination, and the dignity of the individual. It is because the Constitution has ingrained these principles in our national character that America has a conscience. The absence of this standard would be an invitation to political anarchy and moral apathy.

As a result of the American Conscience, America has a capacity to be shocked—a capacity to recognize wrong. Thus, though the extremists may propagate violence and hate, the American Conscience rejects the extremists. If violence is a reaction to injustices, it is the American Conscience which will stimulate reform. Hence, it was the American Conscience in 1800 which resulted in the repeal of the Alien and Sedition Acts of 1798, it was the American Conscience which freed the slaves, and it was the American Conscience which keynoted numerous reforms during the Progressive Era.

In contemporary American Society it is the stable American Conscience which denies

the accusations of sickness. Much of the agitation prevalent in our society is actually a sign of health. The minority groups clamor for reform because they have faith that by appealing to the American Conscience reform is possible.

It cannot be denied that conflicts are rife. But America is not sick, because the American Conscience is healthy. We see this conscience in the way that the majority reacts to the crimes of the minority—though Sirhan Sirhan may assassinate Robert Kennedy, the public will be shocked and still grant him a fair trial; though there may be disturbances in Selma, Alabama, Congress will react with the Voting Rights Act of 1965; that though campus revolutionaries may seize campuses the public will react with indignation, and that though Russia may rape Czechoslovakia the United States will lead the free countries of the world in opposition to the act.

The American Way—political, economically, socially—is not on trial today. Its worth is proven. It is the American citizen who is on trial. Minorities will always perpetuate crimes, but will the majority recognize the crimes and take steps to redress? Thus far, the majority has. This is what's right with America.

#### WHAT'S RIGHT WITH AMERICA

(By Kevin Cromar)

(NOTE.—Kevin C. Cromar, 16, is the son of Mr. and Mrs. Douglas W. Cromar, 4813 Viewmont St. (2085 East), and will be a junior at Olympus High School this fall. He receives a \$100 U.S. Savings Bond as third place winner. Interested in American history and politics, Kevin follows news events and worked with the state headquarters for the Nixon campaign. He is holder of the Eagle Scout and Duty to God awards. Following high school, he plans to attend law school after a mission for The Church of Jesus Christ of Latter-day Saints.)

We constantly hear the wrong in America—the shouting voice of the minority of Americans.

They are the Students for a Democratic Society on the college campuses, euphemizing communism as a "New Left."

Americans who sing Ho Chi Minh chants and scream "police brutality."

Americans who have distorted and blown up our mistakes, shouting that America is 200 years mistaken.

Americans who believe the only way to correct our mistakes is through mob violence, insurrections and riots.

Americans who encourage the enemy with their "better Red than Dead" attitude, gulping their treason as the "peace movement."

Americans guilty of the crime and delinquency that plagues the land.

Americans who believe "God is dead;" that religion, an institution America was founded on, is "not with it."

Americans who rationalize immorality as the "new morality."

There is another voice in America. It is a quiet voice that goes little-noticed in the tumult and the shouting. It is the voice of the majority of Americans, the forgotten Americans—the non-shouters; the non-demonstrators.

They work in America's factories.

They mine America's minerals.

They farm America's fertile soil.

They run America's businesses.

They serve the people in government.

They are students of America's schools.

They worship God according to their belief, allowing others the same privilege of religious freedom. Their individual faith and the nation's trust in God has sustained America through hardship and crisis.

They have the American dream to build and to dream, to fail and to succeed, to dream again.

They give life to the spirit of America and steel to its backbone.



They love America.  
They respect its flag.  
They obey its laws and will not tolerate their violation by others. If they don't like something they change it; not through rebellion but through the ballot box.  
Americans who have given their lives out of love for their country. Their voice echoes across the battlefield cemeteries, through the rows of white crosses, and over the tombs of the unknown soldiers.  
What's right with America is her people.

#### THE ABA'S ARGUMENTS AGAINST THE HUMAN RIGHTS CONVENTIONS ARE OF DOUBTFUL VALIDITY

Mr. PROXMIRE. Mr. President, the ratification of the international conventions on human rights now before the Senate is prevented by no overwhelming force. But one of the principal opponents to their ratification—the American Bar Association—speaks with a strong voice.

The Senate Foreign Relations Committee saw fit in 1967 to recommend approval of the Supplementary Slavery Convention, but tabled those on forced labor and the political rights of women. The committee's recommendations for these last two conventions run directly parallel to those of the American Bar Association.

This organization reasoned—and so reported to the Foreign Relations Committee—that these conventions would impinge on fields that are of purely domestic concern and therefore, usurp the sovereignty of the National Government. The association also stated that these treaties would increase the power of the Federal Government, thus upsetting the delicate balance between State and Federal jurisdiction.

There are several excellent reasons, Mr. President, to doubt the validity of these arguments.

The state of the world is increasingly such that matters once of solely domestic concern are now irrevocably international in character. President Kennedy said that —

The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations.

Indeed the very purpose of conventions such as these is to establish the understanding among nations that human rights are not simply a matter of domestic concern, but the proper business of all people acting together. We cannot afford, then, to view the ratification of these agreements as a sacrifice of authority. Rather, we must see them as an opportunity to demonstrate our commitment to principles already in our Constitution and to translate those principles to the international community.

The very fact, moreover, that these conventions contain nothing that is not already in our Constitution and thus would not require any new laws to be enacted, insures that their ratification will do nothing to alter the balance between State and Federal jurisdictions.

Thus the arguments of the American Bar Association, Mr. President, upon which the Foreign Relations Committee has seen fit to place so much weight, are of questionable value. I urge the com-

mittee to reexamine its findings, to concur with the overwhelming weight of opinion on these vital matters and recommend ratification of these conventions.

#### PROGRESS AFTER WATTS RIOTS

Mr. MURPHY. Mr. President, following the Watts riots of 1965, there was formed in Los Angeles, Calif., the Management Council for Merit Employment, Training, and Research. Under the able, dedicated and energetic leadership of H. C. "Chad" McClellan, business in the Los Angeles area was told of the problems facing the community, was urged to respond, and the manner in which they did is a source of pride to me and, I am sure, to all Californians.

The management council has been able to open up communications between the minority community and the business world, develop a close working relationship with employers in the Los Angeles area and established good working relationships with the California Employment Service and the Los Angeles city school system.

As the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Employment, Manpower, and Poverty, I have frequently praised the contributions of the management council, because I believe that their work could very well serve as a model for the entire Nation. Mr. President, I ask unanimous consent that a progress report which appeared in the Los Angeles Area Chamber of Commerce magazine be printed in full in the RECORD.

Incidentally, Mr. President, in California at the request of Governor Reagan and Secretary Finch, who at that time was the Lieutenant Governor of the State, the management council has formed a statewide effort. Management councils have been formed in San Diego, San Francisco, Monterey Peninsula, Pasadena, Monrovia, Orange County, and Fresno, as well as by efforts by industries in the San Fernando Valley, in Santa Monica, in Sacramento, and in Riverside, Coulton, and San Bernardino communities.

In short, Mr. President, the business community in California is mobilized and is making a tremendous effort and we are very confident that although the problems are tough, we will be equal to the task.

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

#### THE MANAGEMENT COUNCIL FOR MERIT EMPLOYMENT, TRAINING, AND RESEARCH SUMMARY

The Management Council has officially been in operation since March 1966. It is a non-profit corporation, privately funded. If the actions taken by the Committee which preceded the organization of the Management Council were to be included, as perhaps they should be, the Council has served the community for more than three years following the riots of August, 1965.

The purpose of this report is to outline the techniques employed in the Los Angeles area for the benefit of businessmen here and in other Management Councils.

#### BACKGROUND

Immediately following the riots which occurred in Los Angeles beginning on August

11, 1965, the Los Angeles Chamber of Commerce appointed a Rehabilitation Committee of seven members.

The committee was charged with the responsibility of doing what it could toward rehabilitation of the stricken area. No specifics were given.

The committee met immediately and reached several conclusions. When the riots ended, great controversy was taking place in Los Angeles over probable causes and possible remedies for the situation. Complaints were registered against the Police Department, the schools were criticized, the Welfare Departments were maligned, charges of every kind were voiced, including some against the Negroes themselves for their conduct. The committee decided that it should stay out of the controversies to avoid bias or partisanship. The committee recognized that Governor Pat Brown had just appointed the McCone Commission and assigned to it the specific task of determining the underlying causes of the riots and offering some recommendations for remedy.

The committee decided that before determining a course of action it should assemble the essential facts. Some were chilling:

1. Approximately 650,000 Negroes reside in Los Angeles County, 450,000 of this number living in the curfew area.
2. The riots which lasted six days cost 34 lives. There were 3,438 adults arrested . . . The number of juveniles arrested was 514 . . . Of the adults arrested 1,232 had never been arrested before; 1,164 had a minor criminal record (arrest only or convictions with sentences of 90 days or less) . . . Of the juveniles arrested 257 had never been arrested before; 212 had a minor criminal record.
3. The riots covered an area of slightly more than 46 square miles and resulted in the destruction of 200 buildings with an economic loss of approximately \$40,000,000.
4. In 1964 the Negro communities in seven Eastern cities were stricken by riots and in each case the fundamental causes were the same: not enough jobs to go around, inadequate schools, and resentment of police authority.
5. In 1964 the Urban League made a national study concerning Negro conditions in 68 major cities in this country. Included were ten economic factors such as housing, job opportunity, etc. Of the 68 cities studied, Los Angeles emerged as the one offering the best score.

6. It was clear that unemployment in the Negro community was two to three times that in the white community; from all indications, there were some 25,000 unemployed Negroes in the central section of Los Angeles County and probably an equal number of unemployed Mexican-Americans.

There was an actual shortage of semi-skilled and skilled workers in Los Angeles County.

8. Welfare costs in Los Angeles County were running in excess of \$400,000,000 annually (perhaps one-fourth of this being expended in the curfew area).

9. Transportation to and from the Watts area was poor. Los Angeles covers an area of approximately 450 square miles. Industry is not concentrated in any one area. It is dispersed. A worker residing in Watts may be called upon to travel a considerable number of miles from his home to his place of employment. This circumstance, however, while especially difficult for the disadvantaged did not apply to him alone. There was no fully adequate rapid transit system in Los Angeles. Most citizens tended to rely upon private means of transportation rather than upon any public transit system.

#### PHILOSOPHY OF THE JOB PROGRAM

The war on poverty has many facets. The problem is immense. This fact is clearly recognized by the Management Council For Merit Employment, Training and Research.

Fundamentally, there are two parts to the poverty program, each of which is impor-

tant, although each is different from the other. Part I has to do with welfare.

The Council believes that any nation should see to it that the poverty-stricken should be cared for by society to the extent that none go hungry, unclothed or without shelter. Charity should be participated in by all who can afford it and welfare should be the concern of all of the people. Provision for the needy should be generous. In the ordinary sense, however, welfare programs, like simple charity, tend merely to accommodate the poor, making their unfortunate circumstances more bearable by making the recipients of charity more comfortable.

*Desirable as welfare programs are, however, and generous as they must be, more than mere charity is needed if poverty is to be significantly reduced.* Thus the second part of the poverty program should concern itself with the means of escape; the means by which those in need can permanently remove themselves from the disadvantaged category.

It is to the "escape" part of the poverty program that the Management Council addresses itself. While it certainly is a part of the war on poverty, it is not a welfare plan nor is it charity.

The Management Council was organized to help the disadvantaged help themselves. They welcome this approach. Almost without exception, the disadvantaged, in this area, principally Negroes and Mexican-Americans, would far rather hold a respectable job and earn a living than subsist on welfare payments of any kind. With opportunity, incentive and a reasonable amount of encouragement, the disadvantaged will respond and perform productively and with good results. For the many who need pre-job training, it is now available in numerous areas of our community. There are five Skill Centers and eight adult vocational schools in the disadvantaged areas of Los Angeles.

Once the disadvantaged unemployed learn that a reasonable amount of pre-job training results in their getting a job opportunity, training is readily accepted. Three years ago, some people were reluctant to accept training in the Skill Centers; there is now a long waiting list, simply because most of those graduating have been and are being placed in meaningful jobs.

The Management Council in Los Angeles is now working in direct relationship with 1200 employer firms, with "affiliates," and with Management Councils in other parts of California and the nation.

An affiliate is simply an employer organization operating under a different name. Most of our affiliates—they now number 15—are Chambers of Commerce. A Chamber of Commerce, having established a relationship with our Management Council, conducts its own independent program, utilizing its own membership and its own staff organization.

The other Management Councils which have been organized with our cooperation extend up and down the State. They are located in San Diego, Orange County, Pasadena, Monrovia, Fresno, Monterey, San Francisco and Long Beach. Others are in the stages of development.

The objectives of the Management Council are limited. This is because the over-all problem is immense; the Management Council has taken a rifle-shot, rather than a shot-gun approach.

The means employed by the Council in this effort are to place qualified job applicants from the disadvantaged areas of our community into appropriate contact with willing employers who need workers.

In addition, and toward this single-purpose objective, the Management Council endeavors to arrange, to the extent possible, such pre-job training as may be necessary to enable the job applicants from the disadvantaged areas to meet job entry requirements.

The Management Council serves as a

catalyst in bringing together employers and the disadvantaged unemployed. It also serves as a coordinator to insure that many agencies and organizations which are earnestly trying to be helpful work in full cooperation rather than at cross purposes with each other. Thus, the major function of the Management Council is to encourage employers to reach into the disadvantaged areas for the purpose of discovering, recruiting and hiring qualified, disadvantaged unemployed to fill open jobs.

#### FINANCING

Financing of the Management Council has been achieved as follows: Initially, the aerospace industry at the request of H. C. McClellan, subscribed \$23,000 as the foundation for broader based underwriting. Thereafter, funding of the operating budget has been obtained entirely from private foundations.

In 1966, a grant was made by the Ford Foundation in the amount of \$50,000 as partial underwriting for 1966 and 1967.

Also in 1966, the Haynes Foundation of Los Angeles contributed a total of \$65,000 as partial underwriting for the years 1966-1967. Subsequently, the Haynes Foundation granted the Management Council an additional \$35,000 for the year 1968 and has committed \$25,000 for the year 1969.

Another foundation, which does not wish to be identified, provided \$200,000 for the years 1967 and 1968 and has committed an additional \$100,000 for the year 1969.

The total of these grants has made it possible for the Management Council to operate without deficit and to be financed through the year 1969.

In addition to the above-mentioned operating grants, additional sums have been provided for specific projects sponsored by the Council. Among these are the following:

\$5,000 has been subscribed by private industry to underwrite the cost of planting 1,000 trees in the Watts area.

A \$10,000 special project fund has been made available by the Los Angeles Clearing House Association for a variety of projects such as support for the Watts Summer Festival.

\$7,000 has been subscribed by the Henry Salvatori Foundation for a number of smaller projects.

The paint industry has subscribed \$10,000 worth of paint and paint products for a house painting project.

Norris Industries of Los Angeles has subscribed \$4,000 for an additional house painting project and has also contributed \$2,000 support of a Negro recreational school in Compton. These are but a few of the special projects underwritten by industry outside of the regular activities of the Management Council.

#### ACCOMPLISHMENTS

Briefly stated, the achievements to date are these:

Extensive dialogue has been established with leaders of the Negro community of Los Angeles. This includes good relations with numerous Negro organizations, including the Opportunities Negro Industrialization Center, the Westminster Neighborhood Association, Operation Bootstrap, the Watts Chamber of Commerce, the Sons of Watts Improvement Association and the Black Congress. This communication with the residents of the South Central City continues to increase.

A working relationship has been established with 1200 employer organizations in metropolitan Los Angeles, most of the contacts having been made first with the president of the company or the chief executive officer. Through constant cooperation with these firms, it has been possible to arrange positive recruitment from the disadvantaged areas of our city to fill open jobs. Included in the working plan has been the organization of a Merit Employment Committee, made up of personnel officers from major manufacturing firms.

A close working relationship has been established with the California Employment Service as well as with other government agencies to insure good coordination and full cooperation to the maximum extent possible.

A strong liaison has been worked out with the Los Angeles City School System for the purpose of developing adequate and favorable contact between the adult vocational schools in the disadvantaged areas and employers who can hire graduates when their studies have been completed.

This work has included extensive surveys to determine which skills are in short supply for the benefit of those schools where training takes place. It has also included evaluation of training courses by professional industry representatives as an aid to the schools in determining the level of competence industry will require.

#### EMPLOYMENT SURVEYS

As the work of the Council has proceeded, three surveys have been made of cooperating employers to find out how many each had hired up to a given time following the riots of August 1965. The first survey was made of 100 employers in December 1965. This survey indicated 2,150 had been hired since August of that year.

On March 11, 1966 the second survey was made, this time by letter. The letter was directed to the president of each of the same 100 companies previously contacted. Enclosed with the letter was a report form upon which the company was asked to indicate how many had been hired from the South Central City (curfew area) since the August 1965 period. This time the total reported was 4,751—in writing.

The third survey was made in November 1966. On this occasion the same letter was mailed which went out on March 11, but it was sent to 250 corporation presidents. The same reporting enclosure was included; 201 responded. The total placements thus recorded were 17,903.

No hiring surveys have been made by the Management Council since November 1966 nor are any contemplated at the present time. Sufficient evidence has been accumulated, however, to indicate that substantial progress continues to be made month by month. No longer is it possible to easily find qualified candidates for the curfew area; most of those who remain unemployed need pre-job training. The qualified have found good jobs.

An unemployment survey covering 20 major cities was reported by the Department of Labor in February, 1968. The combined Los Angeles-Long Beach areas reveal substantial improvement in the unemployment level of the Negroes in this area. The report also shows a very favorable comparison between the Los Angeles metropolitan area and the other 19 cities surveyed by the Department of Labor. This change has come about in spite of the fact that more than 1,000 Negro citizens arrive in Los Angeles County from other states each month.

#### THE PRECIPITATING INCIDENT

A drunk-driver arrest sparked the riots. Obviously, the circumstances which made the disturbance possible were complex, varied and diverse. It is not easy even now either to identify or fully understand all of the factors responsible for this trouble. It appears logical that the inner frustrations which had smoldered and burned for many years in the minds of Negroes across the country and the strong sense of denial, both real and imagined, finally exploded into rage and violence unprecedented for this community.

#### CONFERENCES WITH GOVERNMENT OFFICIALS

The Chairman of the Rehabilitation Committee met with the Mayor of Los Angeles, with the Chief of Police, with a representative of the Los Angeles County Human Relations Commission and with the Governor's



coordinating officer on many occasions for purposes of communication and coordination.

In addition, conferences took place between the Chairman of the Chamber's Rehabilitation Committee and President Johnson's Fact-Finding Mission, headed by Ramsey Clark, Deputy Attorney General, which spent several days in Los Angeles immediately following the riots. The principal purpose of these conferences was to assure, to the extent possible, good coordination and communication between each of the agencies endeavoring to serve whether they be privately operated or governmental.

The Rehabilitation Committee adopted these objectives:

"The objectives of the Rehabilitation Committee are relatively limited when considering the problem as a whole. In order to be effective to the maximum in our work we believe that it is essential that our function be limited to one simple purpose—providing job opportunities for the disadvantaged."

"The fundamental objective of the Rehabilitation Committee is, therefore, to place qualified job applicants from the disadvantaged areas of our community into appropriate contact with willing employers needing workers.

"Toward this end it is our purpose to arrange, if possible, such pre-job training as may be necessary to enable the job applicants from these areas to meet minimum job entry requirements.

"The Rehabilitation Committee will serve as the catalyst in bringing together employers and the disadvantaged unemployed. We will also serve as a coordinator to insure that the many agencies and organizations which are earnestly trying to be helpful work in full cooperation rather than at cross purposes with each other.

"A major function of the Rehabilitation Committee will be to encourage employers to reach into the disadvantaged areas for the purpose of recruiting qualified disadvantaged unemployed to fill open jobs."

The Plan was businesslike and practical.

First, the Council persuaded a group of prominent Negro businessmen from the curfew area to form a "counterpart" committee of fifty and provide dialogue with the Negro community. (The Rehabilitation Committee was expanded to a membership of thirty-five.) The "counterpart" committee itself selected an executive committee. Over a period of several weeks, nine meetings were held which were attended by members of the executive committee from each side. Some of these meetings lasted into late night hours. Beyond a doubt the benefits which resulted from the forthright discussions which took place were substantial. But the going was not easy.

Those closely associated with this effort have learned a great deal about involvement with the residents of the Negro community. McClellan, for example, now board chairman, has said on numerous occasions that what he has learned in these past three years about the problem has changed his mind on many of the ideas he formerly held. He has stated time and again that, as a resident of the Los Angeles area for more than half a century, he thought he understood the people in the community. Furthermore, he has said that he considered himself a professional in the general field of human relations. Throughout his industrial experience he was largely a role of personnel administration; executive management, dealing with people.

He has served on assignments in the general field of human relations overseas. His travels have included Asia, many countries of South America, many countries in Western Europe as well as six visits to Russia where he spent most of a year. In all of these travels he has been called upon to meet with his industrial counterparts in the development of improved understanding. Frequently countries visited were, to say the least, unfriendly. Even so, McClellan has felt that he was moderately successful. He has been invited back

to every country ever visited. He has twice been called upon to serve as Ambassador to a foreign nation, in one case upon nomination by the host country.

But McClellan has declared that never before in his experience had he met a problem quite as difficult in communication.

"Our Committee wanted to talk about job opportunities for the minority unemployed. We wanted to limit our efforts to this part of the problem. The Negroes wanted to talk about every subject related to discrimination and they wanted immediate assurances of action. Each wanted to voice a lifetime of complaints.

"Time and again we explained our conclusion that to be effective we must limit our activities to something in which we could be productive. Interested though we were in the problems of housing and all forms of discrimination which had plagued them in the past, we simply wanted to deal with the problem of jobs. At first we found it impossible to limit the discussion to this subject.

"It took several weeks of lengthy, drawn out, of times bitter discussion, before we finally convinced the Negro panel that we were limiting our function as the means of accomplishing the maximum within our capacities. It seemed to us that the breakthrough came late one night following a rather high tension meeting at one of the hotels. The discussions had been lengthy, vigorous and at times bitter."

Finally, after a somewhat forthright statement from Chairman McClellan in which he made an appeal for objective understanding, one of the Negroes stood up and said: "Mr. McClellan, we are beginning to trust you." McClellan rose somewhat indignantly and said: "Well, gentlemen, I have news for you—it is justified." From that icebreaking point forward, the Rehabilitation Committee addressed itself to the problem of job opportunity and how to achieve it.

"It puzzled us at first that we could not seem to establish friendly, objective, down-to-earth discussions with the Negro Executive Committee. We believe now, after our experience of the past three years, that our problem is the same one that plagues many well-wishing organizations trying to work with minority groups. We believe, incidentally, that what we discovered here is something that the American people to this day do not fully understand. It is the degree of resentment, frustration and bitterness and even hatred that permeates the Negro society.

"From our viewpoint, few among us are fully aware of what all Negroes suffer as a consequence of the prejudice which still persists in our society as a whole. Little by little we learned, as we spent hour after hour with our Negro counterparts, what was in their minds and the depth of feeling which resided there.

"They did not talk about it much and they never fully stated the degree of their resentment, but it was there—always there—and we sensed it in time.

"Every Negro in the nation, regardless of what his name is, awakens in the morning conscious of the fact that he is black. He knows that he must face it all day, every day in little ways and sometimes in big ones. He feels degraded, insulted, denied or humiliated. It is on his mind until he falls asleep at night."

#### BUSINESSMEN'S COMMITTEE

The Negro businessmen's committee adopted a resolution rejecting the concept of rioting as a means of achieving goals. This proposal was born in long discussion and some resistance; when it was explained that such a resolution would be helpful in persuading employers to cooperate, a resolution was adopted.

"Actions contrary to the concepts of law and order such as took place here recently can never be justified in a civilized society.

"There were, nevertheless, underlying

causes for these incidents which must be identified and understood as a first step toward permanent cure. Governor Brown has appointed a commission made up of leading citizens for precisely this purpose. In addition, many other investigating bodies are at work.

"We earnestly hope that these investigations will be thorough, penetrating and unbiased. We sincerely believe they will be.

"When all the facts are in hand and the full truth is known, appropriate and adequate steps must be taken to immediately correct whatever is wrong in this community. Our city of Los Angeles, particularly the Negro community, deserves no less than this.

"In the meantime, we join wholeheartedly in the coordinated effort by business, industry and government to rebuild, repair, restore and create new jobs and improve conditions in our city."

The above resolution was adopted unanimously by the entire 50-member committee. The Rehabilitation Committee made it clear to the Negro leaders that the program would be strictly private enterprise, without government financing, yet conducted in full cooperation with all agencies, public or private, designed to provide job opportunities for the qualified minorities. It was clearly understood that we would recommend only that employers hire qualified applicants, and that employers would not be asked to lower their standards to accommodate the deficient. This would only create "second-class" employees who would be the first laid off in an economic slump.

The committee of Negro businessmen agreed that the two groups would not participate in marches, boycotts, picketing or the like to achieve these ends. All declared that persuasive efforts would work far faster and deserved the first chance.

If the Rehabilitation Committee failed to produce it would be dissolved. But if the Negroes insisted on militant action, the committee would abandon the program and address itself to other matters. The Negro committee unanimously agreed to work with the Chamber in developing persuasive, non-militant means of attaining common objectives. To the date of this report they have kept their commitment fully.

#### COORDINATION WITH THE CALIFORNIA EMPLOYMENT SERVICE

At this point, as a result of discussions which had already taken place between top local officers of the Department and members of our Committee, it was agreed that there should be close coordination between the California Employment Office and the Committee. Up to this time there had not been as effective employment service delivered to industry from the disadvantaged areas as had been needed. There was no employment office in the Watts area and, for whatever reason, the Negroes had developed an unfriendly attitude toward the California Employment Service generally and were reluctant to use it. Thus employers themselves, failing to achieve solid recruitment through that means, made only limited use of such offices as were open and operating at that time.

Mr. Arthur Morgan, Los Angeles Area Manager for the Service, joined with the Committee enthusiastically in the development of a workable, compatible plan in the hope of attracting not only Negro job candidates but willing employers as well. New procedures were developed. Attention was given to employers' specific needs and an attitude was created in the Department's Service Office which would tend to encourage increasing employer participation. A State Employment Office was opened on 103rd Street in Watts.

#### STEP TWO—EMPLOYERS INITIAL CONTACTS

Having developed a seemingly workable arrangement with the California Employment Service to recruit, screen and refer Negro job

candidates, the Committee turned to the employers themselves.

On August 24, 1965, the Committee sent this telegram to the President or chief executive officer of one hundred of the largest employers in the Los Angeles area. The telegram follows:

You are urgently requested to attend a brief but important conference concerning recent riots.

The time: 4:00 p.m., Thursday, August 26. The place: Board Room, Los Angeles Chamber of Commerce.

R.S.V.P.: 482-4010, Miss Angela Nolan, Marion Banks, Robert L. Gordon, Ernest J. Loebecke, Robert W. Maney, Harold Quinton, Charles S. Thomas, and H. C. McClellan.

The attendance was outstanding. Most of those invited came to find out what was going on and to help. This initial employers' meeting proved to be highly successful, and set a pattern which has been followed throughout the many, many similar employers' meetings which have taken place since that day. The meeting lasted one hour and fifteen minutes. The situation in the crisis areas of our city was depicted with clarity and purpose. The facts were revealed, including the penalties which had been suffered by the community as a consequence of the riot and the possibility that another riot could occur unless appropriate steps were taken by the community as a whole.

It was not suggested that industry or the employers could or should by themselves solve the problem. It was not recommended that industry engage in a welfare or charity program. It was suggested only that the fundamental issues involved here did indicate that industry itself should bear some responsibility out of pure selfish interest, if nothing more.

It was pointed out that unemployment in the distressed area was perhaps three times that of the County area; those assembled were reminded that welfare costs out of taxpayer funds exceeded \$400,000,000 annually in Los Angeles County alone. It was declared that a shortage existed even then of both skilled and semi-skilled workers throughout industry in the metropolitan Los Angeles area. It was declared that investigation had revealed that half of the unemployed in the curfew area were well equipped to meet minimum job entry standards for jobs then open.

(1) One of the companies represented had recently announced a plan to import 1500 workers from Chicago and East of there at a cost of \$1,000 per man—just to operate idle machines.

Those assembled were urged not to lower employment standards nor to hire the unqualified candidates. They were, however, urged to look objectively at the large number of candidates then available who were actively seeking jobs and whose applications were on file at the new California Employment Service in the heart of Watts in their search for qualified workers.

The Committee explained the new relationship with the California Employment Service which had been developed. A representative of that agency was present to make his own statement of purpose and plan and to demonstrate willingness to cooperate to the maximum by seeking out qualified candidates and screening them carefully in order to serve the employers as best they could. The response was unanimous, enthusiastic and affirmative. We requested that the "word" be passed on to the personnel departments.

A few days later the personnel officers of the same one hundred companies whose presidents had been in attendance at the first meeting convened in the Chamber of Commerce Board Room. During this meeting the facts were reviewed (the personnel men had already received favorable recommendations from the front office) and details for action

were worked out. Toward the close of the discussion the personnel officers approved the formation of an action Committee from their own membership. This would be called the Merit Employment Committee (a subcommittee of the Rehabilitation Committee). In the months which followed, this Committee was to become an exceedingly effective part of the whole job development program.

#### INITIAL RESULTS

Largely through the initiative of the Merit Employment Committee, more than fifty companies promptly sent their personnel representatives to the new Watts employment office to interview candidates and hire on the spot. Seventy-four companies placed jobs orders there.

Up to this time the Committee had no paid staff. H. C. McClellan, the Chairman, was devoting full time to the effort and he had enlisted the services of Murray A. Lewis whose employer had released him on a full-time basis with pay for a brief period. Even so, progress was good from the beginning.

Follow-up letters had been sent to each of the employers contacted. Close relationship had been maintained with the California Employment Office in Watts. It was obvious that hiring was taking place, but in order to actually determine how much action had resulted from the efforts made would require both staff and plan.

To make certain that we were correct in our evaluation of progress made, each of the initial one hundred employers was requested by telephone to report how many had been hired from the South Central City area since the riots. The total thus reported was 2,153 as of December 15, 1965.

#### ORGANIZATION OF THE MANAGEMENT COUNCIL FOR MERIT EMPLOYMENT, TRAINING AND RESEARCH

On December 2, 1965, the McCone Commission, appointed by California Governor Pat Brown, submitted its report to the Governor. Contained in this report was the following statement:

"We commend the work of the Los Angeles Chamber of Commerce through its Rehabilitation Committee, under the chairmanship of Mr. H. C. McClellan. This committee organized one hundred employers and, through their efforts, over 1,200 Negroes have been employed by private industry in recent months. It is the hope of our Commission that all of the one thousand or more major employers in the metropolitan area will join this cooperative effort. We urge that a permanent organization, properly staffed and financed by the Chamber of Commerce be established for this purpose. The Committee, as well as several major employers, should continue to operate, in conjunction with the State Employment Service in the South Central area and the committee of Negro businessmen, and should establish joint counseling and employment functions, so that those who seek jobs can make application with a minimum of inconvenience and expense.

"The great majority of the unemployed in the South Central Los Angeles area are unemployable because they lack skill and training. To meet that pressing need, a major job training and placement program should be initiated in the area. This program should be large and should be concentrated in an area which is predominantly Negro."

With this in mind several steps were taken by the Chamber's Rehabilitation Committee to broaden its base beyond the Los Angeles Chamber of Commerce.

"Mindful of the recommendation made in the McCone Commission Report and having learned from our own experience that there was potential success in dealing with the problems of the disadvantaged unemployed, we organized promptly."

Ten business organizations were asked to

cooperate in the formation of a non-profit public service corporation called The Management Council for Merit Employment, Training & Research. Each of the organizations was requested to formally approve the undertaking and to designate a principal officer to serve on the Council's Board of Directors. Annual dues of \$100 were stipulated. Each of the organizations accepted the Council's invitation and designated an offer to serve. Funding by industry followed. The Management Council corporation was formed and offices were opened in the Chamber of Commerce building. The first Officers and Directors of the corporation were:

President: H. C. McClellan, Chairman of the Board (on leave) Old Colony Paint & Chemical Co.

Vice Presidents: Daniel P. Bryant, President, Bekins Van & Storage Co., President, Los Angeles Chamber of Commerce, Hugo Riemer, President, U.S. Borax & Chemical Corp., and President, Merchants & Manufacturers Assn.

Secretary-Treasurer: David G. Soash, Executive Vice President, Merchants & Manufacturers Assn.

Directors: Robert L. Gordon, Executive Vice President, Lank of America N.T. & S.A., President, Downtown Businessmen's Assn.

William H. Fellows, President, Old Colony Paint & Chemical Co., President, California Manufacturers Assn.

Rollin Eckis, President, Richfield Oil Corporation, President, Western Oil & Gas Assn.

Nell Papiano, Attorney, Trippet, Yoakum & Ballantyne, President, Los Angeles Junior Chamber of Commerce.

Sterling Peck, General Manager, Bel Air Sands Hotel, President, Southern California Hotel & Motel Assn.

Floyd O. Gwinn, Proprietor, Gwinn's Restaurants, President, Southern California Restaurant Association.

H. M. O'Haver, Metropolitan Division Sales Manager, Southern California Gas Co., President, The Industrial Council of the City of Commerce.

F. Marion Banks, President, Southern California Gas Co.

Dr. Arthur G. Coons, President Emeritus, Occidental College, President, The Coordinating Council, State of California (Education).

Louis B. Lundborg, Chairman of the Board, Bank of America N.T. & S.A.

John Robert Fluor, Former Chairman of the Board, National Assn. of Manufacturers, President, The Fluor Corp.

Harold Quinton, Chairman of the Board, Southern California Edison Co.

James P. Lydon, Vice President—Industrial Relations, Lockheed Aircraft Corp.

J. Curtis Counts, Vice President—Industrial Relations, Douglas Aircraft Co., Inc.

Eugene D. Starkweather, Vice President—Personnel, North American Aviation, Inc.

William Larrabee, Vice President—Industrial Relations, Northrop Corp.

Executive Director: Murray A. Lewis.

Administrative Associate: J. M. Wright.

#### MORE COMPANIES JOIN

While continuing to work with the initial one hundred employers who had been enlisted by the committee, the Management Council now reached out for more employers.

Invitations were sent to the presidents of each of 167 firms to meet in the Board Room of the Chamber of Commerce on February 3, 1966, just as had been done with the first groups.

The same procedures were followed and the results were identical with those achieved with the first one hundred companies in December of 1965. The response was enthusiastic and affirmative from the Presidents. This meeting was followed by a group meeting with the personnel directors of the same corporations and again, full cooperation was assured.



## AFFILIATES

At this point it was decided by the Council to further expand its efforts by decentralizing some of its activity through cooperation with enlisted affiliates. It was concluded that in outlying communities, such as the City of Commerce, Pasadena, Santa Monica and Long Beach, greater progress could be achieved if the strongest local employer organization would join in the employment program with its own staff, "motivating" its own membership, substantially in accordance with the means we had developed in the Management Council.

It was contemplated that the Management Council would serve as a resource for each outlying affiliate enlisted, providing employment information, establishing employment service contracts, coordinating public service agencies supporting the hiring plan and offering samples of letters which have proven effective, techniques which have been successful and even providing staff support for conferences, meetings or counsel.

Each affiliate would be expected to pay annual dues in the amount of \$100. Thus an "operating affiliate" in an outlying area would be substantially in the same position as a central city affiliate excepting that the outlying affiliate would, in addition to co-operating with the Council in its effort, operate its own independent membership motivating program, using the Management Council as a resource.

The first outlying affiliate to engage in this special independent effort was the Industrial Council of the City of Commerce, an organization with more than 300 industrial employer members. (Its President had already become a member of the Board.) Other affiliates soon undertook similar action, by unanimous action of the Board of Directors of the Southern California Restaurant Association with 800 members; the Southern California Hotel and Motel Association, 100 members; and the Independent Garage Owners' Association, with 400 members; later, other affiliates were enlisted.

## FIRST SURVEY

Now—March 11, 1966—was a good time to take stock of employment progress. Thus, on March 11, 1966, a letter was sent to the Presidents of the one hundred companies who had met in the Chamber of Commerce Board Room right after the riots occurred. This letter requested that each company forward to the office of the Management Council specific information as to the number hired from the area of the South Central City. A report was enclosed for this purpose.

Eighty-nine companies responded. The total reported as having been hired from the South Central City area since the riots of August 1965 was 4,751. This information was provided by eighty-nine companies only, and additional employers were cooperating.

## THE SITUATION CHANGES

Progress continued. On March 1966 it was evident that while the unemployment problem remained severe, considerable success had been achieved. Based on the reports filed by the Watts Employment Office and elsewhere, and judging from the reports industry, it was clear that qualified Negroes, those able to meet minimum job entry level standards, had become increasingly scarce. For example, the Yellow Cab Company was short more than 100 drivers and would willingly accept Negroes if they could be found. There were applicants, but practically none who could qualify as cab drivers even though the requirements were minimal. A cab driver earns as high as \$140.00 per week. There were then more than 100 Negro drivers working for the Yellow Cab Company.

Similarly, it was discovered that the City Transit Lines were short of help and were seeking bus drivers. A bus was equipped with desks, chairs and staff and sent to the Watts

area. Recruitment was undertaken for a period of two weeks only to find that practically no candidates appeared who could meet the minimum tests, including the ability to make change for a dollar.

An effort was made through the Recruiting Office—the California Employment Service—in Watts, but even here we were unable to locate enough candidates for jobs who could meet either the needs of the Cab Company or the Transit Lines to fill open positions.

This did not suggest that the problem had been lessened; quite the contrary. It simply meant that there were fewer unemployed Negroes qualified to fill open jobs than formerly. The best had been hired. *There were, however, literally thousands still without work within the area who would require pre-job training before they would be acceptable by business and industry.* This was serious. Furthermore, the whole problem of placing the disadvantaged unemployed was greatly complicated by the fact that nearly 150,000 new citizens come to the County each year from other parts of the country. Many are without adequate education or work experience.

## MULTIOCCUPATIONAL SKILL CENTERS

Fortunately, a program had been conceived which was admirably suited to the need for prejob training. This program, made possible by the Federal Manpower Development and Training Act, provided for the establishment of four Skill Centers in the Los Angeles area.

The purpose of the Skill Centers was to enable the disadvantaged unemployed to receive first-rate training under modern methods which would, within a relatively short period of time, qualify the trainees for job entry. Included in the training programs would be fundamental education, attitudinal development, and specific skills within the categories then needed by industry.

Furthermore, and most important, *training programs in the Skill Centers* would also underwrite living costs of the trainees while courses were conducted. Women would be included.

There were, in addition, such pre-job training organizations as the Opportunities Industrialization Center, which were in most instances separately financed and some of them privately funded. These would address themselves to motivation of the disadvantaged, fundamental education, and a minimum of skill development. Included in this group, in addition to the O.I.C., were the Westminster Neighborhood Association, Operation Bootstrap and others.

It was unfortunate that the Skill Center program, as well as the others named, were slow in getting underway. Progress could and should have been much faster. The benefit from training of the kind offered by these institutions was immediately evident because of the fact that as quickly as graduates were produced jobs were made available to them. To some this was a surprise. Initially, some Negro advisors said Negroes would be unwilling to attend such training centers, especially those Federally funded, because of suspicion and doubt. They claimed experiences of the past, here and elsewhere, had shown few jobs available when training had been completed. The first Skill Center was picketed.

It is true that at first enrollment in the Skill Centers was slow and considerable criticism was offered. As training got underway, however, each of the Skill Centers achieved surprising results. *The Community Skill Center, for example, at 150th Street & Figueroa in Los Angeles, moved most quickly into training programs, achieving instant success.* The Management Council, working closely with the California Employment Service, saw to it that all of the first graduates were hired immediately—even though most had police records. A Skill Center on East 111th Place

in Los Angeles had moderate but growing success and the Skill Center in Pacoima, while getting off to a slow start, began to show promise as the months passed by.

## TRAINING IN THE ADULT VOCATIONAL SCHOOLS

While the adult vocational schools were earnestly trying to develop employability in those who took their courses, there were serious problems which stood in the way.

In the disadvantaged areas alone there were fourteen adult vocational schools (twenty-eight altogether). These schools had very limited contact with business and industry. The teachers were not always fully aware of what the demand occupations were, nor did they know the level of competency required to make a trainee employable upon graduation.

It was immediately evident that there was need for the development of a closer relationship between industry and these schools. Dr. William Johnston, Assistant Superintendent of Schools for Adult Education, welcomed a liaison between the Management Council and his office as a means of establishing a close working relationship.

The Management Council appointed Mr. Eldridge W. Reese, a former corporation president interested in education, to serve as our representative. Similarly, Dr. Johnston appointed Mr. George H. Winder, Administrative Coordinator for Especially Funded Programs, as Mr. Reese's counterpart in education. The Merit Employment Committee of the Management Council, made up of top personnel officers in industry, selected a subcommittee to work with Mr. Reese and Mr. Winder. They were: Walter King, Pacific Telephone & Telegraph Co.; Robert Tyler, Western Electric; and Robert Coe of Pacific Telephone & Telegraph Co.

Joint meetings were held immediately with representatives from the California Department of Employment and coordination began. Subsequently, when this progress was brought to the attention of the Los Angeles Board of Education a resolution was adopted making the Employment Service and the Management Council "partners" with the school system in developing improved teaching.

As a part of the procedure which followed, the Management Council made a comprehensive survey of industry's actual needs by contacting 160 companies and surveying twenty-six specific occupational skills for the schools to teach. This survey, when submitted to the school system, resulted in substantial changes and improvement in job placements. In the many months that have followed this initial effort the relationship between industry and the adult school system has continued to improve. Representatives from the Management Council as well as representatives from industry have, in addition, participated in dozens of graduations, school ceremonies, teachers' meetings, staff meetings and other events over the past three years.

The adult school system is now prepared to set up special classes for any company or for any group of twenty or more pupils either on their premises or on those most convenient for those in attendance. This has opened up many localized training possibilities.

The Council has also cooperated closely with the Mexican-American Opportunity Foundation and with other training facilities operated separately from the regular school system.

## HIRING SURVEY—NOVEMBER 1966

In November 1966, the Council began one final progress check on employment achieved in the South Central City, the 46-square mile riot area. There was a very special reason why the information would be needed. Governor Reagan, being impressed by the results achieved by the Management Council, had asked its President to accept the responsibility

ity for developing similar programs in other cities throughout the State where minority unemployment problems existed. The President of the Management Council had accepted the assignment with the clear understanding that the effort would continue to be wholly a private enterprise undertaking, not financed by Government. This meant that a substantial sum of additional money would be needed and needed promptly.

It was recognized that to obtain such underwriting from private resources would require current information on hiring achieved.

On November 11, 1966 a letter was again sent to the Presidents of major employer organizations in the Los Angeles area. The letter requested a specific report on the number hired from the South Central City area and a report form was enclosed for that purpose. The letter this time was sent to 250 corporation presidents or chief executive officers.

Two-hundred-one companies responded. The tabulated result of hirings reported totaled 17,903.

From the very beginning, the members of the Board of Directors of the Management Council were well aware that the placement of the unemployed is complicated; that employment only begins with hiring. What happens then? How long does the new worker stay? How much does he earn? Is he promoted, fired, discriminated against or merely tolerated until the "persuasion pressure" is off?

*The Council was not so naive as to believe that all job placements represented a net decrease in unemployment. If a man quit and was re-hired by another firm, he could be counted twice. Furthermore, some who quit or were fired were not rehired, and many of the employers would have hired some of the disadvantaged from the area without any urging by the Management Council. Also, those few companies reporting did not represent total hirings because we were working with many, many more companies which had not been asked to report, even though many were cooperating fully and had hired many of the disadvantaged.*

Nevertheless, it was essential to evaluate what was being accomplished. Therefore, early in 1966, shortly after the Management Council was organized, a contract was entered into with the University of Southern California to survey the newly employed from the South Central City area to find the answers. \$13,500 was paid to the University to make this study possible and was paid out of the funds of the Management Council.

The study was conducted by the Research Department of the School of Business Administration. A random selection of one hundred names from those first hired, men and women was made from the records of the California Employment Service Office in the heart of Watts. Those chosen represented employees of fifty-nine different companies. All were Negroes.

Beginning ten months after hiring took place and ending after fourteen months' employment, interviews were conducted with those whose names had been selected. These interviews were conducted at night in the homes of the employees by professional Negro personnel, people hired on a part-time basis from the California Employment Service by the University. In addition, employers were interviewed as well as personnel officers. Some of these interviews were conducted by University students; some by faculty members. A review of the study is encouraging. In summary, it revealed the following:

1. Two-thirds of those first hired and traced were still employed by the same company.

2. Of the one-third who left the initial job, half had found another job at higher pay and were working. (Most of these were in the \$2.00 per hour or less initial starting rate).

3. Average rate of pay, including women, was \$2.75 per hour.

4. Most workers said it was the best job they ever had. (90% said the job was different from any they had ever had before.)

5. 30% had moved into better homes during the period covered by the University of Southern California Survey. (Most of these had actually moved out of the area.)

7. All companies contacted reported satisfaction with the programs—planned to hire more minorities in the future.

6. Not one of the Negroes interviewed who had terminated reported he left the job because of discrimination.

8. Most had received pay increases—half had been promoted.

#### PUBLIC RELATIONS

As noted earlier in this document, it never was the plan of the Management Council to seek publicity. To this day, no press release has ever been issued by the Council. It had been the Council's intention to let results speak for themselves and it had also been their hope that industry, not the Management Council, would receive credit for whatever progress was made in hiring the disadvantaged.

Nevertheless, considerable publicity resulted from the Council's actions, starting with the newspaper coverage given a speech made by the Management Council president early in 1966 before the Los Angeles Rotary Club during which a progress report on hiring was given. The news media have since frequently sought information on progress.

When numbers hired were first reported, the Council was challenged by a resident of the South Central City area and by two local politicians, who discounted the achievements of industry. In every case the challenges took place without any effort being made to contact the Management Council office to learn what the basis was for the report given. Both were invited and both declined.

Because of this difficulty in communication and because the disadvantaged unemployed generally are suspicious and hard to convince (with considerable justification, based upon past promises made and not kept), the Management Council elected not to release the results of the November 11 hiring survey. While it was essential that the information be obtained in order that Foundations being approached for funds would have some solid indication progress, it would be a mistake to announce the number hired publicly.

It so happened, however, that almost on the same day that the results of the November 1966 employers' hiring survey were obtained, the report from the University of Southern California on what happened to the Negroes first hired was completed.

When the news media learned, through their own sources, of the two reports, the Council was pressed for full information. It had planned no announcements; the surveys were conducted only for the Council's own guidance.

But it became obvious that to keep the reports secret would give rise to unhealthy speculation. The decision was made to make results available, with full warnings about how the results were to be interpreted. In this, the press and broadcast media was most cooperative and thorough.

Some elements of the community, however, chose to interpret only the surface of the surveys, and publicly questioned the validity of the surveys and the effectiveness of the Council without even having read the news reports thoroughly. This action created a small but frustrating "credibility gap" within that section of the minority community most thoroughly conditioned to doubt and suspicion.

Thanks in a part to a thorough and objective full page story which appeared later in a prominent Negro newspaper, at least a part

of that suspicion has now been dispelled, but certainly, early reports caused some damage which can never be undone.

#### THE STATEWIDE EFFORT

Almost immediately following the election of Governor Ronald Reagan he joined with Lieutenant Governor Robert Finch in requesting that the President of the Management Council undertake statewide responsibilities in the development of job and training opportunities for the disadvantaged. After considerable discussion, the invitation was accepted by McClellan. The terms were: no salary, no expense account from the State, and a pattern of effort calling for the establishment of Management Councils similar to the one in Los Angeles in other major cities throughout the State. All efforts were to be privately financed.

This invitation was not immediately accepted by McClellan, however, Lieutenant Governor Robert Finch and McClellan met for breakfast on four different occasions to discuss the possibilities of such an arrangement and to explore means by which real progress might be achieved by such a plan. The Lieutenant Governor was very persuasive and succeeded in enlisting McClellan into the program because it seemed both to him and to McClellan that the Governor was right in seeking statewide participation by industry on some sound plan.

The effort made to develop industry programs in key cities of the State has resulted in the formation of a Management Council in San Diego, a Bay Area Management Council in San Francisco, Management Councils for the Monterey Peninsula, Pasadena, Monrovia, Orange County and Fresno, as well as some efforts by industry in the San Fernando Valley, in Santa Monica, in Sacramento and in the Riverside, Colton and San Bernardino communities.

The Bay Area Management Council was formed under the chairmanship of Reed Hunt, Chairman of the Board, Crown Zellerbach Co. of San Francisco. Structured similarly to the Los Angeles Council, the program contemplated is almost identical. Meetings have been held with attendance of in excess of one hundred principal officers of major corporations each time. These meetings were held for the purpose of motivating employers into positive action in cooperation with the California Employment Service. All have been highly successful.

In addition, the Lockheed Missiles and Space Corporation of Sunnyvale has conducted a management meeting (dinner) which was attended by approximately 650 company managers. This meeting was addressed by the president of the company and by the President of the Management Council of Los Angeles, this time appearing in the role of Statewide Coordinator for the development of training and job opportunities for the disadvantaged.

#### ACTIVITIES OF THE MERIT EMPLOYMENT COMMITTEE

The Merit Employment Committee of the Management Council, mentioned earlier in this document, is made up of professional personnel officers among major employers. Organized under the leadership of Merl Felker, Director of Employment for Douglas Aircraft Company, the Committee established a 15-member Steering Committee and developed direct contact with approximately 200 of the personnel officers among major employers. Regular meetings are conducted and approximately once each month the Steering Committee of this group meets with officers of the Management Council. This permits good communication.

The achievements of the Merit Employment Committee are outstanding. They have been, in sense, the action committee of the Management Council. The Committee has functioned in a variety of ways, some of which follow.



The Committee produced a document entitled "You too can be a winner." This document, produced in cooperation with "Plans For Progress," a nationally-sponsored effort in which many major corporations across the United States have joined, is a pictorial brochure depicting the success of numerous minority group workers in industry at various levels of employment. It is a true success story publication and is very persuasive. More than 75,000 copies of this document have been circulated among the disadvantaged for purposes of motivation and encouragement. It has proven an excellent tool.

The Merit Employment Committee steering group has visited many of the Skill Centers, vocational schools, and employment offices for purposes of counseling, evaluating and coaching those engaged in the effort, to enable them to serve with maximum success. Such contacts, made by these experienced personnel officers, have proven invaluable to all concerned.

As an example of the outstanding service performed, in early 1967 the Merit Employment Committee arranged for nearly 300 successful Mexican-American and Negro workers to be excused from their jobs for half a day with pay. They were transported by company buses to two high schools, one (Garfield) in the Mexican-American community, the other (Jordan) in the South Central City Negro Community. The workers appeared in pairs in the class rooms to talk with the students. During that day 6,000 minority students were told by successful minority workers in industry why education pays.

#### EMPLOYER COOPERATION GROWS

In mid-1967 the Management Council again sought to expand the number of employer organizations working directly with the Management Council in recruitment from the disadvantaged areas of the community. By this time the effort had been broadened to include not only the South Central City but East Los Angeles (the primary Mexican-American area), Pacoima and elsewhere. One thousand corporation presidents and chief executive officers were invited to attend meetings (similar to the first held in August 1965) in the auditorium of the Los Angeles Area Chamber of Commerce. Several hundred attended. They were given precisely the same information and encouragement to participate in the job opportunity program as those first addressed.

Their responses, too, were the same. Cooperation was assured. Personnel men were contacted and communication has continued. Through this method contact has now been established with 1200 companies directly from the Management Council office in Los Angeles. In addition, there are no less than 2,000 employers who have been "motivated" independently through affiliated employer organizations listed in this element.

#### LABOR DEPARTMENT HELPS

In the spring of 1967, during a visit to Washington, D.C., on other business, Vice President Humphrey invited McClellan to a conference in his office. The sole subject discussed was the Management Council program and problems in Los Angeles. McClellan described in positive terms the need for more training in programs like the Skill Centers in order to enable those seeking work to qualify for jobs then open. Vice President Humphrey suggested that Stanley Ruttenberg, Assistant Secretary of Labor, come to California to discuss the problems with McClellan and work out such improvements as seemed practical. The Vice President explained that Ruttenberg was the captain of the manpower team in the Government in Washington and would be the appropriate man to undertake this.

In the middle of May 1967, Ruttenberg

and Frank Borda, his Deputy, came to Los Angeles to review and discuss manpower problems with the local Department of Labor staff here in Los Angeles. Meetings were also held in the office of the Management Council.

McClellan pointed out that the Skill Centers could accommodate twice the number then enrolled, if a moderate sum of additional underwriting could be provided. It was explained that the facilities were there, the management was there, the machinery and equipment were there. All that would be needed would be additional underwriting to cover the cost of the teachers involved as well as the cost of the subsistence allowances provided for the trainees. Both Ruttenberg and Borda seemed favorably impressed.

Following the meetings, Ruttenberg and Borda were invited to attend a meeting of employers. This was a typical meeting of 100 employers to see and hear a presentation by the Management Council urging their participation in the Council program of recruitment, training and employment of the disadvantaged from the minority areas.

It was not until the meeting was about to be adjourned that meeting chairman McClellan announced that Ruttenberg and his associate, Frank Borda, were in the room. He then called upon Ruttenberg to speak. Ruttenberg expressed his pleasure with the work and aims of the Council, and later arranged for an additional \$1,500,000 to be provided for Skill Center underwriting in this area, thus enabling many more trainees to prepare themselves for jobs in industry.

#### EXTRA ACTIVITIES

While it has been the policy of the Management Council from the very beginning to concentrate on providing job opportunities for the disadvantaged, there have been developments which seem to justify participation in projects not directly related to employment.

There are several reasons for this. The deeper it got into the problem, the more obvious it became that business could not wholly escape some involvement with community problems even though the relationship to job opportunity was limited. In the first place, there was no other agency qualified to recruit industry support. Secondly, by such participation, the Council greatly strengthened relations with the Negro community and earned the confidence of many people who would otherwise be unreachable.

Credibility is an important element in working with the disadvantaged. It is necessary to be trusted. There must be an awareness of sincerity and some demonstration of ability to perform if credibility is to be achieved. For these reasons and other, the Council has become somewhat involved in efforts beyond job opportunity, hoping that others might soon become interested enough and be able to assume this role separately.

Here are a few examples of "non-job" efforts:

#### BANKING

By early 1967, financial institutions in the Watts area had begun to suffer a drying-up of major deposit sources, perhaps as people feared further rioting. This came at a time when loan demand for repairs and rehabilitation was greatest.

On the Council's recommendation, a meeting was arranged between heads of the six Negro-owned financial institutions and financial officers of 17 major industrial firms. The bankers and savings and loan men told industry that they needed industrial deposits, and within a matter of hours, over \$1,000,000 was deposited in new accounts at those institutions.

#### WATTS SUMMER FESTIVALS, 1966, 1967 AND 1968

Under Billie Joe Tidwell of the Sons of Watts Improvement Association, people in the South Central and Watts area organized

and staged festivals each August to symbolically replace the riots of August, 1965. Baltimore Scott, a young Negro attorney and Management Council staffer, worked with Tidwell and others in 1966, and in 1967 was recruited as a Director of the Festival. The Council helped with, among other things, a contribution of \$2600 for jackets to be worn by the Sons of Watts who had been commissioned by Festival organizers to "keep the cool." They helped H. Rap Brown decide not to start trouble in 1967, and did their best to keep the peace in 1968, when minor trouble erupted five days before the festival. In both festivals, the Council helped with money and with financial counsel.

The Watts Summer Festival that took root in Los Angeles sprang up in San Francisco's Hunter's Point area. There, with the advice of the Council, the Hunter's Point Festival took place in October of 1967. Public officials and private citizens praised the event as a significant breakthrough toward constructive rehabilitation and employment in the area.

#### HELPING COMMUNITY ORGANIZATIONS

Other efforts for improvement included programs to combat unemployment in several potentially explosive areas such as Monterey and Seaside.

Local communities were visited and informal dinner meetings were held. Goals, programs and activities in the community were examined. In turn, Council representatives described their working relationship between industry and the Council in coordinating job opportunities for the minority community.

A similar meeting was conducted among leading Los Angeles Negro editors and publishers. At the end of the evening, both the Council and the news representatives obtained a greater understanding of each other's problems. Several editors commented that they could better understand what the Council's program meant in terms of the community's people.

The Council helped the Willowbrook Job Corporation, which was devoted to improving conditions in areas with conditions more severe than those in Watts. The Council helped the group with equipment for a free medical clinic for the poor, for fix-up materials for a rehabilitation home and an eight-week summer camp for a number of needy boys and girls.

#### NEIGHBORHOOD FIX-UP

Many organizations in South Central Los Angeles have helped stimulate neighborhood pride and redevelopment. Men may find jobs, but they should be able to have nice neighborhoods to return to each day.

Project H.O.P.E. and the 28th and 32nd Street Neighborhood Improvement Associations undertook the fix-up of several hundred homes in the Watts-Compton area. Hundreds of gallons of paint, painting materials, and several hundred trees were donated or obtained at cost. Organizations like the Los Angeles Paint, Varnish & Lacquer Association, and Norris Industries contributed their time and support to the projects which were co-sponsored by the Council and various neighborhood groups.

The result: 487 houses brightly painted and numerous yards cleaned up. In one major area more than half the homes painted were spread out—two houses painted on each block. This served as a "seed" or incentive for many neighborhoods.

With the help of the Council, another South Central City area group enhanced the beauty of their streets and yards. The Watts Labor Community Action Committee lacked the funds to plant 1,000 trees on the main crossroads of Watts. But, with the help of the Council, \$5,000 was raised and the first increment of 750 trees was planted and the rest are on the way.

These are but a few of the projects undertaken by the Management Council outside its regular role of finding jobs for the disadvantaged.

#### COMMUNITY DIALOGUE

The Council continues to be interested in developing more effective means of achieving the needed dialogue between the Black Community and key forces in the white community interested in solving the basic problems confronting the entire populace.

An organization that has made great strides toward meaningful understanding is the Los Angeles Black Congress. This organization works on the important concept of "operational unity," maintaining that all black people and organizations can and should work together, regardless of individual differences in philosophy and program.

The Council has made no small efforts to bring the Black Congress, the Urban Coalition and other organizations together to achieve a unified purpose and program long talked about in the Negro Community.

#### BUSINESSES' RESPONSIBILITY FOR THE FUTURE

Mr. PROXMIRE. Mr. President, our country is going to face many challenges in the future, internally and externally. If we are to respond effectively to these challenges, the business community is going to have to change and develop faster than ever before in our history.

Arnold A. Saltzman, one of the new type of business leaders, has eloquently stated the function that business will have to play in the future growth of our country. I would like to commend his statement to other leaders of the business community. I ask unanimous consent that it be printed in the RECORD.

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

##### AMERICA'S NEW FRONTIER

(By Arnold A. Saltzman, president, the Seagrave Corp.)

The corporate entity which survives and prospers through the 1970's and beyond will be the one that leans with, and not against, the winds of change which continue to blow across the world. Our world has changed more dramatically in the sixty-eight years of the twentieth century than in all the preceding nineteen centuries since the birth of Christ. Change has always been a part of the human condition, but never has its pace been so fast as now. Never have ideas both scientific and social proliferated at such a bewildering rate of speed. Nor has the prospect ever been so clear that the pace will be steadily accelerated. No business organization which fails to take these facts into consideration can plan soundly for the future. No business organization which fails to welcome change can expect to have a future.

Alfred North Whitehead, one of the influential thinkers of this century, said: "A race preserves its vigor so long as it harbors a real contrast between what has been and what may be; and so long as it is nerved by vigor to adventures beyond the safeties of the past." Without the ability and the courage to depart from the snug harbor of status quo, nations and companies tend to decay.

Symbolic of this spirit and of our time are the widely published photographs of the earth as viewed from the moon. The moon-orbiting astronauts saw the planet on which we live as whole and beautiful, an oasis spinning slowly in a cold and silent universe, a tiny portion of a system about to be explored. But on this earth the continents by

now are fully bounded and chartered, so the challenge of exploration of new frontiers must be turned inward by man to develop ways to improve the quality of human life. The most urgent need in the world today is to make certain that the era ahead will be the Age of Man.

No corporation which fails to understand and come to grips with the great changes occurring day by day will be able to capitalize on the exciting challenge of the Seventies. The world is in the process of searching for answers to some of the most compelling questions it has ever faced in improving our cities, in working to restore the purity of our atmosphere and our water resources, in devising new concepts for fruitful use of increased leisure time, in bettering the opportunities of people everywhere to achieve a full measure of economic well-being and political democracy.

The leader in the business community today can exercise that function best by helping to provide leadership for his country and the world in the development of the new environments that peoples all over the world desire and impatiently expect. This is one of the signals that young people are sending us. Their continuing interest in business as a career and their support of the capitalist system as the most satisfactory depends on how well our system functions in solving the world's needs—and how interested we are in dedicating much of our attention to these solutions and not merely to short range profit objectives.

We who believe in a democratic capitalist society cannot point with pride to its advantages but shirk the responsibility of its flaws and errors. Business has no choice but to help find the answers, indeed to take the lead in seeking them. The world's problems will not be solved without the active participation of business in the quest. This participation must be vigorous, informed, continuous. And it should originate from inside the business community, not be imposed from without.

While it is true that virtually every business decision is affected by government in one way or another, government is not the agency responsible for applying to people's daily lives the technology that has transformed the world. In the United States business has that responsibility. And social changes sought by government can be best brought about through the effective utilization by business of this technology. If the world's social problems are to be met effectively, business must apply its technical knowledge and management skill to their solution. It must provide economic opportunity and the benefits of mass production and distribution to peoples all over the world. People who are not afraid and not hungry are less likely to seek solutions linked to force inside the United States or elsewhere.

This will require of the modern executive and his corporation a high degree of flexibility in filling this role successfully. This means flexibility of thought as well as of operation—a flexibility that will enable management to meet the imperative necessity of extending corporate philosophy into new and frequently changing areas, as well as changing social attitudes. This challenge is not one that may be expected to arise at some future date. It is now.

Entrepreneurial America is linked both in opportunity and responsibility to our country's present and continuing greatest challenge. The remaking of the cities of the United States will, over the next decade, tax to the fullest our capabilities, our imagination and our dedication to our country as well as to our corporate objectives.

The great revolution in America which has been going on virtually unheeded has been the transformation from a largely agricultural society to an almost totally indus-

trial one. Our methods of growing food and fibers are so mechanized that today only a small fraction of our people live on the land. The ever-increasing trek to the cities without corresponding planning has made our cities, in large measure, a burden not a blessing to those who reside there. We cannot expect a tranquil society when almost every living moment is an irritant and every day brings hazards to health or even life. Our citizens are entitled to a radical change and improvement, and Seagrave has both the intention and capability to be deeply involved in such improvement.

With rising standards of living and more leisure time, people all over the world will reach for upgraded, quality products that they can use, as well as increased quantities of the basic necessities of modern life. Producers and consumers can both benefit by the industrial race to achieve mass production of high quality goods which previously might be the function of artisans producing small amounts. Business must understand the need to improve the standard of living of all the people of America, as well as to bring increased purchasing power to the people of the underdeveloped nations. Bringing into the economy hordes of additional consumers, both in quantity and quality of demand, could produce a long range business boom of a magnitude previously unknown.

The role of the American corporation which is planning for growth and expansion in keeping with the times is enhanced by the fact that, even as we begin to shrink the universe, our own planet already has been turned into a single neighborhood by diminished space, as well as global communication and scientific revolution. Today the affairs of the United States are intermingled with those of every other nation on earth. Since ours is a business-based society, it places a heavy responsibility on business and, of course, opens up wide opportunities.

Words like "tomorrow" and "the future" necessarily guide the business planning of today. Only the future can be managed; not much can be done about the present. The problems of today represent the turbulence from yesterday's future. That turbulence must not be allowed to distract American business from its primary concern of preparing for the new Age of Man.

#### RESERVE OFFICERS' TRAINING CORPS

Mr. GOLDWATER. Mr. President, the Los Angeles Times syndicate, for which on two previous occasions I have worked as a columnist, once again is publishing a weekly column which I write. It is not my intention to clutter the RECORD with these, but because the attack on the military, including the ROTC, is growing so strong in this country, I intend to place in the RECORD a column I have prepared on ROTC. The times we are going through today remind me exactly of the period during the late 1920's and 1930's, when there were the same accusations against ROTC, the citizens military training corps, and the military in general. We are likewise going through a period of unilateral disarmament when the country felt safe in its isolated position. Once again the words of fear against the uniform are being spread across this country, particularly against ROTC. I received my commission in the ROTC in 1930 and served 37 years, filling every rank up to and including major general. The ROTC training I received put me in better stead than any other



training I have ever received outside of my family, and I deplore the activities on some of our campuses which tend to deny young men the military training and background they desire. I ask unanimous consent that my column, on this subject and tables showing the number of ROTC graduates and their service, the percent of officer strength commissioned through ROTC, the number of institutions that host Army senior ROTC, the officer procurement by source, and a letter outlining the Navy ROTC experience be printed at this point in the RECORD.

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

[From the Los Angeles Times Syndicate]

A COLUMN BY SENATOR BARRY GOLDWATER

It is long past the time when somebody should speak up for the Reserve Officers' Training Corps.

Contrary to popular left-wing opinion, the ROTC is not a campus-spawned instrument of the devil. Nor is it an indication that the United States of America has turned to a policy of gross militarism with aggressive international designs.

Rather, the ROTC is an honorable, long-standing and extremely important facet of this nation's defense system.

In point of fact, the United States Army draws more than two-thirds of its general-service commissioned officers from the ROTC.

The organization is the prime source of supply for junior officers trained in advanced techniques of military operations.

In 1969 alone, the Army is counting on the ROTC to turn out 16,800 new second lieutenants. This compares with 8,500 which will come from officer candidate schools operated within the Army and a mere 750 from the U.S. Military Academy at West Point.

For those who have a working knowledge of the defense requirements of this nation, this is perhaps one of the worse times that could be chosen for an all-out attack on the Reserve Officers' Training Corps. While there is nothing new in making the ROTC a sort of "resident scapegoat" on campuses where it operates, the current leftist attack coincides with a growing demand for officers of the caliber which the ROTC turns out.

The art of military defense has become unbelievably sophisticated and complex in this nuclear age. Consequently, the demand for college trained officers is heavier than at any time in our history. And the demand is undoubtedly going to grow in the future.

It's entirely understandable, of course, that the ROTC supplies campus protest groups against wars and rumors of wars with their nearest uniformed target. The widespread attack on ROTC programs which are going on today are part and parcel of the entire broad-gauged attack on the defense establishment. President Nixon has described this as "an open season on the Armed Services" and, of course, on many campuses that season includes ROTC.

Because of the wide publicity given to campus demonstrations and protests by the news media, it is important to get the situation affecting the ROTC in proper perspective.

Our defense officials are concerned, just as were the Armed Services back in the pre-World War II days when ROTC programs were the target of pacifists and demonstrations in the 1920's and 1930's. However, they do not expect that the current effort to destroy ROTC will come anywhere near its mark.

It is pointed out that demonstrations of varying degrees of severity have hit 30 of

the 350 schools which offer reserve officers' training. Nine cases of arson have been recorded and it is possible that some schools may be forced to drop their programs. But this should have little effect since there is a long list of other schools which have applied for a ROTC unit of one or the other of the services. Included are some 90 applications for Army programs, 116 for Air Force programs and 129 for the Navy. At the present time the Army has 150,000 students enrolled in ROTC; the Air Force has 51,200 and the Navy 10,100.

Recently Brigadier General Clifford P. Hannum, the Army's Deputy Director for ROTC, had some pertinent comments on the program:

"We are not looking for an abolition of ROTC because it is too deep in our history and too deep in the civilian-military tradition of the Army.

"I think some of the professors who attack the Reserve Officers' Training Corps in the name of academic freedom should stop to think that they are attacking an institution which is helping to preserve a general freedom within which academic freedom exists.

"If we were to lose our civilian-military character, we might become the kind of inbred Army that takes over countries."

#### Conflict and number of ROTC graduates serving

World War II (Dec. 7, 1941 to Sept. 2, 1945).....	81,580
Korea (June 25, 1950 to July 27, 1953) (estimate).....	54,079
Vietnam (Jan. 1, 1965 to March 31, 1969) (estimate).....	43,050

#### Percentage of the officer strength commissioned through the ROTC program

Colonel.....	20.1
Lieutenant colonel.....	27.6
Major.....	51.8
Captain.....	40.8
First lieutenant.....	32.1
Second lieutenant.....	28.1
Total.....	35.2

#### Number of institutions that host Army senior ROTC detachments

Four-year institutions.....	246
Branches thereof.....	13
Military junior colleges.....	9

Fiscal year 1969.....	268
Fiscal year 1970 (increase).....	15
Fiscal year 1971 (increase).....	3
Total by fiscal year 1971.....	286

#### OFFICER PROCUREMENT BY SOURCE

	Service academies	ROTC	OCS
Fiscal year:			
1958.....	428	6,858	566
1959.....	451	5,013	647
1960.....	503	6,252	729
1961.....	487	6,899	565
1962.....	537	11,992	608
1963.....	465	10,578	781
1964.....	494	10,837	1,688
1965.....	524	9,886	2,277
1966.....	562	9,690	3,351
1967.....	561	10,629	19,240
1968.....	675	10,846	18,355
Subtotal.....	5,687	99,480	48,807
Total.....		153,974	
Percent.....	3.7	64.5	31.8

<sup>1</sup> 91.2 percent.

Note: Extracted from DCSPER 46 Report. Does not include all sources.

DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, D.C., June 26, 1969.

HON. BARRY GOLDWATER,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR: This is in further reply to your recent request for statistical information relative to the Naval Reserve Officers Training Corps Program.

The Chief of Naval Personnel has informed me that the actual numbers of Navy and Marine Corps officers from Naval ROTC source who served in World War II, Korea and Vietnam are not available. However, during fiscal years 1947 through 1968, 23,083 Regular and 17,331 Reserve officers were commissioned from this program. Almost all of these served immediately on active duty for varying periods of time. Most of those who did not serve on active duty immediately were so ordered at a later date. Of all the Naval officers first reporting to active duty during fiscal year 1968, other than doctors, dentists, chaplains, nurses, Medical Service Corps officers and Waves, 13.2% came from NROTC and of those ordered to active duty in the Marine Corps during the same year, NROTC furnished 7%.

Additionally, eight of the thirty-one astronauts presently on active duty are Naval ROTC graduates. There are nine Rear Admirals, USN, commissioned initially from this source, currently on active duty and three in a retired status. Eight Rear Admirals, U.S. Naval Reserve, of the forty-eight in the Ready Reserve category on inactive duty at this time, are NROTC products.

I have been advised that the Naval ROTC began at six schools in 1926, and grew to twenty-seven by World War II when it served as the foundation for the WWII V-12 college training program. It was expanded to fifty-two schools in 1946, fifty-three in 1956 and to our present total of fifty-four in 1968 when Prairie View A&M College, Prairie View, Texas, a predominantly Negro school, was added.

Your interest in this matter is appreciated, and I trust that the foregoing information will be useful to you.

Sincerely yours,

MEANS JOHNSTON, Jr.,  
Rear Admiral, U.S. Navy,  
Chief of Legislative Affairs.

#### THE SURTAX

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Brighter Surtax Outlook," published in the Washington Evening Star of July 14, 1969.

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

#### BRIGHTER SURTAX OUTLOOK

In the early part of last week Russell B. Long, chairman of the powerful Senate Finance Committee, was talking as though extension of the surtax might be blocked in this session of Congress by partisan political considerations. The senator from Louisiana seemed determined to tie the surtax bill to major tax reform, and he was quoted as saying that "tax reform hearings are going to be just as broad and comprehensive as the senators want them to be."

Given the eager-beaver insistence of many senators that extension of the surtax could come only as a companion piece to free-wheeling tax reform, it seemed quite likely the bill to extend the surtax might be disastrously delayed or even doomed in this session. But Senator Long now says there was "some misunderstanding" of his position. He

wants to remove any inequities in the bill that squeaked through the House by a 210 to 205 vote, but he does not believe the Senate version of the bill should seek to achieve tax reform "so sweeping or comprehensive as to obscure the need to balance the budget and stabilize the economy." He added: "The bill should not be so mired down in endless controversy that it fails to pass before the August recess."

This surely is a sensible and a responsible position for the chairman of the Finance Committee to take. No one questions the need for tax reform. It is urgent, and reform should be forthcoming before this Congress adjourns. But the price for tax reform should not be an unconscionable delay in extending the surtax, with all that this would mean in terms of more inflation, higher prices and erosion of the value of the dollar.

Tax reform and surtax extension need not be wrapped up in one package. Congress should deal with them separately and Senator Long seemed to concede as much when he said that full and comprehensive overhaul of the tax laws could take several months. As a matter of fact, tax reform should be dealt with first by the House Ways and Means Committee, which is moving ahead rapidly on a tax-reform bill. Furthermore, the Democratic chairman of that committee, Wilbur Mills, has pledged that the reform bill will be reported out in time for action by this Congress.

Given all this, what excuse or justification remains for congressional stalling on extension of the surtax? The answer is that there is none—unless the Democratic majority in Congress really wants to embarrass a Republican administration, weaken the dollar at home and abroad, and compel the American housewife to pay more for less food to put on the family table. We do not believe this is in the Democratic political cards this year.

#### TAX LEGISLATION

Mr. PEARSON. Mr. President, it has been stated by the majority party that it intends to delay action on the surtax legislation and to associate this legislation with proposals for tax reform. This means that a final decision on the surtax will not be made until later in the year. Mr. President, it is my view that this delay is undesirable and that the reasons given for it are invalid.

The surtax is an integral part of the administration's program for stopping inflation, and this program should be acted upon as soon as possible. The program includes, first, a policy of monetary restraint which has reduced from 13 percent to less than 3 percent the rate of growth of our money supply. The second part of the program is a budget surplus representing a decrease in planned expenditures, and the third element is the maintenance of current tax levels, so as to prevent increases in demand for goods that would offset the effect of the other two elements.

Thus, the surtax proposal itself has considerable economic impact, but this impact is capable of arresting inflation only in concert with other measures of fiscal and monetary policy. These measures have been taken and they have been strong, as the proposed budget cuts of the Nixon administration and the very tight money policy of the Treasury and the Federal Reserve Board indicate. Now it is necessary that the third element of anti-inflation policy be adopted as a commitment on the part of the Federal

Government to surely and rapidly bring under control the inflationary trends in the economy.

There is no valid reason for the majority party, which controls the Congress, its committees, and the flow of legislation, to delay action on grounds that the Senate should await tax reform. It is within the power of the majority party itself to decide when tax reform legislation or any other legislation, will come before this body. The tax surplus need not be held as a hostage. While I fully agree that tax reform proposals should be carefully considered by the Senate, there is no justification for the majority party to use this very important issue as an excuse for delaying final action on the surtax.

Mr. President, the distinction between tax reform and control of inflation should be kept very clear. The former deals with the tax structure of our economy and questions of equity in methods by which the Government obtains its resources, whereas the latter deals with the role of Government in controlling the value of the dollar. There are many areas in which tax reform should be undertaken, but it is important to keep in mind that serious tax reform has serious effects on the relative position of many groups in the economy and that reforms should not be constructed hastily and legislated as a side issue or even a substitute issue for the proposal at hand which is, in fact, a measure to control the inflation.

Mr. PERCY. Mr. President, I should like first to commend the distinguished Senator from Kansas. He is, in my judgment, a great progressive Republican and a humanitarian, and certainly has always been in the forefront of progressive principles.

Mr. PEARSON. I thank the Senator. Mr. PERCY. But I would say, in addition, that in the area of economics he is sound. He is a conservative, if I may use that word; and I think being a fiscal conservative is the greatest way to make progress for this country. He is a progressive statesman, in my opinion.

I wish also to pay tribute to the distinguished Senator from Delaware. Since I have come to the Senate, I have been impressed with his judgment in fiscal matters. He is a man who has fought hard for economy in Government, for cutting wasteful Federal expenditures, and also a man who has had a great foresight as to what a sound fiscal policy for this country should be.

I should like, at this point, to comment on this very important matter of the extension of the surtax. There is no economic subject which will come before Congress this year that will directly affect as many Americans as does this issue.

I wish to commend once again, as I did yesterday, the chairman of the Senate Finance Committee, the distinguished Senator from Louisiana (Mr. Long), for his announcement that it is his intention to press for early consideration of this legislation. He understands that it is important that "Members on both sides of the aisle be responsible in providing the President with the revenue he needs to sustain the Government and the support

he needs to defend the Nation." He asks the help of all Members of Congress for "the struggle to control inflation and rising interest costs is not something that the President can do by himself." Senator Long is acting in the best traditions of the Senate for, as a responsible legislator, he sees the need of the Nation for a stable economy and he is assuming the leadership to see that his committee acts with this goal in mind.

It was not too long ago that a Democratic President asked for support and help on this side of the aisle to impose what was then a new tax, not an extension of an existing tax, the surtax. We worked very closely with the Secretary of the Treasury and the Under Secretary, many of us on this side, who felt that though it was not the popular thing to do, it was absolutely crucial and essential that we start the process of matching our income with our expenditures, and that only then could we get a grip on this problem of inflation, which is a psychological as much as a financial problem. The responsibility rests squarely with the Government, and when the Government pours more money into the economy than the economy legitimately requires, it must take the first steps toward restoring economic health.

In my judgment, on the other side of the Capitol, on Monday, June 30, 1969, the House of Representatives took a courageous and vital step toward restoring health to this Nation's economy.

It may seem strange to talk of restoring health to an economy that has seen unprecedented production, employment at an all-time high, and more Americans enjoying a higher standard of living than ever before. But the description could not be more accurate. Our economy is seriously ill with the infection of excessive inflation.

The Senate Finance Committee now has before it a House-passed bill which would, among other things, extend the 10-percent income tax surcharge for 6 months—until January 1, and then reduce it to 5 percent for the first half of 1970.

The House vote on this legislation was very close. The final verdict, in fact, was in doubt for several weeks, and that doubt centered around one critical issue. I refer, of course, to the widely recognized need for early action on far-reaching and meaningful tax reform.

I doubt that anyone in the Senate more earnestly supports sweeping reforms in our tax structure than I do. Our revenue collection system must be made more fair and equitable. Loopholes must be closed. The system must be made to live up to the principle that Americans support their Government in accordance with their ability to provide that support. Existing inequities have resulted in lower and middle-income Americans shouldering an extra-heavy burden while some wealthy citizens have shouldered no burden at all.

No mail that I receive is more indignant than that which comments on this fact that poor people have to pay taxes and the very wealthy somehow seem to escape this heavy burden.

The bill before the Finance Committee is not essentially a tax reform meas-



ure and was not meant to be, although even this bill takes the significant step of removing several million low-income wage earners from the tax rolls.

The chief purpose of this bill—the extension of the tax surcharge—is to strengthen the fight against inflation. It is an emergency measure which is vital to the restoration of our economy's health. We can talk forever about improving the equity of our tax system, but it operates as part of Government's overall plan to restore the economy to an even keel. When it is high, it is burdensome, but it remains, nevertheless, a real tax.

The alternative is a phony tax. It costs more than the real tax. It is completely useless, serves no purposes, and worse, is a cruel delusion. It attacks those who can least defend themselves. The poor. Those on fixed incomes.

The phony tax of inflation has gripped our economy so firmly that a single dollar earned just 6 months ago is now worth only 96 cents, and will be worth only 92 cents by Christmas if nothing is done with it. While most workers have received substantial pay raises in recent years, the average family remains right where it was in 1964 in terms of purchasing power.

Despite these facts, and despite the obvious logical preference for an end to inflation, ours is not an easy choice. It is not an easy choice because it is always difficult to vote for taxes—and the phony tax which now holds sway has the extra advantage of invisibility. It works behind the scenes, deceptively eroding real income and wealth.

No one argues about the need to stop inflation. No one, any longer, questions the need of wide-ranging tax reforms. The President has made it clear that passage of this bill and truly meaningful tax reforms are both vitally important. He pledged in a recent letter to Representative Ford that progress on tax reform would become a reality as quickly as Congress can act, and that means this summer.

Within the first few months of the new administration, the Congress received extension proposals for tax reform from the Treasury Department. Sixteen separate proposals were advanced, including measures that will:

Limit preferred—tax exempt—income to 50 percent of total income, and require allocating itemized deductions between taxable and preferred income;

Exempt those who fall below the Federal "poverty line";

Restrict the tax exemption privileges currently available to foundations, as well as the taxation of certain kinds of unrelated income of charitable organizations;

Restrict charitable contribution deductions;

Restrict the use of small corporations by large parent corporations for tax avoidance; and

Alter the rules affecting stock dividends and long-term capital losses.

These administration proposals are just the first installment. Many of these tax measures are complex, requiring careful, patient examination before com-

prehensive legislation can be drafted. The administration has set a deadline for the submission by the Treasury of the second installment of tax reform proposals, which will include even more far-reaching proposals.

Chairman MILLS of the House Ways and Means Committee has given his word that his committee will present substantial legislation this summer before the recess. He is supported by House Members on both sides of the aisle, including the Republican leadership.

In short, far-ranging and meaningful tax reform will become a reality this year.

But to confuse the issue by delaying extension of the tax surcharge because of our sincere desire for tax reform would be extremely dangerous.

Each day we delay passage of this legislation, the inflationary psychology which grips our economy is growing stronger. Further delay would signal to our own business and financial community and the world markets that we are not serious about controlling inflation. Higher interest rates and a speedup in the wage price spiral would surely follow, with grave consequences for confidence in our dollar, which is the foundation of the free world's monetary system. Ultimately, uncontrolled inflation will lead to a severe economic correction accompanied by a painful level of unemployment.

No one seriously argues that taxes should be cut now, at a time when prices are rising by 7 percent per year, yet failure to enact this bill would do precisely that.

Let us not allow our zeal for sweeping tax reforms—and I intend to do everything possible to advance this goal—blind us to the need for early action to demonstrate this Government's total commitment to bringing inflation under control.

Tax reform can and will be enacted by Congress this year. The people want it. The administration wants it. Congress wants it. I am convinced that the only way to achieve both sound reforms, and a sound economy is to pass this stabilization measure now, and then get down to serious business on thorough tax reform.

To attempt to join both measures at this time would be unfair to the surtax issue as well as the reform issue. To my mind it would be wrong to delay the surtax extension and it would be equally wrong to rush reforms through the Congress without proper consideration.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I wish to compliment both the Senator from Illinois and the Senator from Kansas on their remarks today wherein they expressed the urgency of the Senate's taking prompt action on the question of extending the surcharge as well as on the question of whether or not we should repeal the investment tax credit.

I agree with both of them that major tax reforms are needed and that this Congress should and, I am confident, will act on this matter before the year is out.

To try to delay action on the surcharge until after we have had time to explore adequately these various reform proposals would, in my opinion, be a disaster. And the uncertainty that would arise in the financial community would create chaos.

I certainly hope the Senate leadership will proceed. I join the Senator in paying respects to the chairman of the Senate Finance Committee, who recognizes that we do have a responsibility in this direction and that we should act promptly.

Mr. PERCY. Mr. President, I thank the Senator from Delaware.

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

Mr. PERCY. I yield.

Mr. PEARSON. Mr. President, I compliment the Senator from Illinois and associate myself with the very excellent statement made by him. I recognize his leadership in this endeavor.

It was a private conversation with the Senator from Illinois that greatly persuaded me, not knowing of his statement today, to make some expression on this very serious problem.

I commend the Senator for his foresight and for his statesmanship. We use that term very loosely here, but it applies in this case.

I do thank the Senator from Delaware for his kind remarks.

Mr. PERCY. I thank the Senator from Kansas.

Mr. BAKER. Mr. President, I would like to associate myself with the remarks of the distinguished junior Senator from Illinois (Mr. PERCY) citing the need for prompt passage of the bill providing for a limited extension of the surtax. As we all know, this measure has been passed by the House of Representatives and is now pending before the Finance Committee.

Yesterday several Senators, including the distinguished majority leader (Mr. MANSFIELD) and the distinguished chairman of the Finance Committee (Mr. LONG) engaged in an extensive discussion as to when this measure might be called up on the Senate floor for consideration. During the course of this discussion it was not altogether clear as to the policy of the leadership, and certainly there was no unanimity among the viewpoints expressed. However, the majority leader did finally state that the bill extending the surtax would not be considered until a House-passed tax reform package is also reported from the Finance Committee and placed on the Senate calendar.

Mr. President, I sincerely hope that the majority leader will not pursue this course of action. There can be little doubt that the House Ways and Means Committee will report a tax reform proposal, that some measure of this nature will be sent to the Senate, and that each Senator will have every opportunity to introduce any tax reform amendment that he would like to see enacted. For this reason, I can see no reason to delay consideration of the bill extending the surtax.

At the present time the surtax is being extended for a limited period of 1 month until such time as the Senate has

the opportunity to vote the measure up or down. While it is correct that surtax revenues are being collected, there are many who believe that this measure will not be extended and, for this reason, the inflation psychology persists. In my judgment, it is most important that Congress take prompt and incisive action to combat the inflationary spiral and the psychology on which it fuels. This can only be done by a final determination on the merits of the question. To fail to take this course of action will create additional uncertainty as to whether Congress will or will not extend the surtax and as to whether Congress will or will not repeal the investment tax credit. This continuing uncertainty can only have the inevitable result of creating additional problems within our economy.

If there were little or no likelihood that the House of Representatives would pass some tax reform measure, then I could see some justification in the course of action outlined by the majority leader. But since that is not the case and since both the President and the Secretary of the Treasury have stated on numerous occasions their deep conviction that tax reform should be pursued, I do not believe the call for tax reform to be a legitimate device to delay or defeat passage of this measure.

Again, I commend the Senator from Illinois on his remarks, and, for the reasons I have stated, I hope that the Senate will move promptly and that the majority leader will not pursue the course of action I understood him to outline yesterday.

Mr. PERCY. Mr. President, I think it is of significance that once again we have a Senator who is both progressive and moderate in ideology and thought, who is consistently sound and conservative in economic matters and who in the end supports a progressive policy with respect to this important pending issue before the country.

I thank the distinguished Senator.

Mr. President, I yield the floor.

#### AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, for the past 2 weeks the Senate has been debating the issue of ABM.

Today I want to discuss the question of polls and how important a part they have either in influencing legislation or in molding public opinion and to point

out why I think this practice if carried too far can be dangerous.

According to one poll conducted by the press the final vote on the Safeguard ABM system will be 50 Senators for and 49 against, with only 1 Senator—myself—listed as uncommitted. If it were true that 99 Senators have already taken a position then why do we not proceed to an immediate vote?

First let me point out that I respect and admire the press for trying to anticipate the results even before the votes are cast. This makes an interesting numbers game, but frankly ever since the 1948 election I have been somewhat dubious about the reliability of polls, and in this instance they may again be in error.

However, if these polls are to be accepted as accurate the question may well be asked why I have not taken a position.

Surely 99 Senators are not making speeches and conducting this debate just to influence the vote of one lone Senator. If that is the case I am ready to vote today.

On the other hand, why do I not answer the poll and then let the guessing game start all over as to who has changed his mind?

For 23 years I have made it a practice not to answer polls—public or private—because in my opinion while polls are interesting they are oftentimes dangerous.

For example, I am a member of the Senate Finance Committee which handles tax legislation. Advance knowledge obtained by a poll of the members of that committee as to a rate of tax or its effective date can be worth millions to someone who is in a position to make use of such information.

For this reason when the Finance Committee is ready to mark up a bill we try to act fast on the major decisions and then release to the press immediately the results of our vote. For instance, the day after the House voted on the surtax bill, June 30, our committee went into executive session and took a tentative vote on the effective date for the repeal of the 7-percent investment credit. Millions were involved on this question of the effective date, and an immediate announcement was made to the press as to the results of that vote.

Here today we have before us a bill, a decision on which is of major importance to our country, and while the money factor alone is not the determining point, nevertheless, Senators are aware that this question involves expenditures of several billion.

How many defense contractors and how many speculators are trying to outguess this vote and make plans as to how it will affect their interests?

This question is not asked to cast any reflection on industry, nor is it intended as a reflection on any Senator who has taken a position on the bill or who is taking part in this debate.

It is not only proper but it is a necessary part of our legislative process that Senators who have made a study of any important bill before the Senate should take part in the debate, and certainly their positions are made known.

For weeks I have been urging prompt

action on the surtax bill, and as far back as last January I advocated the repeal of the 7-percent investment credit. My position is established on these points, and I have spoken out trying to sell my viewpoint to other Members of Congress. But I did not recommend, nor do I now recommend, a private poll of all other Senators as to how they will vote on that bill.

Besides, how can Senators make a decision on a bill before disposition has been made of various amendments either on a tax bill or on the bill now before us?

Who knows what effect the acceptance or rejection of some of the pending amendments will have on the final vote on the bill before us?

If the Senate ever approves a procedure wherein the press will be able to announce an accurate count of the vote weeks before the actual rollcall on a major bill, we will have ceased to function as a legislative body.

Certainly Senators have an idea as to how they intend to vote, but national or world developments at the last moment must be taken into consideration. For example, the Russian invasion of Czechoslovakia last year prompted a last-minute change in the plans of the Senate for consideration of the Nonproliferation Treaty.

How will I vote on this most important question now pending before the Senate? If at any time I think I can contribute anything toward the debate on any pending amendment or on the bill itself I shall speak out; otherwise I shall just wait until the debate ends, and then on each amendment and on the final passage of the bill I will cast my votes in what I consider to be in the best interests of our country.

Meanwhile, for the remainder of my term in office I will continue the practice of the past 23 years of not answering polls and of not trying to be an authority in every important bill that comes before the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BYRD of West Virginia. Mr. President, I congratulate the Senator. I noted with considerable interest the account in the newspapers of a poll that had been taken of 100 Senators. To my knowledge, no question has been asked of my office, and no poll has been taken concerning my vote, and I certainly have not responded to any poll. I can not recall any contact by any newspaper of my office as to how I would vote on this issue.

I think the Senator has rendered a service today in making the statement he has made.

I was just a little nonplussed when I read the account of 100 Senators having been polled. I asked my staff if I had been polled, and I was told that I had not. I am sure that I have not made any statement to any newspaper during the past several months as to where I stand on this issue. I assumed that the press media—those who were doing the polling—probably went back to some previous vote and perhaps took a chance on my voting this way or that way based on some vote in the past, and they may be right or they may not be. I do not



know whether they counted me as a supporter of the ABM or whether they counted me as being opposed to the ABM.

But I am going to follow the same procedure that the Senator states he has been following for 23 years. I am not going to answer any polls as to how I shall vote on such a controversial issue as the ABM. I think the time to cast one's vote is when the roll is called; and if I wish to indicate prior to that time what my position is by way of a speech on the floor of the Senate, by way of some announcement on the radio, or via television, or by issuance of a news release that is for me to determine. But I do not intend to answer any polls. Perhaps at some time in past years I may have responded to some polls on other issues, I do not recall; but, if so, I do not intend to do it again; and it has been my policy for quite some time not to do so.

Mr. WILLIAMS of Delaware. I thank the Senator.

I think this can be a dangerous practice. Again, I do not question the good intentions or the propriety of the members of the press in conducting these polls. If I were a reporter, I suppose I would do the same as they are doing, but it is our fault if we answer them. If we answer one poll, then why do we not answer this poll or the next poll? In the Finance Committee we act on proposed legislation which involves major changes in tax rates that can affect financial markets. I think it would be very dangerous to adopt a practice in which the members of that committee could be polled in advance of the votes.

I have served on this committee with the Senator from Virginia, Mr. Harry F. Byrd, Sr., and before that I served with the Senator from Georgia, Mr. George, and with the Senator from Colorado, Mr. Millikin, as chairmen. They emphasized to all the new members of that committee the importance of not letting the committee be used by those who would turn the information to their own advantage. I have tried to live up to that standard.

One person called our office this week

in a private poll—not a member of the press—and told the gentleman in my office that it was very important. They were checking the poll on the votes for the ABM as it had been related in the press to see whether or not it was accurate. They were trying to get the position I would take on the ABM as well as the position of other Senators because he said their clients wanted more factual information as to what was going to happen on this bill.

This illustrates the danger we could get into if we, as Members of the Senate, adopted a procedure whereby we could be polled a week or two in advance as to how we were going to vote. If 99 or 100 percent of the Members of the Senate have actually made up their minds then let us vote.

That illustrates the ridiculousness of this polling process, and I thought I would make clear my reasons as to why I think the problem of polling should be checked.

Mr. BYRD of West Virginia. I thank the Senator.

So far as I am concerned, I think it is my responsibility to take a position on the issues that come before us for decision, but I do not think that I have a duty to respond to polls as to how I intend to vote on any issue. I think it is demeaning to the Senate to do so. Naturally, if I take a position and make that position known in a speech, that vote can be counted as I so state. But as to answering polls per se, I am not going to do it; and I think it is wrong for the impression to be given out that 100 Senators have been polled on this issue or any other issue when, as a matter of fact, they have not been so polled. I, too, do not question the good intentions of any pollster. But 100 Senators have not been polled on the ABM. As far as I am aware, even the leadership on this side of the aisle has made no attempt to conduct a poll on this issue.

I can only speak for one Senator, but mine is one of the votes out of 100. Perhaps 99 other Senators were polled, and perhaps it was not considered necessary

to poll the junior Senator from West Virginia. Nevertheless, I think it is wrong to state that all Senators have been polled when such is not the case. It might conceivably cause some Senator to change his position some day just for the heck of it, to show that the polls are not always right.

Mr. WILLIAMS of Delaware. I thank the Senator.

#### 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 6 o'clock and 7 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 16, 1969, at 12 o'clock noon.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate July 15, 1969:

##### DEPARTMENT OF JUSTICE

Bethel B. Larey, of Arkansas, to be U.S. attorney for the western district of Arkansas for the term of 4 years.

##### U.S. ASSAY OFFICE AT NEW YORK, N.Y.

Nicholas Costanzo, of New York, to be Superintendent of the U.S. assay office at New York, N.Y.

#### NOMINATIONS

Executive nominations received by the Senate July 15, 1969:

##### U.S. AIR FORCE ACADEMY

Col. William R. Jarrell, Jr., [XXXXXX], for appointment as Registrar, U.S. Air Force Academy, under the provisions of section 9333(c), title 10, United States Code.

Richard H. White, cadet of the U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon his graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

## HOUSE OF REPRESENTATIVES—Tuesday, July 15, 1969

The House met at 12 o'clock noon.

Rev. James L. Powell, Jr., First Baptist Church, Mount Airy, N.C., offered the following prayer:

Lord, we pray for the Members of this great body today, and all those who share in its labors.

Teach them courageous leadership, based on faith and not on fear.

Forgive them when they talk too much and think too little; when they worry so often and pray so seldom.

Take away the stubborn pride that keeps them from apology and makes them unwilling to open their hearts honestly to their colleagues.

Deliver them from the blasphemy of optimism that is mere wishful thinking, but give them a courage to want to stand for something, lest they fall for anything.

For conscience sake, for God's sake;

help us to give a good account of ourselves in these days.

In our Lord's name, we pray. Amen.

#### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegener;

H.R. 1948. An act to confer U.S. citizenship posthumously upon Pfc. Joseph Anthony Snitko;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3166. An act for the relief of Aleksandar Zambelli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 7215. An act to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. Diplomatic Courier Service; and

H.R. 10060. An act for the relief of L. Cpl. Peter M. Nee (2465662).

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested: