

You were a wonder to us, unattainable, a longing past the reach of longing, a light beyond our light, our lives—perhaps a meaning to us . . .

Now our hands have touched you in your depth of night.

Three days and three nights we journeyed, steered by farthest stars, climbed outward,

Crossed the invisible tide-rip where the floating dust falls one way or the other in the void between,

Followed that other down, encountered cold, faced death—unfathomable emptiness . . .

Then, the fourth day evening, we descended, Made fast, set foot at dawn upon your beaches,

Sifted between our fingers your cold sand. We stand here in the dusk, the cold, the silence . . . And here, as at the first of time, we lift our heads.

Over us, more beautiful than the moon, a moon, a wonder to us, unattainable, A longing past the reach of longing, A light beyond our light, our lives—perhaps a meaning to us . . .

O, a meaning!

Over us on these silent beaches the bright earth, presence among us.

A THREAT TO MAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an article appearing in the July 11, 1969 issue of Life magazine entitled "Evolution on a Bad Trip" or "Can Man Survive?" at the American."

Perhaps this warning will help to alert Americans to the vile and evil things they are doing to their environment.

The article follows:
EVOLUTION ON A BAD TRIP—"CAN MAN SURVIVE?" AT THE AMERICAN
(By Wilfrid Sheed, a theater, film and book critic and author of four novels)

One of the gentler memories of any New Yorker's childhood is the Sunday visit to the American Museum of Natural History. There, in a drowsy Rittenhouse Square atmosphere, you could see how evolution had finally worked out: rickety, loose-knit dinosaurs, stuffed grizzlies and You, the Lord of Creation. One departed with the feeling that Nature's fangs were permanently under glass and Mankind was sitting pretty.

Recently, though, the museum has changed its tune. The message of its centennial exhibit, *Can Man Survive?*, is that the way things are going, there may not even be any natural history much longer. When the old museum worries, it is probably time for everyone to worry. So crowds of up to 2,000 a day are piling in to see what the problem is.

You can tell something is wrong the moment you walk in. A harsh, raised structure, appropriately called a truss, has been plunked down in the middle of sedate Roosevelt Memorial Hall. Inside the truss, walls jab at you, electronic music jangles you, ramps rise and ceilings dip—more like a fun-house than a biological cathedral.

The first enclave is calm enough. On a split screen, nature goes through its old dreamy paces. The animals eat each other, but "that's the way it goes," as a Negro girl sitting on the floor said. On the walls leading out of that, we get a hasty briefing on agricultural history, early tools, man's ever-lengthening forehead; no museum show would be complete without this rundown, but *Survive* has the grace to make it brief.

Now the sound changes from bird song to a goofy industrial cacophony. Progress as Fun is the next theme. Rocket-launchings, a bottling plant and a mysterious monkey on ice skates are flashed on the screen. *Survive? Man* will probably die laughing. But this does not fool the museum for one minute. The noise in the corridor changes again, becoming more strident. Voices shout, machines clatter meaninglessly. That throbbing technology is beginning to gibber. And we are ready for our lesson.

It is not, God knows, an original one—only, the suggestion is, a matter of life and death. Overpopulation, pollution, starvation. On one wall, the screen shows sick babies being saved by Science, to lead hungry desolate lives. Across the way, we see fishes dying in poisoned water, cities dying in swirls of manmade gunk. On blocks, built to look like the rocks on a tomb, messages of doom pile up. The earth is worn out from the pounding Man has given it. And the pounding gets worse.

There is no great finesse about this display. The museum has 20 minutes to ram its thought home to a largely high school audience, or face its own crowding problem. But if the medium is sledgehammer repetition, the message itself seems to play fair. According to Dr. Harry L. Shapiro, the museum's curator emeritus of physical anthropology, the estimates of disaster are about the most conservative possible. "Let one expert say that we're crazy and we're ruined," he said.

The final scene is Armageddon itself. Thrusting from the wall like stalactites are pictures of the ultimate traffic jam, of a junkyard that never ends and a rush hour that girdles the globe. The noise is splintering, but over it can still be heard the whinny of platitudes: optimistic and hard-nosed pieties about life on the moon and the imperatives of free enterprise.

Visitors fresh from the desert may be shaken by all this. But for most of us, this is not the future but the present. The museum has once again understated its case and our burned-out nerves barely manage a twitch. Some young boys came kibitzing through obliviously at this point—making one despair of man's ability to learn and at the same time rejoice, perversely, at his refusal to be snowed. But in the next room, some other boys sat on the floor watching the film about the undernourished babies again and again, jaws slightly open, faces frozen in shock. "We had planned to make the show more analytical," said Dr. Shapiro; but shortage of space in the truss has reduced it to a sharp little belt in the mouth.

The stone steps leading out of the museum were strewn, on a fine Sunday evening, with thousands of candy wrappers, crushed cola cans and cigarette butts. These constituted the final items in the exhibit.

SENATE—Tuesday, July 22, 1969

The Senate met at 11 o'clock a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

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

O Thou who art above and beyond but ever near, we stand in Thy presence this day to thank Thee for man, for the majesty and mystery of his person, for the brilliance and ingenuity of his mind. We rejoice that "when the morning stars sang together" at the dawn of time, Thou didst crown all creation by making man in Thine own image, and breathing Thy creative spirit into him.

Eternal Father, we thank Thee now for the new dimensionless and unfathomable vistas opened to all mankind, as by his wisdom and in Thy good providence man has slipped the bonds of earth and soared to lunar lands and spaces. Give Thy servants journeying mercies on the return voyage to the haven of home amongst us on this planet.

As we offer our thanks and praise for the wonder of the realms beyond, we en-

list anew in the service of Thy higher kingdom to abolish poverty, to eliminate injustice, to banish hate and war that the sins of earth may not be exported because Thy kingdom of righteousness has first been fulfilled here. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 22, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Friday, July 18, 1969, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S.38. An act to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska; and

S.1590. An act to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned tasks.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7517. An act to amend the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees of the Canal Zone Government, and for other purposes;

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes; and

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 7517. An act to amend the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees of the Canal Zone Government, and for other purposes; to the Committee on Armed Services.

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Commerce.

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; to the Committee on Agriculture and Forestry.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD, SENATOR GOLDWATER, AND SENATOR PERCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately following the speech of the distinguished Senator from Hawaii (Mr. INOUE), the distinguished junior Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 20 minutes, to be followed by the distinguished junior Senator from Arizona (Mr. GOLDWATER), for not to exceed 30 minutes, to be followed by the distinguished junior Senator from Illinois (Mr. PERCY), for not to exceed 30 minutes.

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 Illinois (Mr. PERCY), 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.

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 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 proceeded to read sundry nominations in the Department of Justice.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of ambassadors.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

The assistant legislative clerk read the nomination of Joseph A. Greenwald, of Illinois, to be the representative of the United States of America to the Organization for Economic Cooperation and Development.

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 those 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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished sen-

ior Senator from South Dakota (Mr. MUNDT), and with no loss of time to him, I ask unanimous consent that the Senate proceed to the consideration of measures of the calendar, beginning with Calendar No. 313 and the succeeding measures in sequence.

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

MR. AND MRS. WONG YUI

The bill (S. 92) for the relief of Mr. and Mrs. Wong Yui was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mr. and Mrs. Wong Yui shall be held and considered to have been born in China.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 322), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to deem Mr. and Mrs. Wong Yui to have been born in China.

SFC. PATRICK MARRATTO (RETIRED)

The bill (H.R. 3379) for the relief of Sfc. Patrick Marratto, U.S. Army (retired), was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 323), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Sfc. Patrick Marratto, U.S. Army (retired), of Springfield, Mass., of liability to the United States in the amount of \$786.20, the amount of an overpayment of compensation as a member of the U.S. Army in the period beginning June 1, 1950, and ending January 31, 1967, because of an administrative error. The bill would also authorize the refund of any amounts withheld or repaid by reason of the liability.

MR. AND MRS. A. F. ELGIN

The bill (H.R. 6585) for the relief of Mr. and Mrs. A. F. Elgin was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-324), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to pay \$317.40 to Mr. and Mrs. A. F. Elgin, of Spokane, Wash., in full settlement of their claim against the United States for reimbursement for the cost of transporting the

automobile of their son after they had received official notification that the son was killed in action in Vietnam.

Mr. MANSFIELD. I thank the distinguished Senator from South Dakota for his graciousness.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from South Dakota (Mr. MUNDT) for an hour and a half.

SAFEGUARD: STRATEGIC NECESSITY AND PATHWAY TO FUTURE DISARMAMENT

Mr. MUNDT. Mr. President, I rise today in support of the appropriations bill for military procurement, as reported by the committee, and against the amendments to delete funds for production and deployment of the Safeguard system.

During the debate that has preceded, Senators have presented carefully reasoned arguments both for and against deployment. Extensive hearings have been held before both the Foreign Relations and Defense Appropriations Committees, on which I am privileged to serve. In addition, we have had much evidence provided to us by our Central Intelligence Agency as it regularly appears before the oversight group headed by the Senator from Georgia (Mr. RUSSELL), on which I also serve. We have listened to many expert witnesses in these hearings. From these lengthy deliberations in three different committees, as well as the Senate debate on this item, I cannot but conclude that it would be dangerous to delay action on Safeguard as is proposed by amendments now before the Senate.

This judgment arises from two factors basic to the future security of the United States. First of all, we must keep the Soviets and any other adversary convinced that no combination of their offensive and defensive weapons could be used against the United States without incurring swift and devastating retaliation. That is what the militarists refer to as deterrent.

Past history clearly demonstrates how easy miscalculation on the part of the enemy can lead it to make an attack which has resulted in our entry into war. As long as an adversary thinks the weapons deployed on both sides are in balance or that advantage is enjoyed by the United States, it would not start an attack. This is the premise. I shall develop the arguments bearing on this concern later in my remarks, but before doing so I wish to comment on the second factor which may be overlooked by the opposition to my point of view.

The objective of all good and sane men on this earth is to reduce and ultimately eliminate the risk of a military nuclear exchange between massively armed powers. I am certain that it is this threat that has opinion so vigorously divided on the issue before us. To many Senators opposed to Safeguard, there is the view that this system if deployed will be a further expansion of the arms race. They argue that as defensive weapons improve, it only triggers greater escalation of counterimproved offensive weapons. One begets the other. And

there is some merit to what they say. After all, what has been happening these last 20 years?

LIMITS TO OUR RESOURCES

As a Senator representing a constituency underdeveloped in terms of resources available, for many years I have grappled with the ever-mounting burden of military expenditures. So in serving on both the Subcommittee on the Department of Defense of the Appropriations Committee and on the Foreign Relations Committee, I am concerned when resources are depleted at the expense of urgent necessities to develop our country in agrarian and urban areas—not for ourselves alone, but for the crying needs of the world as well. Practical and credible disarmament would unleash funds to promote the humane objectives upon which this Nation was founded.

So here we are. The dilemma seems to extend endlessly to the future. The threat to national security must be countered. To do so requires larger and larger appropriations and less and less return from the revenues collected. The temptation is strong to cash it all in and hope that the Russians, seeing our good intentions and faced with the same problems, will follow suit.

CHINESE MISSILE THREAT

However, a new problem intrudes. Hardly a week has passed in recent months that the press fails to report a fresh border incident between China and the Soviet Union. These accounts are vague, but some of these incidents have been pretty large scale. And the Chinese have demonstrated under test conditions that they can build thermonuclear warheads. Speculation is frequently voiced that they will begin deploying missiles with nuclear warheads by 1972. Some disagree about the day, month, or year, but no one has said that they are not going to do it sometime in the reasonably early future. Thus, the Russians must be intimidated by the bellicose attitude of the Chinese growing more and more belligerent as an arsenal of nuclear missiles in China draws nearer.

Under these circumstances, it would be foolhardy for either the United States or the Soviet Union to scrap all of its missiles. Some must be kept to preserve the balance against China if not against each other. China must remain convinced that it cannot launch a successful surprise attack. So some minimum level of missiles must be kept by all sides to deter another's possible aggression.

SAFEGUARD AND DISARMAMENT

All right, then, that is the base line toward which we must negotiate. How do we get rid of the rest of the missiles, and stop the submarine and bomber production races? I contend that the salvation is the development of a defensive system such as Safeguard in which both sides, that is the U.S.S.R. and the United States, share the conviction that their defensive missiles are adequate to offset any threat which could be posed by reduced numbers of offensive missiles. That, to me, is the critical but perhaps realizable objective of future negotiations.

There was support for this opinion expressed early in the hearings before the Committee on Foreign Relations. The Senator from Tennessee (Mr. GORE) made the full text of the statement available to Senators, who can find it on pages 8234-8236 in the CONGRESSIONAL RECORD for April 1, 1969. The witness was Dr. Donald G. Brennan, recognized as an outstanding mathematician and a highly regarded scientist in the field of arms control. Quoting briefly from his statement, here is what he said:

We might begin at once with a Soviet-American understanding about a ceiling on offensive forces, expressed in inspectable terms such as gross weight, and an understanding that we might both build up defenses. Such an agreement is clearly in the common interest of both the United States and the Soviet Union and should prove realizable. By the mid-1970's, if the defenses are in place and appear to have the capabilities now expected of them, there should be enough confidence in them to begin some gradual reductions of the offensive forces on both sides, reductions which would require only modest inspection because the defenses would (if suitably deployed) sharply diminish the effectiveness of clandestine missiles. The defense would then become even more effective against the then-reduced offensive force threat, which would facilitate further reductions in offensive forces. Just how far this process might go would depend on the technological and political circumstances then prevailing, but I should not be surprised to find that by 1980 one might reduce the risk of Soviet-American strategic nuclear war to negligible proportions. The defensive forces themselves might, of course, be reduced along the route, but not eliminated. It should be clear that there would be some effective "disarmament" of the offensive force potentials as soon as the defenses were working, even before direct reductions of the offensive forces.

It is this prospect persuasively argued by Dr. Brennan that is our avenue toward successful disarmament, through Safeguard which I hope those now disposed to the contrary will seriously consider. I think it is vital that we look at the pitfalls that could ensue if we remove this option from any future negotiating table.

RISK OF SOVIET MISJUDGMENT

Returning to the first point, that is, insuring that the Soviet leadership remains convinced of our ability to impose unacceptable counterdamage to their territory and populace if Russia attacks the United States, I should like to bring up some additional points. There are two considerations: intentions and capabilities. The former is difficult to weigh; the latter perhaps not as much so. I am concerned with what these capabilities are, but equally important, what they are believed to be in the mind's eye of Soviet leadership. Here, I cannot help but recall an old Indian saying:

Great father keep me from judgment until I have walked a mile in the other brave's moccasins.

We must very definitely dwell on what the Russians are thinking. They look at our annual "Posture Statement." That is the document that is released each year by the Department of Defense when the Secretary presents the President's proposed military program for the following fiscal year. I am sure Senators are fa-

miliar with it. The Russians do not accommodate us quite as well. However, to get the word out to all the officers and in turn the troops from border to border, they do have something somewhat like ours. It is now in its third edition. This very interesting document is entitled "Military Strategy" and is edited by Marshal V. D. Sokolovsky. The extracts which I will be quoting are from the third edition published in Moscow in 1968. The English translation is not available yet in published form but a copy of the translator's transcript has been made available to me.

In reading the second edition, published in 1964, and the third, published in 1968, the changing attitude among the military leadership of the Soviet Union is very pertinent to the decision the Senate will make on Safeguard.

In my reading of this document, the following quotations are new to the earlier version, portending a greater confidence, false or well-founded, to mount a successful strategic conflict against the West. The document says:

The success of world socialism, which is becoming the decisive factor in the development of human society, the bankruptcy of the colonial system, the unsolvable contradictions of the capitalistic camp, and the desire of the peoples of the world for peace, clearly show the legality of the historically unavoidable downfall of the obsolete world system of imperialism. This strongly motivates the imperialists, primarily those of the USA, to forestall the imminent destruction of their dying system and, by means of war, change the development of world events so unfavorable to them. It is for this reason that modern imperialism threatens the peace and security of nations.

In describing the essence of war, Marxism-Leninism uses as its point of departure the position that war is not an aim in itself, but rather a tool of politics.

Politics prepares war and creates, for the benefit of strategy, favorable conditions in the economic and ideological respects.

The acceptance of war as a tool of politics determines the relation of military strategy and politics, based completely on the dependence of the former on the latter.

The main attention of military strategy is directed to studying the conditions under which a future war may arise, a detailed study of the peculiarities of the strategic deployment of the armed forces, the methods of delivering the first strike and conducting the first operations, as well as the method of strategic utilization of the different services of the armed forces.

The preparation of foreign policy for war includes such measures as the signing of treaties, the formation of coalitions, the safeguarding of the neutrality of neighboring countries, and others.

It is important for military strategy to assure neutrality of a number of countries or of individual countries; this task is also assigned to diplomacy.

The wars between States with different social systems, the highest form of class struggle, are particularly decisive. In wars between States with the same social system, when there are no social contradictions between the antagonists, the political and strategic aims, the experience of imperialist wars show, are usually limited. In such wars, long before economic and military exhaustion of the belligerent states is reached, compromises of various types are possible.

The nature of military strategy is often influenced by such factors as the general historical, national, and political traditions of a country. For instance, Britain in its foreign policy always adhered to a clearly

pronounced policy of watchful waiting, over-safeguarding, having someone else do their dirty work for them. This influenced their military strategy, which avoided decisive engagements, refused to take even reasonable risks, and always looked for devious, indirect roads to victory.

It is apparent that when the very outcome of the war depends largely on the number and the effectiveness of the strikes at the very beginning of the war, it is hardly reasonable to count on the potential capabilities of a country and to reserve a large part of the manpower for military operations during later periods of war. An overwhelming majority of military theoreticians in the highly developed countries of the world is coming to these conclusions.

Diplomatic and economic struggle does not stop in wartime, but these forms of political struggle are entirely dependent on the decisive form, that of armed conflict.

Under conditions of nuclear rocket war, the resolution of the main aims and problems of war will be accomplished by strategic rocket troops, by delivery of massed nuclear rocket strikes.

Mr. President, I interpolate here, for the benefit of those opposed to the ABM deployment, to suggest that they read this statement with care, direct from the top military strategists of Moscow, made just 12 months ago when they say, "by delivery of massed nuclear rocket strikes."

Mr. President, that is what this debate is all about.

Are we going to stand here and accept with no effective defense against it that kind of massed nuclear rocket strikes which the Russians have told us less than a year ago they expect to deploy against us if war comes?

Surely, Mr. President, Senators should have learned something from reading "Mein Kampf," in which Hitler told the free world in advance what he was going to do, and then did it.

Here we have it in black and white, in the Russian language, translated from their military papers.

They tell us now that if war comes, they expect to deliver massed nuclear rocket strikes against us.

I ask those in this body with little faith in our Defense Establishment, or in the capacity of the great, inventive genius of America—which just last Sunday placed men on the moon for the first time in the history of mankind—to build the comparatively simple devices required in the ABM in order to protect us against the very massed nuclear rocket strikes the Communists, in cold print, have told Americans they will launch against us if war comes, to read their statements very carefully.

Mr. President, that is the nubbin of this debate.

The burden of argument shifts to those who say: "Do nothing, or delay doing something, or engage alone in research and development, but do not deploy the weapon you have built."

What are those Senators going to say to their constituents when those constituents question them as to what they have done to protect America and its people against the announced intention of the Russians to strike us with massed nuclear rocket strikes?

Now, Mr. President, reverting to reading from this very interesting Russian document, I continue:

Ground troops with the aid of aviation will perform important strategic functions in a modern war; by rapid offensive movements they will completely annihilate the remaining enemy formations, occupy enemy territory, and prevent the enemy from invading one's own territory.

Consequently, over-all victory in war is no longer the culmination, nor the sum of individual successes, but the result of a one-time application of the entire might of a state accumulated before the war.

Mr. President, let me interpolate again: Let those Senators among us who question the intention, or desire, or capability of the Russians to launch a first strike attack against us, let those Senators who do their homework, read what the Russians have said to their own troops in their military papers in their own language. They put it very clearly. The debate between those Senators who shrug it off and say, "They are not going to try anything very devastating such as an overwhelming first strike. We do not have to be much concerned about that," and get all involved in the forensics and the semantics of what a first strike means, let them read what the Russians have actually said from the top down to their own generals and their troops.

Let me read it again because it is cruelly cold when we see it in print in black and white, as translated from the Russian language. Here it is:

Consequently, overall victory in war is no longer the culmination, nor the sum of individual successes, but the result of a one-time application of the entire might of a state accumulated before the war.

We better be sure we are ready for whatever the Russians mean by "a one-time application of the entire might of a state accumulated before the war." Remember, Senators, the Russians said that we did not. I continue to read from what I believe to be one of the most revealing and significant documents thus far made available to Senators in the course of this debate:

Once the military operations on land and on sea have been started, they are no longer subject to the desires and plans of diplomacy, but rather to their own laws, which cannot be violated without endangering the entire undertaking.

In response to the statement made by the English military theoretician, Kingston-McCloughry—"In the event of such a war, nuclear war, all politics would come to an end and universal mutual annihilation would begin"—Marshal Sokolovsky remarked:

It is quite evident that such views are a consequence of a metaphysical and anti-scientific approach to a social phenomenon such as war, and are a result of idealization of the new weapons. It is well known that the essence of war as a continuation of politics does not change with changing technology and armament.

My reading of Marshal Sokolovsky's "Military Strategy" draws me inevitably to the conclusion that the Soviet military mind, at a minimum, grows ever more strident as their confidence in the proficiency of their weapons has increased. Summarizing my reaction to this document from the study and analysis of this rather amazing and highly illuminating

Russian document, the following comments seem valid:

First. The Soviet military-political complex is concerned with the attitude of the Soviet citizen toward the United States. It is using the current Vietnam war to advantage to explain why "modern imperialism threatens the peace and security of nations."

Second. The Soviets have not changed the doctrine that war is a tool of politics.

Third. In preparation for war, the Soviets continue to adhere to the practice of using diplomacy for signing treaties, forming coalitions, and safeguarding the neutrality of neighboring countries.

Fourth. Under conditions of nuclear war, Soviet military strategy dictates the delivery of a massive number of nuclear rocket strikes and the on-time application of its entire might at the very beginning of the war.

Fifth. When military operations begin, contrary to what they espouse for us, Soviets will not rely on diplomacy because such action could endanger the entire undertaking.

Sixth. The statement, "It is well known that the essence of war as a continuation of politics does not change with changing technology and armament," is very significant. In short, it appears that the Soviets find nuclear war acceptable if it can serve their political objectives.

Other documents are available which are important to our consideration. In "Soviet Rocket Troops," edited by Col. Gen. V. P. Tolubko and published in 1969, the statement is made:

The Armed Forces have now received rockets which operate on new, highly effective fuel including solid fuel. The new propellant has made the operation of rockets extremely reliable and simple. In addition, the new propellant has made it possible to store rockets for lengthy periods and to maintain them in a high degree of readiness for launching. With regard to the Rocket Troops, the author stated that they can perform underground launchings not just of single rockets, but also salvo launchings.

In a broadcast Moscow Radio reported on April 20, 1968, that Soviet ICBM's have highly maneuverable launchers that constantly change their launching position and are always ready for immediate action.

SOVIET ABM EFFECTIVENESS

Turning from the broad scope of Soviet strategic beliefs, I should now like to discuss the Soviets' attitude toward their own ABM. In "Commanders of Fiery Arrows," published in 1964, Marshal Malinovsky is quoted as saying to the 22d Congress of the Communist Party that Soviet scientists and engineers had successfully solved the problem of destroying missiles in flight.

In a book written by T. W. Wolfe, entitled "Soviet Military Policy Trends Under the Brezhnev-Kosygin Regime", Soviet Colonel Rybkin is quoted. He declared that the damages of a nuclear war could be limited by, first, achieving a quick military victory over the enemy, and second, using ABM systems to counter the enemy's missiles forces. With regard to the position that nuclear war should be avoided, Rybkin stated that such a position was theoretically false and politically dangerous.

Mr. President, this might be a little statement that our disarmament representatives, soon to be sent somewhere to meet with the Russians, should tuck away in their hatbands when they sit down for their conferences, with Russian theoreticians on record with that statement with regard to the position that nuclear war should be avoided. Rybkin stated that such a position was theoretically false and politically dangerous. If nothing else, this thinking on their part should suggest that when, as, and if we negotiate, wherever we meet with them, wherever they meet with us, we negotiate at arm's length and insist, as we always have, and as I hope we always shall, on unchallenged and unchallengeable mutual inspection as a basic point in any disarmaments which are agreed upon.

It is significant that Lt. Col. E. Rybkin also stated that the damages of a nuclear war could be limited by achieving a quick military victory over the enemy and using ABM systems to counter the enemy's missile forces. In other words, nuclear war is practical if you hit the enemy sufficiently hard in your first strike. The deployment of a Soviet ABM system indicates that the Brezhnev-Kosygin regime subscribes to the same theory. It should also be assumed that the Soviet ABM system conforms with Soviet political objectives in the manner outlined by Marshal Sokolovsky in "Military Strategy."

Extracts from still another document, "Soviet Rocket Forces," authored by P. T. Astoshenov and published in 1967, are even more chilling:

The USSR far outstripped the United States not only in creation of intercontinental and other rockets, but also in the area of antimissile defense. All of us with a sense of patriotic pride grasped the report of the Minister of Defense of the USSR about the fact that in our country we have successfully solved the problem of destruction of rockets in flight.

Mr. President, I think I should read that again, for the benefit of Senators who may not have heard it on the floor, but who will get it from reading the RECORD, Senators who are still on the fence or who may have made a hasty decision, on the basis of inadequate evidence, to oppose the ABM because it cannot work, or because, for some curious reason, a Senator sitting under the dome of the Capitol has decided that an ABM around Moscow is unworkable and, on that basis, he has made his decision. I think he would have a hard time discussing with his colleagues, on the basis of what Mr. Astoshenov says, the author of "Soviet Rocket Forces," written in Russian for the Russians, not in English for Americans, but translated for us so we now know what he says, in which he says very definitely:

All of us with a sense of patriotic pride grasped the report of the Minister of Defense of the USSR about the fact that in our country we have successfully solved the problem of destruction of rockets in flight.

Mr. President, that stands as clearly as the path to this country's schoolhouse. We may have beaten the Russians to the moon—we know we have—but they have beaten America to the creation of a defense system for the people against ICBM's—and we know that also. I hope

we will not let false pride in an achievement as great as putting a man on the moon cause us to be reckless about our own defenses, on the assumption that the Russians are unable, because they did not get there first in their effort to get a man on the moon, to have established an ABM system in which they have confidence and in which, they tell their people in their language, they take great pride in having developed.

Continuing to quote from this highly revealing and somewhat disturbing and chilling document of P. T. Astoshenov:

One of our antimissile complexes included long-range pilotless interceptors. During training firing, with the aid of such antimissile missiles, we clearly intercepted the warhead of a ballistic missile flying at cosmic velocity ((orbital velocity)) . . . Still more effective is another Soviet antimissile missile. It is able to destroy the warhead of ballistic missiles at a great distance from the protected objects.

My reason for dwelling on the subject of Soviet attitudes toward nuclear war, strategic missiles, and the interaction of offensive and defensive weaponry is to forestall misimpressions and possible delusions concerning the latitude of choice which they believe they enjoy.

COST OF SOVIET ARMAMENTS

Senators will remember that in the Export-Import Bank debate, having to do with the question of lending U.S. money to the Soviet Union for a Fiat plant—built by Italians, financed by Americans, located in Russia, to make implements of war.

I developed the evidence that the Soviets since 1963 had stripped the domestic sector of their economy to increase the military industrial base. Increases at that time in the Soviet military budget amounted to a staggering 12 percent annually. Studies prepared by the Joint Economic Committee indicate that by 1968 the Soviet military industrial base had surpassed that of the United States. For years now the Soviets have doubled U.S. expenditures for strategic forces. Fortunately the Senate stopped the Fiat deal.

The toll of these investments is high. For, as is known, Soviet total production is less than half of ours. The agriculture and consumer-goods sectors have been shoved aside, so much so that productivity in these industries is less than that realized during the Czarist regimes, taking into account population growth.

So what does this tell us? From 1963 to now, we have consistently reduced our strategic weapon plans, both deployed and for replacements. We have scrapped thousands of bombers; we have limited our interceptor forces; we have stalled and slowed down production of Polaris submarines. And what has the Soviet done? The gesture seems wasted. They have ignored the evidence. Instead, they have redoubled efforts to surpass the strategic posture of the United States.

PROJECTED SOVIET CAPABILITIES

These commentaries from Soviet policy document, written in Russian and now available to us in translation, do not suggest to me that their intentions are growing more peaceful. As I mentioned before, intentions are part of it.

The second part of this concern with respect to the Soviet strategic posture concerns the present and projected Soviet capabilities. Of course, very specific information is highly classified. Some of it we have received in our secret session of the Senate. Senators sitting on the appropriate committees have of course learned it long ago.

The chairman of the Committee on Armed Services has made available to Senators a letter which was recently addressed to him in response to his request by Mr. Melvin Laird, our Secretary of Defense. In this letter, the full text of which can be found on page 19059 of the CONGRESSIONAL RECORD of July 10, 1969, the Secretary recounts the great growth in Soviet capabilities as a consequence of the heavy investments. The heart of this assessment, in which CIA Director Richard Helms concurs, is told in the concluding paragraphs from which I will now quote:

1. The Soviet Union could acquire a capability to destroy virtually all of our Minuteman missiles. To be able to do so, in the present context they would need: (a) at least 420 SS-9s with three independently-targeted re-entry vehicles which have a capability of separating from one another by some relatively small number of miles; (b) each of these re-entry vehicles would have to have a warhead of approximately 5 megatons and a reasonably good accuracy; (c) the SS-9s would have to be retargetable; and (d) the range would have to be sufficient to reach all of the Minuteman silos.

2. The Soviet Union could acquire a capability to threaten severely the survival of our alert bombers. To do so in the present context they would need; (a) a force of about 15 Y-class (Polaris-type) submarines on station off our shores; and (b) the ability to launch the missiles on a depressed trajectory.

3. Although we confidently expect our Polaris/Poseidon submarines to remain highly survivable through the early to mid-1970s, we cannot preclude the possibility that the Soviet Union in the next few years may devise some weapon techniques or tactic which could critically increase the vulnerability of those submarines. Nor can we preclude the possibility that the Soviet Union might deploy a more extensive and effective ABM defense which could intercept a significant portion of the residual warheads. In any event, I believe it would be far too risky to rely upon only one of the three major elements of our strategic retaliatory forces for our deterrent.

In summary, Mr. Chairman, it is entirely possible that the Soviet Union could achieve by the mid-1970s a capability to reduce, in a surprise attack, our surviving strategic offensive forces below the minimum level required for "Assured Destruction," and thus gravely weaken our deterrent. In my judgment the overall strategic balance between the United States and the Soviet Union is much too close to run that risk. Therefore, something more must be done now to ensure a favorable strategic balance in the mid-1970s and beyond.

Short of achieving a workable agreement with the Soviet Union on the limitation of strategic armaments, which will take some time, we are convinced that the approval of Phase I of Safeguard would be the most prudent and economical course we could pursue at this particular juncture. This action would place us in a position to move forward promptly not only with the defense of our Minuteman and bomber forces should the Soviet threat develop as I have described, but also with the defense of our population

against the Chinese ICBM threat should that emerge during the next few years.

In your letter of July 3rd, you also asked whether the Director of Central Intelligence, Richard Helms, concurs in my formulation of the threat. I have furnished a copy of this letter to Director Helms and he assures me that he has no disagreement with the statements concerning the potential Soviet and Chinese Communist strategic capabilities as seen from the intelligence point of view.

The Senate has debated ABM and delayed development and deployment for 5 years now since the Soviets began deployment of their system. The Soviets, from the information I have related previously in my remarks, properly see this to their advantage. The country-to-country comparisons are going down, down, and down on our side and up, up, and up on theirs.

As I have said before, we must have nuclear disarmament. I share the opinion of others that the world's needs cry for a stop to this folly of continuing nuclear stockpiling of arms, one country as against the other.

I look forward to promising results when the President's proposed arms limitations talks begin. But I am a realist. Having made this huge investment, at great sacrifice to their economy, what do you think the Soviets are going to say when we propose, "You break up your antimissile system and we'll tear up our blueprints?" Why, of course, they will laugh at us; the terms are not equitable; they would never enter into such a one-sided concession, and they should not be expected to do so.

Beyond this, returning to the point previously made concerning the legitimate apprehension that both the United States and the Soviet Union must share toward the day Chinese nuclear missiles appear on the launching pad, I firmly believe the avenue for successful disarmament is toward the direction of "light offense—heavy defense." Technology and the pace of earlier developments leave too little promise for other alternatives.

As Senators, by our oath of office to support the Constitution, we are pledged to provide for the common defense. Greatly expanded quantities of Soviet nuclear weapons and higher confidence in them held by the Soviets if not offset by matching United States defense will, in my opinion, leave us short on that oath. The time to ante up is here; though the cost be high, we cannot shortchange our Defense Department experts who say we must increase the deterrent of the United States.

To my knowledge, no other weapon system has been subjected to such intensive and protracted research as the Safeguard. Dr. John Foster, who, before committees of the Senate, has established a record for avoiding premature commitments, states that an ABM system is now ready for production. He had expressed reservations in years before. In 1966, 1967, and 1968, he said there was more testing to be done, more experiments required. Now, he says, we can have confidence. He is the Government's No. 1 expert in these matters; we are not. I abide by his counsel. If we are ready and the requirement is clearly there, and I believe it is, let us get on with it,

thankful that through Providence we are prepared to fulfill our obligations to our fellow countrymen and support the President.

ABM IS AMERICA'S BEST INSURANCE PURCHASE

Mr. President, it is now very apparent that even among those Senators who oppose President Nixon's Safeguard ABM package, some are having serious "second thoughts" about the wisdom and defensibility of their all-out opposition, including some who curiously enough voted to support the ABM program sent us by President Johnson a year ago, although that was a far more extensive and expensive program, but who now with a Republican President have announced opposition to the far less expensive and more effective ABM program sent us by President Nixon. Some of those who have consistently opposed this defensive installation whether proposed by a Democratic or a Republican President are also backing down a bit from their earlier all-out opposition to ABM.

We have before us a variety of amendments which while different in detail, all propose that we continue the research and development expenditures for ABM but that by one device or another we delay and deny the deployment without which, of course, the R. & D. expenditures lose their reality of purpose. Certainly, if we do not intend to install and deploy the results of the research and development, it occurs to this Senator we had better spend our money on some other weapons systems designed to protect our lives and security rather than to go on the record for spending vast sums of money for research and development of an ABM system we decline to test out in the laboratory of life through early deployment.

Still, many Senators who just do not quite trust the early judgments they have made to curtail this ABM development which our military leaders and experts tell us is so important to the protection of our peace and our people, now urge us to adopt an amendment which would still provide all of the research and development dollars required but then deny our country the benefits and the protection which can come only from actual deployment on the sites selected as essential to our national defense. To me, Mr. President, this is an inconsistent position for any Senator to take on an issue of this magnitude.

It seems to me it is inconsistent to attempt to straddle the fence by financing the expensive blueprints but denying the dollars required to complete the construction and installations required for the blueprints, or the research findings if you prefer, to be put to effective use.

And how much, Mr. President, is involved in that part of this appropriation required for the deployment phases of ABM? I asked that question of Secretary of Defense Melvin Laird when he was a witness recently before our Senate Committee on Foreign Relations. That was a closed session, but subsequently portions of the testimony were released. The part I am about to read is part of that which was subsequently made available to all Senators.

Mr. President, here are the facts as

recorded in those hearings and I quote, now beginning on page 41 of our committee report date June 23, 1969:

Senator MUNDT. Mr. Secretary, can you give us the exact difference in terms of dollars between research and development on ABM which everybody seems to favor, and the controversial phase of deployment?

Secretary LAIRD. As far as this year's budget is concerned, Senator, the total amount involved we have asked this Congress for is—

The CHAIRMAN. That is 1970.

Secretary LAIRD. 1970.

The CHAIRMAN. Fiscal?

Secretary LAIRD. \$800 million in fiscal year 1970. President Johnson and Secretary Clifford asked the Congress in their original fiscal year 1970 budget for \$1,800 million in NOA. (New obligational authority). This has been reduced by President Nixon's request to \$800 million for procurement, R. & D.—the total program as far as Safeguard is concerned—for fiscal 1970.

Senator MUNDT. I have seen Secretary Packard quoted on the difference in cost if we did what everybody wants to do, which is research and development, and if we started the deployment preparation for this next fiscal year, which would be \$400 million.

Secretary LAIRD. That is approximately correct because of the total amount in this budget about \$400 million is in the research and development area.

Senator MUNDT. What we are really arguing about then, to make it clear, is whether or not to put \$400 million in this budget for deployment.

Secretary LAIRD. That is approximately correct. That figure is not exactly \$400 million. I will supply the exact figure for the record. (The following note was later added by the Defense Department: the revised fiscal year 1970 budget includes about \$393 million in NOA (new obligational authority) for deployment.)

I think it is about time in this debate, Mr. President, that we get down to specifics and to precise cost figures about the controversial question "to deploy or not to deploy?" The fruits of the research and development program which virtually all Senators now appear to favor.

How much is a billion dollars? With a total American population of slightly over 200 million people, Mr. President, a billion dollars is almost exactly five dollars per man, woman, and child in the United States. With this in mind, any school boy can use his competence in division and determine that the \$393 million involved in the deployment costs and aspects of this debate on ABM come to substantially less than half a billion dollars—less than \$2 per man, woman, and child in America, in that portion of this appropriations bill required for the current fiscal year.

In other words, Mr. President, we can buy the protection provided by the full Nixon Safeguard ABM program by adding the cost of less than \$2 per individual American more than what even the most determined opponents of ABM appear willing to spend for research and development of the same weapons system.

For \$2 per American, we can buy this important insurance against national catastrophe for an entire fiscal year. Next year and for the next several years—if Russia remains adamant and refuses to join with us in some nuclear arms limitation formula—we would continue to pay approximately \$2 for each of us to keep this insurance policy in force

against the potentiality of an atomic attack.

Mr. President, verily, I believe the Safeguard ABM system is indeed America's best insurance purchase. Many people spend more than \$2 for trip insurance on a single vacation trip by air. Others thoughtlessly buy a \$2 ticket at a race track and think nothing of it. In New York City, for example, one "night on the town"—one visit to a theater, a night spot, or a first-class restaurant would cost the customer much more than his entire share of the Safeguard system for the next 10 years—once you separate out the deployment costs from the total ABM package, and I repeat again, even many of the opponents of ABM—perhaps most of them at this time in the debate—have now come around to recognizing the merit of this system by demonstrating a willingness to finance the research and development required. They object only to the \$2 per year per individual in this country which is the additional cost involved in providing the essential deployment required to make certain that what has been designed as a protective weapon will function effectively as such.

Mr. President, while I totally disagree with the position, I can understand a Senator's motivation when he denounces the entire ABM concept and votes to deny, unilaterally, to the United States the means to defend itself. While I think a Senator is terribly and dangerously in error when he votes to kill entirely the ABM defensive weapons system to protect the United States on the basis "we might better use the money for educational purposes, for pollution control, or to enrich life in our urban centers," I can also understand the motivation causing him to make this unthinking and unreasoned mistake in his choice of spending priorities. But what I cannot understand, is either the logic or the motives of a Senator who says he is willing to vote what the Defense Department requests for research and development of an operative and effective ABM complex and then also votes to deny his Government the right to test it for workability and to deploy it at its operational sites so that we can learn from the laboratory of life whether we have come up with the optimum answer to our self-defense or whether still additional research is required to eliminate any possible deficiencies in the system.

A SUMMARY OF THE ARGUMENTS INVOLVED

Mr. President, after the lengthy and significant debate in the U.S. Senate, it seems to me that the arguments pro and con with regard to this ABM decision boil themselves down to five significant areas of disagreement. It would seem that any Senator evaluating this debate who decides for himself that on as many as three out of five of the controversial issues the weight of the argument is with one side or the other, that Senator would want to vote "Yes" or "No" depending upon where his judgment leads him in deciding these basic issues. In fact, since the security and survival of our country are involved, I would think that if on any one of these five basic issues a Senator is driven by judgment or conscience to accept the affirmative side,

he should vote "Yes" and support the President's ABM position.

I would now like to summarize what I believe to be the pertinent points in controversy.

First, there appears to be dispute among us as to the "Do we need to make a maximum effort to safeguard our country against a possible attack from Russia or China?" argument.

On this point, Mr. President, I sincerely believe the weight of evidence overwhelmingly supports the thesis that the United States of America must never permit itself to lag behind the military strength of its potential enemies if our lives and our freedom are to remain secure. The surest path to war insofar as the United States is concerned is to permit our defenses to become outmoded or inadequate to the point where some foreign power or creed is led to believe that it can blackmail us into capitulation or, failing in that, that it has the military power to impose its will upon us. Thus, I firmly believe that to remain free, we must remain strong, and that to enjoy peace, we must endure the costs of a totally adequate and sufficient defense system.

Second, is the "Will it work effectively?" argument as related to the proposed Safeguard-ABM defense proposal.

It appears to be on this issue that a large part of the controversy has developed. Equally competent nuclear scientists are divided on this issue, although the predominant expert military opinion believes the ABM to be both an effective and a necessary development if we are to come up with the capacity to take a possible first strike from a foreign foe and have the retaliatory power not only to strike back but—and this is most important—to demonstrate to such a foe that a surprise attack launched against us would be suicidal from the standpoint of the attacker. Once a potential enemy comes to believe that we can recover from a surprise attack and return against that enemy a thoroughly devastating strike against him, there is little likelihood that he will engage in such a self-defeating act of war.

However, Mr. President, debate will never determine an accurate answer to the question, "Will it work?" The only way to be sure on that point is to research, develop, design, and deploy an ABM system which can be tested on its operative site. Additionally, I should add that if those of us who believe it will work are wrong and should win the vote, all we shall have lost is the money expenditure involved, but if those who oppose the ABM and believe it will not work are wrong and should win the vote, we may, indeed, have lost everything dear to all good Americans—including a second chance to try to rectify this tragic error in judgment.

Mr. President, I submit it is far better to have the ABM system developed and not need it than it is to need it and not have it available.

Third comes the "Can we afford it?" argument as related to the ABM.

Earlier in this presentation, I have pointed out that there is, indeed, a very small dollar involvement in this debate between those who would proceed with

research and development and deny deployment and those of us who would spend the added \$2 per year per American individual required to add the needed deployment to the costs of research and development.

I just cannot see the wisdom in spending vast sums for the research and development of a weapons system and then enacting a legislative prohibition against utilizing the fruits of these efforts through testing them thoroughly by deployment on their sites of proposed operation. On this point, Mr. President, I believe more Americans are concerned about the question, "can we afford longer to delay this necessary addition to our defense system?" than are concerned about the question, "can we afford the \$2 per year per individual required to make sure we are able to defend ourselves and our military deterrent to the maximum required?"

Fourth, we have heard much in this debate about the "will it help or harm our efforts to enter meaningful negotiations with the Russians on nuclear disarmament?" argument.

Mr. President, Russia, as we all now know, already has an ABM system installed around Moscow and is testing and developing additional antiballistic missiles. We have none. I completely favor pressing forward with nuclear disarmament talks with the Russians because, in the end, I firmly believe the only complete protection against possible mutual annihilation through a nuclear war is to set up a system of complete nuclear disarmament accompanied by unchallenged and unchallengeable mutual inspection rights on both sides.

To bring this about, however, we must mutually disarm and both sides must cut back and destroy their nuclear armaments to a degree that neither side has any advantage over the other and neither has the capacity to make an effective attack against the other—whether by surprise or following some demanding ultimatum.

On this point it seems to me every realist in the Senate must recognize that for the United States to have any chance of inducing the Russians to join us in such a mutual disarmament of our nuclear weapons, it is imperative that we do not permit the U.S.S.R. to out-strip us or to out-arm us in any important aspect of nuclear armament. And, make no mistake about it, Mr. President, the monopolized capacity—or the believed capacity—to ward off any atomic attack through use of antiballistic missiles is too great an advantage to give to any potential foe of the United States.

Certainly, should the Senate deny our Government the right to proceed with an ABM system we would be sending our negotiators with the Russians to the conference table devoid of any "trading stock" in this area of discussion.

Does any Senator really believe that any American negotiator could go to such a conference and successfully say to the Russians, "We propose as an important step in disarmament that you tear down and demolish your ABM installations on which you have spent many billions of dollars, and in return we shall promptly tear up our blueprints and shut down our research laborato-

ries." To assume that, Mr. President, is to attribute to the Russian Communists a naivete and a stupidity which they simply do not have.

Fifth, the final major point in controversy is the argument involving the "should we concentrate on producing offensive nuclear weapons of greater and greater sophistication and destructive power or should we balance our military posture by including an effective defense against the other fellow's striking power?"

On this point we should remember that this is the United States that we are arguing about. Were we a totalitarian power, bent on aggression, and subject to the whims of a single individual, quite an argument might be made in favor of developing a striking power so fearsome and so destructive that we could rely upon our will and capacity to kill or to frighten any potential foe from ever making an attack against us. However, we want neither war nor domination, nor imperialistic acquisition. We want peace in these United States.

We will never launch a surprise nuclear attack against any foe. All Americans know that. More important, Mr. President, all foreigners also know that. Therefore, unless we maintain a safe balance of our defenses against our offensive striking power we sharply lessen the deterrent to war represented by our nuclear might.

I should also like to emphasize with regard to this issue, the very practical and perceptive point made the other day in the highly persuasive and effective speech made by Senator WIN PROUTY, of Vermont, when he was outlining his reasons for supporting the ABM. Once we have developed an effective defense against the other fellow's intercontinental missiles, we shall have evolved a procedure whereby we need not rely solely upon launching our own missiles on a murderous trip through the skies to kill hundreds of millions of people in other lands. Once we have the capacity to intercept and destroy incoming missiles, we will have "bought ourselves some highly valuable time" to first ascertain the source of an attack upon us, and to determine whether by accident or by design, before being compelled to launch against an enemy our highly destructive nuclear missiles.

A protective screen capable of warding off an atomic attack against us and capable of providing protection for our retaliatory striking power—and perhaps, eventually, for many of our centers of population and production—gives us a "second choice" before committing our country to the callous business of exterminating an entire nation as our sole and only available defense against an attack against us which conceivably might emanate from the impetuous action of a single madman or even come as the result of accident rather than intention.

Mr. President, on balance, it appears to me that there is only one sound, prudent, and responsible decision we can make when it comes time to vote on the President's request to move forward with his proposed Safeguard ABM system. We should comply with that request.

We should vote to approve the modest request for funds and the meaningful request for authority to assure our fellow countrymen that our country will never fall prey to any foreign power seeking to impose its way of life and its domination over us. To do that safely and surely in this modern era, we must research, develop, and deploy the best available offensive and defensive weapons system that the state of the art provides. In the instant case, Mr. President, that means we should approve the committee's report in support of ABM.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR ALLEN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the address by the Senator from Illinois (Mr. PERCY), the distinguished and very able junior Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 20 minutes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered the Senator from Hawaii is recognized.

ANTI-BALLISTIC-MISSILE STATEMENT

Mr. INOUE. Mr. President, the most crucial decision facing this first session of the 91st Congress, and perhaps this and a number of subsequent Congresses, is the decision now before us on deployment of the antiballistic system known as Safeguard.

This decision has been much debated. It has been the subject of much controversy in our Nation's press and our Nation's colleges. It has been the subject of extensive hearings and debate in our Armed Services Committee and here on the floor of the Senate. It has been debated throughout the life of this Congress and this administration and was debated in preceding Congresses. Despite this lengthy and full examination of the Safeguard system it continues to divide men of good intention, of deep concern and commitment to the welfare and security of this Nation.

The debate divides our experts as it divides our citizens and the Members of this body. This division is no less real among those of us on the Armed Services Committee who have heard all the secret testimony than among the Members of the Senate as a whole, who have now also heard a summary of that testimony. And as a measure of the profoundness of this issue we see a public equally polarized.

The division is not a partisan one albeit a larger percentage of the President's party supports his proposal than is true of the opposition. But the division is real, and the decision we are about to make is of critical importance to the future of this Nation and the peace of the world.

A number of issues have been raised about this system's deployment which casts doubt as to its cost, its workability, its justification, and which question its potential effect upon our security, upon our adversaries' decisions, and upon the very future of civilization.

While the decision we are about to make is a most crucial one I would suggest its true significance is not based on the question of technical feasibility, although serious doubts are justified. The inability to test this system operationally will always limit our knowledge of its reliability. We are being asked to approve a system indescribably complex. We are being asked to authorize deployment of a system for which some components are still undeveloped and untried.

I do not question our ability to develop a system which will destroy some incoming nuclear warheads in flight. But whether the ratio destroyed is one in four or three in four will not alter my opposition. Even if we accept the estimates that our ABM could destroy more than 70 percent of incoming nuclear warheads those which will not be stopped will make the halting of others a matter of small moment.

The degree of its perfectibility is not the crucial issue, however. How many strikes, fifty or more times as powerful as the bomb at Hiroshima or Nagasaki, are we willing to consider acceptable? I refuse to support a national policy which envisions such destruction as acceptable.

Neither is the decision we are about to make of such significance because of its cost. This is true whether we calculate that cost to be merely the \$759,100,000 in this authorization bill, or \$7.9 billion, \$12 billion, \$40 billion, or even an eventual several hundred billion dollars, as has been estimated by some. Demands on our resources have never been greater, nor our unmet needs more obvious or more pressing, but savings alone do not justify my opposition.

Yes, we have good reason to question the allocation of our resources when this Government requests \$44 for the education of each American boy and girl while requesting \$20,400 for ammunition for each North Vietnamese, and Vietcong regular or guerrilla estimated to be in South Vietnam.

We have good cause to be concerned when we find an administration so short for funds at home that it will slash \$25,000 from our tuberculosis program in Hawaii while going forward with the development of an F-14 fighter plane which will have a price in excess of 100 times that for each plane.

We have good cause to question our system of national priorities when we cannot find funds to feed poor children or save our cities, while the billions spent in the name of national security go largely unquestioned and unchecked. But cost is not the primary reason for my concern.

Nor is my concern primarily a re-

sponse to the changing rationale being put forth in defense of the deployment of an ABM system although we have good reason to question its shifting rationale. A system is suspect which is sold first as the answer to a possible attack by the Chinese on our cities only to be repackaged—after objection by those to be saved from such an attack—with but slight modification. It is now sold as the ideal weapon to protect our missile silos from a Russian first strike and our cities from accidental attack. We have good reason to question a defense system designed against an assumed threat which the Secretary of Defense and the Director of our CIA cannot agree as being a goal of the Soviet high command. But my deepest concern is not primarily because this is indeed a "missile in search of a mission."

Nor is my concern so great because of the inconsistencies of those who advocate deployment, although this too causes me some uneasiness. We find the President defending a two-site system while his Secretary of Defense refuses to endorse a proposed compromise because it fails to provide authorization for the acquisition of 12 sites.

While I am concerned with the testimony which demonstrates that our Safeguard system can be overwhelmed by the enemy through only a relatively small increase in his offensive capacity neither is this the reason for my ultimate objection. Rather, that objection is based on my firm belief that we are now at one of those watersheds in our Nation's history when we must decide our course for administrations and generations yet to come.

I believe we must make a decision now as to whether our security and our future lies in the direction of ever increasing levels of armed might and another great step in the arms race, or whether we will finally also take some risks in the name of peace. For let there be no question about it—an additional giant step in this arms race—even with a so-called defensive weapon—will only heighten the level of terror. To deploy Safeguard is not to embark on a course without risk. It is not a harmless American "security blanket."

We Americans have spent a thousand billion dollars in defense against a possible Russian attack since World War II. Many billions of these have been wasted as we now know. This is not to say that the threat was not real but rather that our mutual response has provided no real security but only an increase in the level of terror.

In his June 4 Air Force Academy address, President Nixon stated:

The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict and have not yet learned peaceful ways to resolve their conflicting national interest.

I believe that such a view of the world is unreal and unrealistic. The level of arms is not alone the result of conflict but also increases the level of conflict. Our response in the Cuban missile crisis was not a response to a new level of conflict but a response to the introduction of a new level of armed threat. We developed MIRV in response to Galosh,

not because Galosh represented a new level of conflict; but, rather, because it might make inoperative some of our retaliatory power.

Today we are at long last moving toward negotiations with the Soviet Union over our mutual level of armaments. For us, at this time, to upset the delicate parity which presently describes our relationship is to destine those negotiations to failure.

I say this not because I believe the Soviets will automatically respond favorably to a unilateral reduction in our military capability, for I do not believe they will. Nor do I take this position because I believe the Russians will respond to a sign of weakness on our part with restraint on theirs. They will not.

I oppose present deployment of the ABM Safeguard system because it will in fact frustrate our efforts at achieving a higher level of security. Security can only be achieved through a mutually agreed upon limit on the level of our armaments. The Russians will never agree to negotiate meaningful reductions from a position of announced inferiority. If we seek to negotiate with a new weapon system as one more high card in our deck, then they will refuse until they likewise have acquired an added increment of power—and so the cycle continues while our cities smoulder, our poor remain underfed, our air grows ever more polluted, and our dreams for a better future are daily tarnished and frustrated by the demands of today's escalating arms race.

We must, therefore, move forward to the pending negotiations while in a period of delicate balance—as equal participants—seeking a mutual victory over the forces of conflict which have so dominated our thoughts and our lives. If we have learned a single lesson from these past 25 years of negotiation and competition with the Soviet Union, it is that every stimulus we provide engenders their response. The atomic age and the age of intercontinental ballistic missileery has brought us to that stage where there can be no hope for peace nor for victory over a like armed adversary through increased power. The only possible victory is a mutual victory over the continuing upward spiral in the level of armaments. This, then, must be our search.

Our deterrent capacity remains. Such deterrence is based not alone on our land-based ICBM's but includes our Polaris fleet, our strategic bombers, and the additional nuclear striking power we have in our arsenal at sea and abroad.

I urge, therefore, my colleagues in the Senate to join with me in opposition to this so-called Safeguard system. We are at an important juncture in our Nation's history, and indeed in the history of man. The choice is clear. The time is now.

ORDER OF BUSINESS

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Chair would advise the Senator from Arizona that the Senator from Oregon, who was to speak next, is not in the Chamber and, therefore, under the previous order, the Senator from Arizona (Mr. GOLDWATER) is recognized.

Mr. GOLDWATER. Mr. President, I thank the Chair. I will be very happy to yield to the Senator from Oregon when he comes into the Chamber, with the understanding that—

The ACTING PRESIDENT pro tempore. The Chair would suggest to the Senator from Arizona that he should proceed now with his entire statement.

Mr. GOLDWATER. I thank the Chair.

ABM DEBATE—GENESIS

Mr. GOLDWATER. Mr. President, as a member of the Committee on Armed Services and as a concerned American citizen, I wish to address my colleagues at this time on the military procurement bill with special emphasis on that part of it which deals with the administration's request for the Safeguard ABM system.

As my colleagues are aware, I returned to the Senate this past January after a 4-year absence. And because of this, I have taken the trouble recently to go back and trace the genesis of the argument for a missile defense in this country to counter, in part, the vast, three-stage Galosh system which the Soviet Union has been deploying over the past 5 years.

Mr. President, I think that we have heard so many arguments pro and con and listened to so many different kinds of scientific experts and military strategists that we may have obscured the most simple, fundamental reason why this Congress must approve an ABM.

That reason is that President Nixon, acting in his capacity as Commander in Chief of the armed services, has recommended the Safeguard system as an essential requirement for the defense of the American people. Since this dispute arose some years back, two Presidents, three Secretaries of Defense and succeeding members of the Joint Chiefs of Staff have all argued the necessity of erecting a missile defense in this country.

It is imperative, I believe, for us to understand that the officials with the very best information about this Nation's defenses and this Nation's vulnerabilities are in agreement on the need for an ABM. Against this, we have the very active and vocal opposition of many members of this Senate and of the intellectual and scientific communities.

Let me make it abundantly clear that I mean no disrespect to my colleagues, nor for the distinguished professors and scientists who oppose ABM, when I state that the safety of the American people is far too important to be left to the judgment of nonexperts.

The American people elected President Johnson as their Commander in Chief in 1964, and he recommended an ABM system for their protection. He was supported in this decision by former Defense

Secretaries Robert McNamara and Clark Clifford. By the same token, the American people elected Richard Nixon as their Commander in Chief in 1968, and he recommended an ABM system for their protection. In this he was supported 100 percent by the present Secretary of Defense Melvin Laird.

I believe it makes a great deal of difference—much more difference than it has been accorded during these days of debate—to understand that it is one thing to stand outside the arena of direct responsibility and oppose a system for the defense of 200 million Americans, and it is quite another thing to act as President or Secretary of Defense and carry on your shoulders the very heavy and very direct burden of responsibility for the safety of our people.

It is easy enough for a member or even all the members of the Senate Foreign Relations Committee to decide a matter of military importance and argue the point on the Senate floor in connection with this military procurement bill. It is even something different for members of the Armed Services Committee—who come closer to that arena of responsibility of which I spoke—to stand in opposition to our Commander in Chief, to our Secretary of Defense, and to our military Chiefs of Staff.

But I wonder how many of the opponents, if they were to find themselves tomorrow sitting in the oval office of the President and feeling the awesome weight of official responsibility, could reject the advice of his military advisers and forgo the deployment of a missile defense system designed to protect the people he has been elected to lead.

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

Mr. GOLDWATER. I am happy to yield.

Mr. GORE. The Senator has just raised a question of the propriety of acting contrary to the recommendation of the Joint Chiefs of Staff with respect to the deployment of an ABM or other methods to protect the people. Is that correct?

Mr. GOLDWATER. I would not say that was correct in my interpretation. I can understand how the Senator could understand it that way. I said previously that I made no criticism, nor would I deny any Member the right to act as he feels. I merely say that I do think deference should be paid to people who have been trained throughout their lives in strategic and tactical problems and weaponry. That is my position.

Mr. GORE. I thought I heard the Senator correctly. Would the Senator mind reading the last sentence he read just before I asked him to yield?

Mr. GOLDWATER. I wonder how many of the opponents, if they were to find themselves tomorrow sitting in the oval office of the President and feeling the awesome weight of official responsibility, could reject the advice of his military advisers and forgo the deployment of a missile defense system designed to protect the people he had been elected to lead.

Mr. GORE. Now will the Senator yield?
Mr. GOLDWATER. Yes.

Mr. GORE. The reason why I asked the Senator to yield at that point was that it was the Sentinel model of the ABM system that was designed to protect the people of our cities. The Joint Chiefs of Staff urgently recommended that; urgently recommended the deployment of an anti-ballistic-missile system around our principal cities. Indeed, they said it was necessary for our national security that the people of our principal cities be protected by the deployment of an ABM system.

It would be interesting to know the precise date when the Joint Chiefs of Staff changed that recommendation. This is one secret that we have not learned. So far as the record shows, the Joint Chiefs of Staff recommended the deployment of the Sentinel model of the ABM until, after a little political commotion in Boston and Seattle and Chicago, there was a political recommendation that the deployment of ABM be changed from about the cities to around two missile complex sites in Montana and North Dakota. These facts make the sentence which the Senator just covered quite interesting, indeed.

Mr. GOLDWATER. Of course, the Senator realizes that I was not here when the system he is referring to was voted by the Senate. I returned either shortly before or shortly after the decision on Safeguard was made. So I do not think I can say any more than what I have said in the sentence the Senator asked me to reread. I do not think I would change it unless I were privy to what went on here when the so-called thin system was voted on.

Mr. GORE. What I wished to suggest to the Senator was that the present ABM deployment is not, in fact, designed to protect the lives of the people. Instead, it is proposed to protect certain missile silos. So when I heard the Senator make the statement, I rose to suggest to him that he might wish to revise the sentence.

Mr. GOLDWATER. No; I would not wish to. Because of the Senator's reference to people, I think that the defense of any weapon system is a defense of the people. It may be a roundabout way, but to put all our eggs in the defense of the cities, I think even the proponents, as well as the opponents, of the ABM will admit would be a very difficult task. We developed a weapons system that was designed to protect this country by its being a threat. If we do not protect it and it is not a constant threat, it offers no retaliatory possibilities at all. I look upon this deployment as a people saver, even though it is indirect, a defense of weapons.

Mr. GORE. Will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. GORE. In the context of nuclear war technology, and in view of the enormous stockpiles of offensive nuclear weapons possessed by both the United States and the Soviet Union, it appears to the senior Senator from Tennessee that the only measure of protection of American lives, the only measure of security for either country is the avoidance of nuclear war. And in that context,

it is difficult indeed for me to see how the proposed ABM system provides any protection, whatsoever, to the American people. Indeed, after months of study, it is my conclusion that it would render the people less secure, not more secure.

Mr. GOLDWATER. Well, of course, I think that is one of the bases on which the opponents and proponents disagree in this matter. I see in this ABM system a system that will protect our weaponry, and, therefore, a system that can add to our retaliatory capability.

I will join the Senator from Tennessee in hoping and praying that we can have a meaningful discussion with the Soviets on disarmament. I would be the chief advocate for it. But I have not seen anything in my years that would lead me to believe that such a discussion either is imminent or that it would be productive. I hope I am as wrong as I can be. I have no more choosing for this type of weapon than does the Senator from Tennessee.

Mr. President, I continue with my statement.

I would ask each and every Member of this body to try and place himself behind that Presidential desk flanked by the American flag and decide once and for all that he could afford to rest the safety and the security of all peace-loving Americans on the assumption that our potential adversaries will conclude an honorable agreement for arms limitations.

Sitting in such a seat of responsibility, can any of us here today state definitely that the construction of a purely defensive system comparable to the one that already exists around the major Russian cities would set off another round in the so-called arms race?

Could any of us, sitting in that seat of responsibility, decide that domestic problems were far more important than the possible safety of the people involved in those problems? Could we convince ourselves that the rebuilding of our inner cities and the construction of badly needed urban renewal projects would lessen the danger of a possible enemy attack?

Could any of us sit at that desk and say to ourselves, because some scientist believed that the Safeguard will not work, we should not attempt it at all? In fact, I might say, Mr. President, that after what happened this past weekend, I cannot believe that any scientist, or any American, can say about any idea, "It will not work." What we did in reaching and walking on the moon called for much more precise computerization and activity than would be required with the weapons system we are talking about.

Do we not remember that other Presidents were told that the A-bomb would never work and that development of an H-bomb was not feasible?

Are we not eternally grateful to the late President Franklin D. Roosevelt for moving ahead with the Manhattan project and obtaining what was then considered the ultimate weapon before it fell into the hands of the madman, Adolf Hitler? Are we not grateful to former President Harry Truman for his courage and foresight in overriding the opposition

of the left-wing scientific community and developing the H-bomb in concert with a similar Communist development behind the Urals in the Soviet Union?

I emphasize that what we are discussing here today is a system designed not to kill people but to keep them alive. We are not discussing a weapon of terror or a weapon of destruction. We are discussing a very rudimentary system of conservation and protection. We are not even discussing an elaborate, all-out defensive system such as the one the Soviet Union has deployed around its major cities. We are not even discussing a "thin" Sentinel system to protect our civilian population from a possible Chinese attack, a Sentinel system for which many Senators here today voted.

No, we are here discussing a system which is very little more than a program of intensified research and development calling for only partial deployment. For those who talk compromise, let me say I think this is a compromise. It is certainly a much different program than the Sentinel project, which President Johnson told us in March of 1968 was of the highest national priority.

The Safeguard system is designed to protect our nuclear deterrent. And certainly if we had the international moral right to construct such a deterrent, we have the right to protect it. Our deterrent system was built to serve our national strategic interests, protect our population and serve the cause of freedom elsewhere in the world. Why, all of a sudden, there should be such an unreasonable outcry against any effort to protect that deterrent, is one of the great mysteries surrounding this present debate.

In tracing the background of this controversy, I find that Secretary McNamara first unveiled his recommendation for the Sentinel ABM in September of 1967. In November of that year the Department of Defense announced that the Sentinel would be a thin configuration of the Nike X system and identified 10 areas to be surveyed as possible site locations.

As I recall it, there was interest, but very little protest, aroused by the successive actions of a Democratic administration. In the following year, things moved on rapidly. As I pointed out, President Johnson in March gave his ABM proposal the "highest national priority." In April, the Senate rejected by a vote of 31 to 28 an amendment to the defense appropriation bill which would have delayed the deployment of the Sentinel until it was certified as practicable by the Secretary of Defense. In June of 1968, the Senate voted down 52 to 34 an amendment which would have delayed ABM construction funds for 1 year.

In June, too, the House of Representatives beat down, 106 to 37, an amendment to the Defense Appropriations Act which would have deleted acquisitions of property and the construction of related ABM facilities.

The Senate in August of 1963 rejected 46 to 27 an amendment which would have deleted all funds for the ABM construction. In October, the Senate defeated 45 to 25 a proposal to delay the construction of the Sentinel system for 1 year.

All these actions were certainly implied if not direct votes of support for the Sentinel ABM system recommended by President Johnson and Secretary McNamara and Secretary Clifford. One is bound to wonder at the lack of opposition to a system far more complex, far more expensive and far more likely to upset our possible adversary than the watered-down version of ABM which President Nixon and Secretary Laird has proposed.

Mr. President, I realize it is not popular and probably not entirely accurate to describe the current controversy over the ABM as a purely partisan matter. I am fully aware that many Senators, who are members of my own political party, are opposed to the Safeguard system for reasons which they feel to be good and sufficient and have nothing to do with the whole business of Republicans versus Democrats.

However, I believe that it must be noted that the great outcry against the development of an ABM system coincided with an all-out attack on the so-called military-industrial complex and almost every proposed expenditure recommended by the Secretary of Defense. And I believe that it is important for us to note that this opposition to the ABM did not reach anything like its present crescendo when the program was called Sentinel and was being propelled by a Democratic administration and a liberal-oriented Secretary of Defense.

I have already enumerated the number of times that this body of the Congress has gone on record in favor of the Johnson-McNamara ABM. I want to underscore also the fact that the great attack on the so-called military-industrial complex was not mounted while either Secretary McNamara or former Defense Secretary Clifford were calling the shots in the Pentagon with the help of the computer "whiz kids."

To read the reports of the Senate Subcommittee on Government Economy, one would begin to suspect that all the waste and inefficiency and cost overruns in our defense procurement system were products of the present administration. I am not about to deny that my colleague from Wisconsin, Subcommittee Chairman WILLIAM PROXMIRE, has performed an extremely valuable service to the Congress and to the country with his investigations of waste and inefficiency in the Defense Establishment. However, I believe the whole thing would be more enlightening if it were pointed out more often that these abuses and wastages of the taxpayers' dollars took place during the McNamara Pentagon regime which was supposedly dedicated to a revolutionary type of "cost effectiveness." I am well aware that Mr. McNamara had what amounts to one of the greatest public relations programs ever to surround a single Government official. But I think we all can realize now that his regime actually will go down in history for setting new records in the area of cost-defectiveness and waste.

There was no mystery about irregularities in the Department of Defense during 8 years of the Kennedy-Johnson administration.

But I certainly do not recall any concerted and orchestrated attack on the Defense Establishment nor on its connection with private industry suppliers of military hardware.

I wish to point out, Mr. President, that the phrase "military-industrial complex" was not invented after the presidential election last November. These words have been lifted out of context from a farewell radio-TV speech delivered by former President Eisenhower 8 years ago. In other words, the MIC apparently was not the great threat which its critics would have us believe it is today while it was being run by Secretaries McNamara and Clifford.

In conclusion, Mr. President, I want to say that I believe that a great deal of the criticism of the proposal to deploy the Safeguard system is rooted in an overall attack on our Nation's defense system. This makes it more than ever important that we adopt it by a comfortable margin.

We must, in approving Safeguard, serve notice on the Nation and the world that we intend to keep our Nation strong and to protect its 200 million citizens to the best of our ability.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous consent request?

Mr. GOLDWATER. I yield.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the address by the junior Senator from Alabama (Mr. ALLEN), the Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 20 minutes.

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

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

Mr. GOLDWATER. I yield to the Senator from New York.

ORDER FOR RECOGNITION OF SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent that, upon the completion of the remarks of other Senators for whom time has been authorized by unanimous consent, the last of which I understand will be the Senator from Connecticut (Mr. RIBICOFF), I may address the Senate for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. 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. RIBICOFF. 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. RIBICOFF. Mr. President, I ask unanimous consent that I may proceed

notwithstanding the unanimous-consent order.

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

THE ABM

Mr. RIBICOFF. Mr. President, national security can be threatened at home as well as abroad. And the most urgently needed development in our defense efforts would be a reduction rather than continued escalation of the arms race.

Our problems here at home are critical, especially in our cities. We are about to embark upon strategic arms limitation talks that we all hope will be fruitful. It is therefore incumbent upon the Senate to scrutinize closely any proposed increase in our defensive armaments.

When considering the deployment of the ABM, we must look closely at the nature of the threat we are supposedly meeting, the capability of the system that is offered to counteract this threat, the impact such a weapons system will have on the arms talks, and the results of diverting more of our national resources to this new system.

There are those who argue that this is irrelevant. We are told that the President wants the Safeguard ABM system and that this is sufficient.

I could not disagree more. Certainly it is relevant to know that the administration and the President desire the deployment of the ABM. Certainly we should weigh that desire in our consideration. But, even if the President opposed this system, it would be our responsibility to evaluate it independently to decide whether it was needed.

I do support our efforts to develop the most effective defense system necessary and possible. I do support those who place the highest importance upon national security.

Too often in the past, however, the Senate has abdicated its responsibility to the country and itself and yielded without question to the desires of a given administration. The Fulbright resolution we overwhelmingly passed recently demonstrated our recognition of the need for independent evaluation.

Our experience in Vietnam has shown us that Members of the Senate may see far more clearly, than the administration, the error of a given policy and the need for new approaches. The moves for peace first originated here and the country owes its gratitude to those who originally raised this issue.

The recent disclosures of widespread waste in the development of our weapons systems demonstrate that the executive branch has no monopoly on expertise. If we underestimate by billions the costs to build various defense items, mistakes can be made in other areas as well.

It is illuminating to remember that the desire for a Safeguard is not a new phenomenon. The Army sought it as early as 1959, only then it was called the Nike-Zeus. The administration had the foresight to see that it had too many flaws. By 1963, it became common knowledge that, had we deployed Nike-Zeus, we would have purchased an obsolete weapon at a cost of almost \$14 billion.

Let us first analyze the nature of the threat against which we are being asked to deploy the ABM. This is not an easy question, especially since the administration has continually changed that threat.

Originally we were going to protect our cities against an all-out attack. Then we were asked to worry about an accidental Russian missile or the dangers of political blackmail from the Chinese who might threaten to send a handful of missiles against our major cities. Then we were advised that the ABM was needed to defend our nuclear deterrent. Now we are confronted with a Soviet oriented "mini" Safeguard system slated to protect only two missile sites in North Dakota and Montana.

I don't know what happened to the earlier threats we were asked to consider. Have they disappeared of their own volition? Have we made some secret breakthrough that rendered them meaningless? Or will they simply emerge again at some later date when they are needed to justify some new system being presented to the Congress and the people of this country?

In any event, the threat we are now told to focus upon is the potential first strike capability being developed by the Soviet Union. It is generally conceded that this threat does not presently exist. There are few facts even supporting any movement on the part of the Russians to create such a threat.

The Soviet Union does appear to be increasing the number of missiles and warheads in its stockpile, but they are still hundreds of missiles and thousands of warheads from equaling our own present supplies. And no one has yet proposed that we, even with our superiority, have anything like a first-strike capability.

Equally important is the serious question whether the Russians have the economic capability necessary to develop a first-strike capability. This is highlighted by the enormous difficulty of neutralizing our Polaris submarines. This may be accomplished someday, but that day certainly is not upon us.

Finally, our national security in the atomic age has always rested upon our ability to retaliate against any attack. This ability to retaliate does not depend on the Safeguard system. Even should the Soviets develop the weapons necessary to hit all parts of our deterrent, there is no known way they can attack and destroy this capability before it is loosed against them.

Any attack on our missiles can be detected 20 minutes prior to impact. We would still have enough time to check our radar signals and launch our Minutemen before they could be destroyed by Soviet weapons. No matter how many missiles the Russians fired at our Minutemen, they would hit only empty silos. The Russians will always know this, and the credibility of our deterrent will be retained.

Equally important, we should remember the overwhelming strength of our present nuclear weapons systems. With our 645 strategic bombers, our 41 Polaris submarines with 656 missiles, and our 1,054 land-based ICBM's, we have the

capability of destroying the Soviet Union many times over. Each of these systems is also capable of responding independently against a Russian attack.

The United States now has a total of 4,200 deliverable nuclear weapons compared to the Soviet's weapons which are estimated to be approximately 1,200. Even if the Soviets increase their SS 9's to 500 by 1975, as Secretary Laird predicts they will, we will by then have also increased our deliverable nuclear weapons to 10,000.

Given the hypothetical nature of the threat against which we are being asked to respond, we should pay particular attention to the great controversy surrounding the ability of the ABM system to meet that threat.

Numerous scientists maintain that, even should the complicated three-part ABM system function in a coordinated fashion, it could easily be overcome by the Soviet Union's present capability. For one thing, the ABM system can be easily penetrated by the enemy. Its radars can be blacked out. Its missiles can be exhausted by enemy decoys. Its computers are designed to meet a specific calculated threat. If the Soviets develop their SS-9 missiles only 10 percent beyond Defense Department projections, the system becomes entirely worthless.

What we see is the spectre of a vaguely possible threat in the future being met by a system that will cost us untold billions and probably will not work. But the administration continues to raise new justifications for the ABM.

We are now told that we should vote for the deployment of this system to strengthen our bargaining position at the forthcoming strategic arms limitation talks with the Soviet Union. Somehow, the irony of coming to the bargaining table to discuss weapons limitations when we have just voted to deploy a new weapons system has escaped the advocates of ABM.

I have no doubt that this administration wants the arms talks to be successful. It seems to me, however, that our chances for success are increased substantially if we approach the negotiations from a position of strength presenting a firm hand seeking peace rather than a quivering hand rattling our newest weapons system.

I believe that, if we deploy the ABM, we will succeed only in heightening world tensions and escalating the arms race. We are told that this cannot happen because the ABM is only a defensive system. But I would remind you that this system originally was designed to surround our cities. So far as the Soviet Union is concerned, there is nothing to stop us from developing the ABM and engaging in just such deployment. This would go to the heart of their retaliatory capacity. They in turn would have no choice but to respond with even more and newer atomic weapons.

It will be recalled that this is precisely how we reacted on numerous occasions. In the late 1950's we devoted billions of dollars to the development of an early warning system against a Russian

bomber threat that everyone agreed did not then exist. It was only the threat of its existence that set off this multibillion-dollar project.

We must assume that the Soviets are equally concerned with national security. Any moves on our part that they believe jeopardize their retaliatory ability will be met with increasing Soviet expenditures. This will, of course, inevitably lead us to respond. Escalation in the arms race will be rampant without any increase in security.

I have therefore concluded that we should refuse to authorize any funds for the deployment of the Safeguard ABM at this time. I am willing to see us continue to expend moneys necessary for the research and testing presently provided. Then, if a real threat does arise, we will be able to meet it with a weapons system that has some chance of working.

For now, the \$350 million proposed for the deployment of the ABM this year can be used to meet far more urgent needs. The total \$10 billion saved from nondeployment of the ABM over the next few years will only begin to attack our pressing urban problems. The huge sums of money needed to deploy an ABM system would be better spent on the health, education, and welfare of our people.

With our waters becoming increasingly foul, we spend only 20 percent of the Federal funds we have authorized—let alone need—to fight water pollution.

With the increasing need for better educated citizens, we still appropriate less than 50 percent of the funds authorized for the Elementary and Secondary Education Act.

While our cities are clogged with traffic and rapidly becoming covered from end to end with concrete, the Federal government spends only 4 percent of the amount spent for highways on mass transit support and development.

With millions suffering from malnutrition—hundreds of thousands going without proper health care—and thousands willing but unable to find work, we say come back later, next year, after we have studied the problem. Perhaps then we will be able to help. Perhaps then we will provide the funds necessary to meet your problems.

A nation that spends five times as much on defense as it does directly attacking deteriorating conditions in its urban areas may find that its elaborate defense structure is only protecting a pile of rubble.

I am in favor of protection against our enemies. It is obvious that without an adequate defense system, the rest of our efforts may be in vain. But I oppose the spending of billions of dollars to defend against ghosts and hypothetical dangers, especially when the ability of the proposed defensive system to meet these hypothetical threats is uncertain.

The threat I see that faces us—the threat I see as real and that must be avoided—is the destruction of our internal security right here at home.

This is the threat we should meet now.

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 PRESIDING OFFICER. Two hours having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. 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. ALLEN. Mr. President, I ask unanimous consent that, without regard to the previous order, I be allowed to proceed at this time.

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

ORDER FOR RECOGNITION OF SENATORS

Mr. JAVITS. Mr. President, I ask unanimous consent that when the Senator from Alabama (Mr. ALLEN) has completed his remarks, the Senator from Oregon (Mr. PACKWOOD) may be recognized for 20 minutes; the Senator from Illinois (Mr. PERCY) may be recognized for 30 minutes; and I may be recognized for 20 minutes.

I make this request because apparently one Senator spoke out of turn and that affected all of the other unanimous-consent requests.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

DEPARTMENT OF HEW PLANS IN MOBILE, ALA.

Mr. ALLEN. Mr. President, I speak today for the people of Mobile and for the people of Alabama. The Department of Health, Education, and Welfare, through its actions in Mobile, Ala., is violating laws of Congress, and we demand that the executive branch of the Federal Government, and every department in it, be compelled to obey the law.

I have just returned from a visit to Mobile, where I opened a fourth office in

Alabama; the purpose of these offices being to serve more effectively the people of Alabama and to keep informed of issues uppermost in the minds of the people.

Mobile is a thriving port city with a metropolitan area population of about 300,000 people. While in Mobile, I had the honor and pleasure of addressing the Alabama Bar Association at its annual meeting in Mobile. Accordingly, I had the opportunity to talk with hundreds of Alabama citizens and responsible leadership of the city of Mobile and of the State of Alabama.

Mr. President, the people of Mobile and of the State of Alabama are outraged by actions of the Department of Health, Education, and Welfare in Mobile which are in clear violation of the law and which defy the expressed will of Congress. We have a right to be outraged. The public schools and public education are at stake. The welfare of their children is at stake. We have a right to demand action by Congress.

Mr. President, storm clouds are on the horizon—a storm is brewing in this country. The eye of that storm may turn out to be Mobile, Ala., where the Department of Health, Education, and Welfare has submitted detailed school plans which call for closing of some schools, for building others, for mass conversion of schools for purposes other than those they were constructed to serve—such as changing elementary schools into junior and senior high schools and vice versa, necessitating expensive renovations. These plans require gerrymandering of attendance zones in order to achieve racial balance at the expense of sound educational and practical considerations. The plan calls for busing at least 15,000 more students than are presently bused in the public school system in Mobile County, Ala. In addition, the plan calls for assignment of faculty and administrative personnel on the basis of race and an implied threat of dismissal of teachers who refuse such assignment.

Mr. President, not less than three provisions of the statutes under which the Department operates have been utterly disregarded in the formulation and implementation of an unprecedented 126-page plan for Federal takeover of public schools of Mobile County, Ala., by the Department of Health, Education, and Welfare. Consider these provisions of the Civil Rights Act of 1964:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Nothing contained in this Title shall be construed to authorize action under this Title by any department or agency with respect to any employment practice of any employer . . . except when a primary objective of the federal financial assistance is to provide employment.

In addition, Mr. President, the 1968 appropriations bill for the Department of Health, Education, and Welfare specifically provides:

No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any

student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

Mr. President, is it any wonder that the highly respected Mobile Register should have editorially declared in this connection:

HEW's "plan" for the public school system of Mobile County is in reality a formula for the destruction of the system of public education in this county. It is a brutal bureaucratic atrocity of which no responsible agency of government would be guilty.

For the first time in American history, an instrumentality of government in Washington, D.C., has gone so stark wild that it openly calls for violation of federal law to destroy a public school system.

Its ruthless, reckless, destructive, law-defying scheme would virtually reduce the system of public education in this county to a daily clutter of pupil-hauling buses operated as one segment of the bankruptcy-producing expenditures to which the school system would be subjected as an inevitable necessity to compliance.

What travesty, what mockery, what hypocrisy, what outrage perpetrated against the public intelligence . . . (by the action of) HEW.

Mr. President, I concur in these sentiments. The vast majority of the people of Mobile and of the State of Alabama concur in them, and they are convinced that the Department of Health, Education, and Welfare, if not checked, will destroy the public school system of Alabama. This conviction is not without substance.

Imagine, if you will, Mr. President, a Federal agency issuing 126 pages of rules and regulations governing the administration of local public schools of a county. This despite the 1968 declaration by Congress that the Department should not use funds appropriated by Congress to force busing of students, to abolish any schools, or to force any student attending an elementary or secondary school to attend another school against the choice of his parents in order to overcome racial imbalance. Is the Department of Health, Education, and Welfare bound by this law or is it not?

And what about the law that says that no department or agency of government shall be authorized to interfere with employment practices unless the primary objective of Federal assistance is to provide employment? Is the Department of Health, Education, and Welfare bound by this law or is it not?

Another truly shocking aspect of this and other arrogant and defiant HEW school plans is the absence of education standards. There is not a word, not a line, not a thought given to educational criteria.

There is not a word, not a line, not a thought given to a consideration of convenience and safety of schoolchildren affected.

There is not a word, not a line, not a thought given to the wishes and best judgment of pupils, parents, teachers, and local education authorities in Mobile County. All valid considerations of this nature are subordinated or utterly disregarded to the overriding consideration of compulsory race mixing to the detriment of all children and the education system which serves all children.

But, Mr. President, the plans were not silent on one point. Where are the people to get the money to build new schools, to remodel and alter others, and to pay the increased cost of busing 15,000 additional children?

In this regard, the Department has the audacity to suggest that local public officials levy additional taxes. This part of the HEW plan reveals the cold-blooded, calculating potential for tyranny that constantly lurks in bureaucratic administration of power. For how can the Department require the levy of taxes? The answer is that it threatens to withhold funds and services provided by Congress for the benefit of schoolchildren. The Department uses food, money, necessities of life as a weapon for enforcement of its regulations. Or else it can resort to Federal courts which continue to threaten elected public officials with confiscatory fines and imprisonment without benefit of trial by jury as a means of effecting obedience to dictatorial social reforms. Will the people of this Nation submit to such tyranny?

Mr. President, when an agency of the Federal Government willfully violates the law of the land and the expressed will of Congress, there must be an extraordinary reason for it. When public officials flip and flop in their public statements, and when their actions contradict their words—there must be a reason for it.

Mr. President, I would like to call to the attention of my colleagues the statement made by Richard M. Nixon while a candidate for President. Mr. Nixon stated in a television broadcast, and I quote:

I believe that the Supreme Court decision was a correct decision, *Brown versus the Board of Education*. But, on the other hand, while that decision dealt with segregation and said that we would not have segregation, when you go beyond that and say that it is the responsibility of the Federal Government and the Federal Courts to, in effect, act as local school districts in determining how we carry that out, and then to use the power of the Federal Treasury to withhold funds or give funds in order to carry it out, then I think we are going too far.

Mr. President, there is good reason to believe the people of this Nation agreed with candidate Nixon. They had a right to believe him. They have a right to believe public statements of candidates and the right to believe the statements of the Secretary of the Department of Health, Education, and Welfare, Robert H. Finch, who said at his confirmation hearing, as reported by the *Washington Post*, that publication of renowned truth and veracity:

Mr. Finch said that he did not agree with withholding federal funds, the weapon used by the Johnson Administration.

Mr. President, the people believed that statement. They had a right to believe it. It seemed to be consistent with the statement of candidate Nixon that he did not believe that Federal courts and Federal agencies of Government should act as local school districts or withhold Federal funds.

Yet, Mr. President, one of the first official acts of Mr. Finch upon assuming the office of Secretary of the Department of Health, Education, and Welfare was to

order withholding funds, benefits and services from innocent schoolchildren. Since then, the Department has continued to use the "weapon" of withholding funds—funds provided by Congress for the benefit of schoolchildren and not for the benefit of school board members and public school administrators.

And, Mr. President, these funds and services and other benefits have been withheld without due process of law, without an opportunity for parents to be heard or to object or to plead not to be deprived through no fault of their own.

It is my judgment that several of the major political issues of the next congressional and presidential election are being shaped in the context of Federal education policy.

The people want to know whether or not the Constitution will continue to be the law that governs government;

Whether or not the executive branch of the Federal Government will be compelled to obey the law;

Whether or not the Federal courts will be made to obey the law;

Whether or not political actions shall be subordinated to morality, ethics, and humanitarian principles in this Nation;

Whether or not innocent persons shall be deprived of food and benefits as a political weapon to effect social reforms.

Mr. President, these issues as they relate to public education involve considerations of the health, safety, moral welfare of children, and the right of a free people to self-government in matters affecting the vital interests of their children.

These are issues that must be decided. There is no way for any elected public official to avoid a stand on the moral and ethical issues raised in Mobile County, Ala.

Yes, Mr. President, the people of Mobile, the people of Alabama, the people of the South, and the people of this Nation have a right to be outraged.

Mr. President, let us put this problem in perspective. We are not dealing with an isolated action by the Department of Health, Education, and Welfare. The lawless action of the Department is not limited to the public school system of Mobile County, Ala. The hideous plans given birth by unlawful actions of the Department extend to over 25 separate school systems in Alabama. Nor will such lawlessness stop in Alabama, nor will it stop in the South, they will eventually be extended to cover every public school system in the United States—and do not discount that as the intention of the Department. For the forces of rule or ruin in the Department of Health, Education, and Welfare who now exercise life or death powers over the public schools of the South are already reaching out to impose that power over the public schools in other regions of the Nation. This lawlessness must be stopped. It must be stopped now.

Mr. President, how do we explain the actions of public officials who say one thing and do another, and departments of Federal Government which violate laws of Congress with impunity?

The people of this Nation are getting fed up with this business of playing poli-

tics with their children and their schools. They are not going to let arrogant and callous politicians endanger the health, safety, and morals of their children and destroy their public school in pursuit of self-centered political ambitions.

The people are fed up with power politics devoid of moral, humanitarian, and ethical considerations, and with politicians who can justify withholding funds, services and benefits from innocent schoolchildren, as a "weapon" to be used for political gain. I say as sincerely and solemnly as I know how that ruthless politicians had better stop playing politics with our children.

The people are downright revolted by pious pretensions about democracy and constitutional law by those who deprive the innocent and also deliberately flout the laws of Congress. They are fed up with deceptions, double talk, and double standards.

But politics is one thing and obeying the law is another. Mr. Finch in Mobile County is executing the will of Congress or he is not. He is, or he is not above the law. The Supreme Court has not declared any of these statutes invalid. They are binding upon every public official, the Department of Health, Education, and Welfare and Federal judges. Yet, Mr. President, these laws are violated by the Department of Health, Education, and Welfare. The people demand that something be done about it. They have a right to demand redress. They will have redress in one way or the other. I say as sincerely as I know how that the people are mad. They have a right to be. A storm is brewing. Something is going to give. Something has to give, and I do not believe it is going to be the will of the people of Alabama and the will of the people of our Nation to resist usurpation of powers and tyrannical use of powers by the Federal executive as so glaringly manifest in HEW actions in Mobile County public schools.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REORGANIZATION PLAN NO. 1 OF 1969—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-141)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Government Operations:

To the Congress of the United States:

The Interstate Commerce Commission, oldest of the Federal regulatory agencies, has jurisdiction over 17,000 carriers—rail and motor, water and pipeline, express companies and freight forwarders. Its decisions help shape the scope and character of the Nation's transportation system.

But, as important as the Commission is, as extensive as its jurisdiction is, it is hampered by:

1. *Lack of continuity:* The Chairman

of the Commission serves only a year, selected by annual rotation from among the eleven Commissioners. In no other major Federal regulatory agency is the President without the power to designate the Chairman.

2. *Lack of leadership:* The Chairman does not have vested in him by law the executive and administrative functions of the Commission. As a result there is no firm and clear legal responsibility for the management of the Commission's day-to-day affairs.

To change this situation, I am sending to the Congress today Reorganization Plan No. 1 of 1969, prepared in accordance with chapter 9 of title 5 of the United States Code.

1. CONTINUITY

The Chairman of the Interstate Commerce Commission is the Commission's spokesman, its key link to other agencies and the industry, the supervisor of its staff, and director of its internal operations. Yet today, despite the need for sustained leadership, the Chairman of this agency serves only one year. I know of no modern business that would tolerate the practice of annually rotating its chief executive.

To provide the necessary continuity of leadership in the conduct of the Commission's administrative affairs, I propose that the President be authorized to designate the Chairman of the Commission from among its members. This principle of good management has already been taken with respect to most other major Federal regulatory agencies. The time has come to apply it to the Interstate Commerce Commission.

2. LEADERSHIP

The administrative powers of the Chairman must be strengthened.

In 1961, the Commission delegated its administrative powers to its Chairman. However, unless and until the administrative powers are vested in the Chairman by law, statutory authority will remain dispersed among the Commissioners.

Almost 20 years ago the Hoover Commission emphasized that "Administration by a plural executive is universally regarded as inefficient." It then recommended that all administrative responsibility be assigned the chairmen of these regulatory agencies.

That recommendation is as sound today as it was then. It has already been applied to almost every other major Federal regulatory agency. I propose that administrative authority be vested in the Chairman of the Interstate Commerce Commission.

In sum, the reorganization plan provides continuity of leadership and vests responsibility for internal administrative functions in a chairman designated by the President, with safeguards to ensure that the Commission retains full control over policy and the direction of its regulatory programs. This does not affect the statutory provisions governing the exercise of quasi-legislative and quasi-judicial powers by the Commission and its employees to whom it has delegated the responsibility of hearing and deciding cases.

Each reorganization included in the

plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable." This plan will help achieve those ends.

This plan should result in more efficient operation of the Commission. To itemize or aggregate resulting expenditure reductions under the plan is not practicable. I shall continue to explore other ways to make the Commission structure more effective.

I strongly recommend that the Congress permit this necessary reorganization plan to become effective.

RICHARD NIXON.

THE WHITE HOUSE, July 22, 1969.

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 appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

THE PROPOSED SURTAX AND INFLATION

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon (Mr. PACKWOOD) is now recognized.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I should like to make a few comments this afternoon about the proposed surtax the Senate is now considering.

A couple of hundred years ago, when Edmund Burke, the famous British conservative, was dining with Prime Minister Pitt at 10 Downing Street, he strove to make Pitt understand how critical England's economic situation was.

Pitt made light of the danger saying: "This country and this constitution are safe to the day of judgment."

"Yes," replied Burke, "but 'tis the day of no judgment that I am afraid of."

So today we should be afraid if the Senate exercises no judgment on monetary policy.

The true test of a nation is whether it is capable of meeting the challenges of the times. Those nations that do, strengthen the structure of their institutions and enrich the lives of their people. Those that fail, bear the indelible scars of their mistakes through successive generations.

The challenges we face today are numerous and complex, they extend across the entire spectrum of our activities in the pursuit of national goals. But each of these problems is capable of sound solution. What is required is a commitment of purpose, a priority of action, and a determination to succeed.

Of the many serious problems we face today, none is more critical than the problem of inflation. Inflation is the one disease that is capable of undermining our national efforts in every domestic endeavor.

It is the most regressive of taxes. No one can escape it. It treats rich and poor alike. Working men pay it. Young people pay it. The elderly on pensions pay it.

To put it tersely, as long as inflation runs wild, everything is on the rise. Unless the Senate acts to stop this inflationary roller coaster—without delay—it will become a wholly uncontrollable problem.

This tragic situation affects everyone: First, the family financing a home; second, the business and corporation financing the purchases of new equipment or expansion or productive capacities; and third, even the U.S. Treasury, which only 2 weeks ago paid over 7 percent for money to refinance a portion of the public debt—the highest it has ever paid in the history of our Nation.

It has been projected that if inflation continues at the present pace, by the year 2000: a \$75 a day, semiprivate hospital room will cost \$630; a \$2 haircut will cost \$10; food for a family of four costing \$40 per week will run \$112; a \$4,000 car will cost \$10,000; and a \$40,000 house will cost a whopping \$86,000.

If there is one thing upon which all Americans are today united, it is the conviction that inflation must be brought to a screeching halt.

These are unpleasant facts—unpleasant to recite—unpleasant to face. But face them we must. For as Winston Churchill told the British House of Commons in an age of similar peril:

We shall not escape our dangers by recoiling from them.

The American people are concerned about the purchasing power of their hard-earned money; about the future buying power of their savings; about the growth of their investments. They want some assurance from their government that it will do everything that is humanly possible to strengthen, not weaken, the value of the dollar; to encourage, not destroy, the concept of systematic savings; and to enlarge, not diminish, investment in our country's future economic growth.

Before his election, President Nixon promised the American people that he would use the powers of the Presidency to harness the inflationary pressures that had assaulted our economy during the past several years.

Since January, the administration has moved toward accomplishing this objective by the wise use of administrative, fiscal, and monetary policies. In order to divert billions of dollars from the swollen stream of spending, the President requested all Federal agencies to immediately place in effect a policy of expenditure restraint. This was followed by recent actions of the Federal Reserve Board, which were designed to appreciably contain the rate of monetary growth by limiting the volume of reserves available to banks and by raising the discount rate.

The administration's surtax bill presently before the Senate contains a sound and sensible package of fiscal steps necessary to restrain present inflationary pressures and dampen future inflationary activity. It complements existing administrative and monetary policy designed to achieve the same desirable and necessary objectives.

This bill is one of the most important pieces of legislation the Senate will consider this year. It is a powerful offensive weapon against the inflationary pressures that are crippling every national program to which we are committed as a people and as a Nation. This bill, in addition, contains elements of tax reform. It accomplishes five important things:

First, it extends the present surcharge on income taxes at 10 percent through December 30, 1969, and at 5 percent until June 30, 1970;

Second, it extends the 10-percent excise tax on telephone services and the 7-percent sales tax on new passenger cars for 1 year;

Third, it repeals, effective midnight April 18, 1969, the tax credit given businesses on the costs of their investment in machinery and equipment;

Fourth, with certain restrictions, it provides a special 5-year rapid writeoff, for tax purposes, of the cost of equipment aimed at abating air and water pollution;

Fifth, it provides special tax relief for low-income families, as recommended by the President in his tax reform program. An estimated 2 million families, officially defined as poor, would be removed from Federal tax rolls, while an additional 8 million other taxpayers, whose incomes are slightly above the poverty line, would have their taxes reduced.

This tax measure will bring over \$9.1 million into the Treasury during fiscal year 1970. This compares favorably with President Nixon's original proposal.

Extension of the surtax will enable the Government to show a 1970 budgetary surplus of \$6 billion—a goal that has been sought for years. We now have it within our grasp—if we act favorably and promptly on the tax bill before us.

We can ill afford to gamble with the happiness of the American people or with the security of our Nation. This we do if we delay passage of this measure or dilute its strength.

We cannot add \$9 billion to the purchasing power of individuals and corporations at a time when our economy is experiencing full employment, steadily rising prices, high interest rates, and excessive inflationary spiral. To suddenly dump \$9 billion into the already swollen stream of spending would preclude, for years to come, future efforts to achieve economic stability and the stability of the American dollar as a medium of international exchange.

Although all Americans suffer from continued inflation and during periods characterized by abnormally high interest rates and restricted credit, some segments of our economy take a devastating blow. Such a segment is the homebuilding and lumber industry—which, incidentally, is the mainstay of Oregon's economy.

The homebuilding and lumber industries are vital cornerstones of the American economy. Whenever anything impedes the building of homes, shockwaves are sent through our society.

The devastating results are felt directly by those employed in the housing industry. They are also experienced by those engaged in the lumber industry, in the production and manufacturing of housing material and household appliances, and by those Americans who are deprived of the new home for which they have dreamed and saved and planned for so long.

A slump in the housing industry further the countless thousands of Americans who want to move out of our blighted urban areas—if only they could find housing elsewhere.

No sector of our economy has been hurt as severely in the past by inflation as the home industry with all its complex and diversified components. In the summer and fall of 1966, and again in 1968, the homebuilding industry suffered severely when inflation went unchecked, when money and credit became equally scarce. The same characteristics of our economy that especially hurt the housing industry in those times are present today: High interest rates, money markets incapable of fulfilling demands, restriction of credit essential for real growth, and unchecked inflation.

There is a great imbalance in our country between our needs and our national priorities. Nowhere is this more apparent than in the homebuilding industry where our national needs are the greatest and the priority assigned to meeting the challenges in this vital area consistently downgraded.

We will need 26 million new and rehabilitated housing units in the next 10 years—roughly 2.6 million a year. But, though we are the most prolific builders in the history of mankind, we will build less than 1.6 million housing units this year—and we still tolerate 11 million substandard living units.

In the last 20 years, we have demolished more than 31 million homes and apartments with Federal aided construction projects. We have torn down more housing than we have built with all our federally aided housing programs.

Instead of moving ahead, we are losing ground. Instead of solving the challenges we face in this area, we are continuing the past expedient policies of procrastination to the detriment of millions of Americans—those who depend upon the homebuilding industry for a livelihood and those who look forward to the day when they too can share in this Nation's lofty standard of living.

Housing starts since February of this year have dropped each month. The trend is well established. Home building economists predict that there will be a 40-percent drop by the end of this year or early 1970—a 40-percent drop over last year, which was below the standard we wanted to hit. Investment funds for apartment buildings have almost disappeared. Even if they were available, consumers would be unable to pay the higher rents caused by the inflated costs of materials and money. This is an intolerable situation.

Intolerable too is the recession the lumber industry is now in, a recession characterized by layoffs, unemployment, shutdown of mills, and depressed prices for lumber and plywood.

Mr. President, this was brought graphically home to me when I was making arrangements to spend 2 days in Oregon this coming weekend. I was going to central Oregon, which is a pine-producing, pine mill area, and I asked the person in charge of my tour to arrange some plant tours so that I could go to talk with the workers, to meet with them at coffee breaks and lunch hours, so that I could explain my views on what is going on in Washington, and ask their opinions.

I was told that today there is not a lumber mill operating within 50 miles of Bend, Oreg., on a Saturday. Mills that a year ago were operating two shifts 6 days a week are today lucky to be operating one shift 5 days a week.

The tragedy of the homebuilding industry is of great magnitude in itself, but as far as I am concerned, even greater is the tragedy that, while those in the income brackets of \$10,000, \$20,000, or \$40,000 a year can pay the 8.5-percent interest rate and perhaps build or buy homes, millions of Americans in low-income brackets are being squeezed out of any possibility of homeownership; and we at the Federal level have been underfunding the promises that we have made in bills passed in past Congresses. Those who need the greatest help and assistance are the ones to whom we give the greatest promises and the least results.

If we are to meet the housing challenges in this country and satisfy the housing necessities of our citizens, then we must assure the American people that the housing and homebuilding industry will not be subjected to periodic pressures of uncontrolled inflation, tight money, and abnormally high interest rates.

That brings us back to the surtax, with which we are now so vitally concerned.

The proposed administration tax program of a temporary 10-percent surcharge on corporation and individual income taxes, the elimination of the investment tax credit on plant equipment and machinery, and the continuation of existing excise taxes on telephones and automobiles will not by itself accomplish all that is necessary to meet the fiscal challenges we face. Other and additional restraints are necessary. But without this surtax bill, the total and additional restraints will be of no use, and we might as well not attempt them.

The enactment of the surtax, however, will enable us to withdraw from the inflationary stream of spending more than \$9 billion. No other single action would be more instrumental in dampening the inflationary fires in our economy and revitalizing our homebuilding industry.

Many tax measures have come before the Senate in the past decade. History records that in many instances, we have deliberated and delayed, while conditions which the measures were designed to alleviate became more deplorable.

Let us not now compound the complexity of the problem we face by postponing a favorable decision on this tax measure.

This we do, whether willingly or not, when we attempt to prevent its passage by offering amendments unrelated to the intent of the bill.

Mr. President, when we started talking about tax reform 2 or 3 months ago, I was one of those who had some misgivings about passing a surtax bill without attaching tax reform amendments to it, because I feared that without the impetus of the surtax, the desire for tax reform would be sufficiently diluted that we would get no tax reform at all.

I had occasion to meet last Wednesday at the White House with President Nixon, and to pose to him specifically a question as to how sincere, how demanding was the administration about tax reform and how far was the President personally willing to push.

He assured me in terms that could not be mistaken that he is committed to a tax reform bill—a meaningful tax reform bill—this year. He has the assurances of the Ways and Means Committee of the House of Representatives that a tax reform bill will be through the other body before we recess in August, and he apparently has the assurances of the leadership at least of the tax writing committee in this body that a meaningful tax reform bill will be brought to the floor of the Senate.

I cannot guarantee that such a bill will pass, nor can any other Senator. But none of us can now claim that we will not have a chance to vote on it if the surtax is passed. We will.

Consequently, I am asking Senators to refrain from attempting to cripple or delay the passage of the surtax bill by offering and attaching amendments of an extraneous and irrelevant nature, which might have the effect of so long delaying the passage, or—hopefully not—defeating the surtax bill, so that we will see again this year a 6-, 7- or 8-percent inflation.

I am referring specifically to complete tax reform, which is something else that the American people want, deserve to have, and shall have. For tax reform is one of the principal objectives of the President, the Republican Party, and the Democratic Party; we are all committed to an expeditious passage of a complete tax-reform package.

The extension of the surtax, Mr. President, is a nonpartisan bill. It reflects the President's conviction that America's poor should not have to pay taxes. It also reflects the desire of the Democratic Party, for in their 1968 party platform, it was emphasized that "no person or family below the poverty level should be required to pay Federal income taxes." The passage of this bill simultaneously carries out the wishes of both the President and the Democratic Party in giving to the poor of this Nation much-needed relief from Federal income taxes.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. PACKWOOD. I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered. The Senator may proceed.

Mr. PACKWOOD. There are some who are not particularly pleased with the surtax bill in its present form. They would like to incorporate within the bill more tax reforms. This is neither desirable nor necessary. For I have the President's personal assurance that the administration's comprehensive tax reform will soon be readied for our consideration. Then, and only then, should we concern ourselves with the complexities inherent in reshaping this Nation's tax laws.

What is important now is the quick passage of the surtax bill in its present form so that we can accomplish the mutually desirable goals of strengthening our economy by relieving inflationary pressures and providing humanitarian relief to our country's poor. After the surtax bill is passed, we can then take the time to enlarge tax reform by eliminating the inequities in our tax laws.

In the pursuit of our national goals, priority must be given to those efforts that are directed toward maintaining the health of our economy and insuring sound economic growth. To delay passage of this important bill is to weaken our national efforts in this pursuit.

The real question now is whether every one of us is willing to face the facts, to bear the burdens, to meet this challenge, and pass the bill.

Will we be like the congressional war hawks prior to the War of 1812, who responded to the arrogant treatment our sailors were receiving with tough talk and a hard line—but who failed to provide our Nation with the frigates needed to keep the peace? Or will we say, as did Teddy Roosevelt:

If we are to be a really great people, we cannot avoid meeting great issues. All that we can determine is whether we shall meet them well or ill.

Mr. HATFIELD. Mr. President, I should like to compliment my colleague from Oregon on a very eloquent and persuasive maiden speech, in which he concerned himself with probably the most important of our domestic issues—inflation, housing, and their related matters.

I believe that anyone who has known my colleague over a number of years, as I have known him, can appreciate fully the fact that he is one who does his homework. He is a man who puts his facts together and makes his decision based upon the data, and the most current and authentic information available at the time. I associate myself with my colleague in his concern, as he expressed it, for the housing problem of this country, and the lumber problem as we face it in Oregon.

It is impossible to exaggerate the crisis that we face, as he has very carefully stated, not only because we are over a million units under our commitment of 2.6 million units per year, but also I would suggest because we are far behind solving our race relations problems, our general urban problems, and many other problems with which housing is related intimately.

I remember that the mayor of San Francisco, Mayor Alioto, just a few weeks ago observed that in the year 1968 there

were 112 new housing units constructed in the city of San Francisco, but there were 111 torn down and removed; so the net gain was only one for the year 1968.

This supports the data which my colleague used to illustrate the situation we face today that we are in as we are getting further and further behind in achieving our housing goals.

Again I wish to state that my colleague has set forth very adequately and appropriately the problem—not only as it confronts us in Oregon, for it is not purely a local problem or a regional issue but as a national problem of inadequate housing that we face today. I am very happy to associate myself with these concerns. I may hold a different viewpoint on some of the other matters in his presentation, but I am most proud to say that he has delivered, I think, an outstanding and superior maiden speech on the floor of the Senate today.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous order, the Chair at this time recognizes the Senator from Illinois for 30 minutes.

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that when the pending unanimous-consent orders have been complied with, I be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Arkansas will be recognized for 20 minutes after the Senator from Illinois has been recognized for 30 minutes and the Senator from New York for 20 minutes.

VIETNAM

Mr. PERCY. Mr. President, President Nixon, when addressing his remarks to the astronauts shortly after their remarkable landing on the moon, talked about the Sea of Tranquillity on the moon and discussed also the tranquillity which he hoped could be brought to mankind here on earth. That tranquillity depends to a great extent on what happens in Vietnam, and what happens in Vietnam depends to a great extent on what happens in the negotiations now going on in Paris.

Thinking Americans have long favored settling the conflict in Vietnam on reasonable and moderate terms fair to all parties. I believe that the President's eight-point program of May 14, the most recent proposals of the Saigon government, and the President's statement of July 11 provide a basis for a serious negotiation in the interest of all.

We in the U.S. Senate understand that President Nixon does not intend a unilateral American withdrawal from Vietnam, and Hanoi and the National Liberation Front must certainly be aware that a majority of the American people support this position.

It behooves the Hanoi Government

and the National Liberation Front to negotiate in the spirit of reasonableness, flexibility, and moderation, just as most Americans support our own Government taking this same approach, so that the conflict can be brought to an end. There is nothing to be gained from prolonging the conflict.

Mr. President, I yield to the distinguished Senator from Vermont (Mr. AIKEN), the ranking minority member of the Senate Committee on Foreign Relations.

Mr. AIKEN. Mr. President, it is safe to say that most Members of the U.S. Senate have long favored settling the conflict in Vietnam on reasonable and moderate terms fair to all parties.

Most of us believe that President Nixon's eight-point peace program of May 14, President Thieu's proposal of July 11 for internationally supervised elections, and President Nixon's statement of the same date supporting the Saigon Government's offer, together provide a basis for serious negotiations in the interest of all.

American withdrawal from South Vietnam cannot be expected without a corresponding response. We expect cooperation from North Vietnam and the NLF.

Without cooperation it will be apparent to Americans and the world at large that the leaders of both these belligerents want to continue the war.

Without some indication that the Hanoi regime and the NLF are actually desirous of peace, the President will have little choice except to continue our participation in this war and the efforts of millions of peace loving people in the United States will have been in vain.

Therefore, I am glad to join the distinguished Senator from Illinois (Mr. PERCY) and others in urging that the Hanoi regime and the NLF state frankly whether they actually desire peace and will cooperate with us so that our future policy may be guided accordingly. If they have no desire to restore peace in Southeast Asia, then we should know that now, too.

We have full sympathy for those people who have suffered the horrors of war but we must know whether their governments are willing to join with us in ending the war and will cooperate with us in developing a better life for all.

Mr. President, I thank the distinguished Senator from Illinois for yielding to me, and I commend him for his statement.

Mr. PERCY. Mr. President, the distinguished Senator from Vermont has reflected not only the deep feelings of a good many of the Members of Congress, and particularly those in the Senate, but also the deep feelings of millions of Americans. I refer to Americans on college campuses, in our urban areas, and in rural communities.

The Senator has a deep understanding of the sensitivity of Americans on that subject. I know of no other Senator who is closer to his own constituents and his own people.

The Senator has properly reflected what he feels should be American policy. He is earnestly seeking to find a way to end this tragic war. The Senator's senti-

ments would be a fine guide for any government to follow in seeking an end to the war that the whole world wishes to see ended at the earliest possible moment.

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

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Kansas.

Mr. PEARSON. Mr. President, I associate myself with the comments and observations made by the distinguished junior Senator from Illinois and the distinguished senior Senator from Vermont.

Some part of the public opinion of this Nation reflects—and the same attitude has been manifested to some extent in the press—that President Nixon is not indeed changing the course and direction of the Johnson administration on Vietnam policy.

This is true only to the extent that the present administration has sought to carry out that quick and rather abrupt change in diplomatic course indicated by the former President of the United States when he stepped down and stopped the bombing of the north and called for talks in Paris.

I think that President Nixon, in his May 14 speech and in his withdrawal of troops from Vietnam, has indeed taken daring and new steps and risks in the hope of peace.

A strong nation can be measured, not by its flexing of muscles, but by its flexibility, its willingness to yield on problems, and its compassion.

I think these manifestations of restraint have been shown by President Nixon. However, I note that in each case Hanoi and also the NLF have responded to every overture of word or deed with negative and even abrasive comment.

We do not understand Southeast Asia or Vietnam. I suggest that if those leaders in Vietnam and those who support them have misread the character and the spirit and the will of the American people, they in like manner do not really understand the nature of this land and its people.

There is great pressure to end the war. However, if I judge the temper of this land—and whatever reasons we are in Vietnam are beside the point—we expect negotiations, we expect honest and sincere efforts to end the war, and we expect reciprocal action on the part of Hanoi and the National Liberation Front.

I think they greatly misjudge us if they believe we will accept the absolute surrender of all of our principles and our goals which have been announced.

I thank the Senator for yielding.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Kansas very much.

I support that Hanoi has been reading about and studying our college campus demonstrations. They probably watch them closely and try to read into the demonstrations a protest against our presence in Vietnam and everything else they want to read into them.

I have just recently completed a tour of 10 campuses in the State of Illinois alone. I have been to every major State university. On every one of these cam-

pus I took a poll by a show of hands. Some of the audiences consisted of as many as 4,000 and 5,000 students.

I asked the questions, "Do you want to accelerate the war and win a military victory? Do you want to withdraw unilaterally, or would you like to follow the policy of the President in gradually drawing down our forces, but depend upon negotiations in Paris to find a political solution to an essentially political problem?"

The pattern was the same no matter where I went in my own State. Very few students felt that we should seek a military victory or desired it. An equally small number of students wanted to unilaterally and precipitately pull out. Overwhelmingly, the students supported the position of the administration in gradually drawing down our forces there, but depending upon negotiations, and assuming that we, Hanoi, the NLF, and South Vietnam were in Paris for the purpose of negotiating a settlement.

Did that observation on my part concur with the observations of the distinguished Senator from Kansas in his own State?

Mr. PEARSON. I respond by saying to the Senator that I concur.

I suppose in any open society, that which represents news will be played up. They measure our temperament just as we measure theirs, to some extent.

I think the purpose of this colloquy today is actually to serve notice that there is an extreme fraction of the people of this country who want to get out at any cost. I think it is only honest to note that there is an extreme percentage of people who want to get in at any cost and to the fullest extent. But the wide body of American opinion seeks negotiation. I believe Congress seeks and wants negotiations. But there is no temperament here, in my judgment, or among the people, simply to cut and run. This needs to be understood.

Mr. PERCY. I ask this question: If negotiations fail, if no progress is made in Paris, would this tend to strengthen the hands of those who have said, "We can only seek a military victory; get in and win"?

Mr. PEARSON. I do not think there is any doubt about it, and I think they are playing an extremely dangerous game when they accept that interpretation.

Mr. PERCY. I yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, on May 14, the President, speaking to the Nation and the world, outlined the policy of his administration on the question of Vietnam. It was a speech, wide in scope, which offered every opportunity for North Vietnam and the National Liberation Front to engage in serious and substantive negotiations.

Since that time he has given evidence of the seriousness of his purpose to move toward a reduction of the fighting and negotiations for peace in Vietnam by his decision to withdraw 25,000 of U.S. forces from South Vietnam. His purpose continues and undoubtedly will be expressed again in concrete proposals and action. The President is uniquely able to move freely, for he is not bound by past deci-

sions or engagements with official personalities of South Vietnam, made during the long history of the United States involvement in Vietnam. He desires, as he has said so often, only that all the people of South Vietnam, of whatever political persuasion or ideology, shall have the opportunity to freely express their will concerning the future of South Vietnam and the unification of Vietnam.

I was one of those in the Senate who urged a cessation of the bombing of Vietnam and in fact argued against its commencement in early 1965. I urged this course as a way to open negotiations, as had been promised in North Vietnam. Negotiations were formally opened but thus far they have not been substantive.

The President has offered to consider all proposals—Hanoi's four points and NFL's 10 points.

As one who argued for the cessation of bombing and negotiations, I urge that it is necessary for North Vietnam and the National Liberation Front to recognize the serious purpose of President Nixon and to enter substantive negotiations on all proposals, to the end that the war may be brought to a close and the future of Vietnam may be decided by rational agreements.

Mr. PERCY. The distinguished Senator from Kentucky is a member of the Committee on Foreign Relations and has had a lifetime of experience in the political and diplomatic fields as well as in the judicial field. I ask him whether he feels that the proposals made by the President on May 14 and July 11 and the recent statements made by the Saigon government do not constitute a basis, a beginning, for reasonable, flexible, and sensible negotiations, a basis for beginning serious discussions.

Mr. COOPER. I do, without question.

I have just stated that the President, in his speech outlined the policy of his administration, made it clear that he was ready in negotiations to consider the proposals that had been made both by North Vietnam and the NLF concurrently with the proposals that he made in that very good speech.

Mr. PERCY. Of course, it would be impossible for any of us in this country to speak for other governments. The Senator has had a service in India, a developing nation. I wonder whether he feels that that third of the world, which is concentrating essentially on its own development, is yearning for an answer to the problems that engage so much of our wealth, our resources, our finances, our livelihood, and our lives; and whether that third of the world would find the ending of this tragic war and the concentration of resources to confront the real enemies of mankind—poverty, ignorance, and disease—to be one of the greatest things that could come about, and whether a government which would take the steps necessary to find the answer to this tragic war would be acclaimed.

Mr. COOPER. The Senator is correct.

From such short experience as I had some time ago in South Asia, I know that it was the earnest hope and desire of the country to which I was named—India—and other countries in that area,

with whose leaders I have had a chance to talk, that this war may be ended in a reasonable and a peaceful way. It was the purpose and hope of those countries, as the Senator has said, to use their resources—very limited for many—in the development of their own country.

I am sure they believe that a war in that area also has the possibility of spilling over, and they have some fear of that. But, chiefly, I believe that they are disturbed about the continuance of war, which offers no hope to the peoples of the area and which could possibly spill over into their countries if it should continue.

Mr. PERCY. I thank the Senator.

I yield to another member of the Committee on Foreign Relations, the Senator from the great State of Rhode Island.

Mr. PELL. I thank the Senator from Illinois and congratulate him on the thrust and the gist of his speech.

I think it most important that those of us who for several years have been for deescalating the war in Vietnam should emphasize at this time that the best situs for discussing the deescalation is in Paris.

I note with regret that public attention has been removed from Paris. I note with some distress that General Ky made some derogatory remarks about the negotiating process in Paris.

I emphasize that at this time the Senator from Illinois is rendering a great service by emphasizing that, when it comes to the resolution of the unhappy war in Vietnam, the main field of discussion is in Paris, and that what the American people wish and what they will really insist upon is that some form of agreement, whether implicit or specific, will be arrived at there.

I thank the distinguished Senator for yielding.

Mr. PERCY. I thank my distinguished colleague for his comments.

I yield to the distinguished Senator from New York, who is a member of the Committee on Foreign Relations.

Mr. JAVITS. Mr. President, I think it is appropriate that people like the Senator from Kentucky (Mr. COOPER) and I should speak to this issue because Hanoi is only pretending to misunderstand. It does not really misunderstand at all, in my judgment. However, even what it pretends should be rebutted, in view of the President's Asian trip.

No American that I know of is thinking in terms of defeat in this matter, or of "abandoning" Vietnam. What we are concerned with—people like myself and others who speak—is freedom of action. We want freedom of action for ourselves, just as we believe the South Vietnamese should have freedom of action for themselves. I have tried to make clear that we will not give the government of South Vietnam a veto with respect to when and whether we withdraw forces or even withdraw from the whole combat responsibility.

I see our operation as being phased out of Vietnam only to the extent that we are satisfied—and not the government in Saigon, but that we are satisfied—that there is not going to be a sudden cave-in of the situation in South Vietnam, and that the South Vietnamese should have

every opportunity to put themselves—with our help—in a position to carry the major combat responsibility.

Mr. President, I am confident Hanoi understands this. The statements of the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. AIKEN), and other Senators, should make it clear that the American people are strong and resolute. This is a great country and great countries are not fainthearted and do not run away from unfinished tasks.

The resoluteness of the United States that we are going to move our troops out as we are satisfied there is not a vacuum, and the determination of the United States to give logistic support, which would include air support and financial support, should be unquestioned. We will proceed with the dignity and deliberateness which befits a great country like our own.

I am sure Hanoi does not misunderstand but if it does I think people who feel as I do should make it clear. We are not going to pressure the Nixon administration to "pull-out" precipitously and accept any terms for a settlement which Hanoi and the NLF dictate.

Mr. PERCY. I thank the distinguished Senator from the great State of New York. Certainly, as we look at the country, people think differently in different parts of the country. It is generally assumed that the east coast has a lesser resolve on this question and is anxious to get out of the war hastily. I think the comments which have been made by our distinguished colleagues make it clear that in this resolve it does not make any difference if they live in the Midwest, on the east coast, or on the west coast—they want to see honest negotiation carried on. They think we are in Paris for a reason. Hanoi is there to seek a political settlement and that is what we are there for. It is about time we were underway with the job. Men are being killed every day. While men are there talking, it is not in terms which would lead to a successful conclusion. In that time the killing and waste could be ended and we could set about the job of building for mankind.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. JAVITS. There is no question about the hypocrisy of the Government in Hanoi. The best thing for the people of Vietnam is peace. The United States is still prepared, in my opinion, as President Johnson promised, to lend its enormous aid to reconstruct the entire area—including North Vietnam—if an acceptable settlement can be negotiated. Every legitimate objective of North Vietnam could be obtained in negotiation.

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

Mr. PERCY. I am glad to yield to the distinguished Senator from California.

Mr. MURPHY. Mr. President, I am sorry I was not here to hear the entire colloquy. I, too, would like to congratulate the Senator from Illinois for raising this subject and for pointing out the importance of making absolutely crystal clear to the government in Hanoi the feelings of the people of the United States.

No one likes this war. There is no one who would not like to have a sound, honorable, and practical way out of it.

As I have said many times in this Chamber, unfortunately some statements made in this Chamber and in other areas of Government have been used for the purpose of propaganda by the Communist North Vietnamese Government. I think one of the most helpful things that could possibly happen would be to find a way to really convey our exact feelings. I do not think there is much difference in the feelings of people across this great country. I think the boys over there fighting and dying come from all sections of the country. Once they get over there one cannot be distinguished from another.

I think it is probably one of the most important things that could be done at this time in advance of the President's trip to let the world know how this Nation feels. I think there have been terrible mistakes made, and I would recommend to the Senator that he read the records of the negotiations in Korea. Exactly the same treatment occurred. Some of us who have been students of Communist procedures over the years expected very little in Paris, where they sit and argue for months about the size and shape of the table while boys are dying.

I wish to thank the Senator for providing this opportunity for some of us to express our feelings in order to let the world know that the courage and determination of the American people has not changed and that we want to find an honorable solution as quickly as possible, but that we are not going to settle for anything less.

I thank the Senator.

Mr. PERCY. I thank the distinguished Senator from California.

Mr. President, I yield to the junior Senator from New York, who has been very closely in touch with the people of that great State.

Mr. GOODELL. Mr. President, I thank the distinguished Senator from Illinois for yielding. I commend him for taking the leadership in this effort, as the President is about to embark on a trip across Asia and into Eastern Europe.

I think it is critically important that the North Vietnamese not misunderstand those of us who at various times have been critical of our policy in South Vietnam. There are very few people in the United States who would advocate that we just put our tails between our legs and abandon the commitment, of any nature, in Southeast Asia. We who are critical at times of the inflexibility of our policy are advocating that our Government take the lead in various approaches that can lead to a meaningful peace in Southeast Asia.

I think it is also important to emphasize for the benefit of the North Vietnamese that actions speak louder than words. We can understand, perhaps, delay in the Paris peace talks. However, I think we would all be greatly reassured and I think it would make a major contribution to peace in Southeast Asia if North Vietnam would carry through with what is an apparent policy of deescalating the actual fighting and the hostilities.

ties. There are grave questions here as to the future of North Vietnamese policy in terms of war. It is true that they have cut back on their supply routes. It is true that there has been a diminution of the actual fighting. But, it is also true that the North Vietnamese retain a military potential to concentrate in specific areas and to escalate the war significantly in those areas.

As the North Vietnamese carry forward with a policy of de facto peace in South Vietnam, I think it will immeasurably assist the United States and the world in finding an ultimate permanent peace in Southeast Asia.

I think it will provoke, without question, the Paris peace talks.

I commend the Senator from Illinois for his contribution. All of us who have joined in this colloquy this afternoon want no mistaken impression left in the minds of the Vietnamese leadership that this country lacks resolve or lacks unity in the present situation.

We will stand behind our President in all reasonable measures to encourage a fair and and permanent peace in Southeast Asia.

But, there is a limit to the patience of our people. The North Vietnamese will gain nothing from an extension of the war. Hopefully, they will see the light of hope for a resolution that can bring peace once again to South Vietnam and North Vietnam.

Mr. PERCY. I thank the distinguished Senator from New York.

Mr. SYMINGTON. Mr. President, in connection with this important discussion on the current negotiations in Paris, I would like to take this opportunity to reiterate what I said on the floor last week.

President Thieu's latest speech could represent an important new move in negotiations in which the world has placed so much hope. What he has offered is to open up political competition to the process of elections in the south in which the NLF could take part as an organized group; and in which they would have a voice as to the organization of the elections.

There is no point in debating whether Thieu might have offered more at this juncture or whether in certain respects his proposal lacks precision. What is important now is that the other side take this latest speech as the serious document we hope it is.

There are many possibilities which this proposal opens up. The language is framed in general terms. For example, there is no specific mention of the constitution. If the other side is interested in negotiating, this offer gives them a reasonable basis on which to do so. President Thieu has made his move. It is now up to the other side to make its move and to do so quickly and seriously.

Mr. JAVITS. Mr. President, under unanimous consent, I have the floor now. I ask unanimous consent that the order of precedence be reversed, that the Senator from Arkansas (Mr. McCLELLAN) may precede me now for his allotted time and that I may follow him.

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

recognizes the Senator from Arkansas, after which the Chair recognizes the Senator from New York.

Mr. JAVITS. I thank the Chair.

S. 2677—INTRODUCTION OF THE STUDENT DISTURBANCES ACT OF 1969

Mr. McCLELLAN. Mr. President, this exercise in rearranging of the time is satisfactory to me. I very much appreciate the opportunity to proceed at this time.

Mr. President, the rights of peaceful dissent and protest are fundamental to our liberties and democratic society. Most Americans would vigorously oppose governmental interference with those rights by any person or group so long as dissent and protest were peacefully conducted with the rights of others duly respected. Today, however, we face a new challenge. Nathan Glazer, a respected member of the academic community, who taught at Berkeley in the early 1960's, and who now teaches at Harvard, writing in this month's Atlantic, rightly observed:

Anyone who has experienced the concrete situation in American universities knows that the threat to free speech, free teaching, and free research, comes from radical white students, from militant black students and from their faculty defenders.

Professor Glazer's observations parallel those of President K. S. Pitzer of Stanford University in his testimony before the Subcommittee on Investigations:

But as acts of disruption have grown, both in frequency and severity, the academic community across the country increasingly has recognized them for what they are—namely, a threat to free inquiry, to the free expression of ideas, and to the very civil liberties long regarded as vital to the campus community.

It is this challenge that the Congress must now face.

Mr. President, the Permanent Subcommittee on Investigations of the Committee on Government Operations has been authorized and directed by this body to investigate riots and civil disorders wherever they occur—to ascertain if there are groups or individuals who have instigated or fomented the violence, and, if possible, to discover their objectives and purposes. In this connection, the subcommittee was authorized on May 1, 1969, by unanimous recorded vote of the Committee on Government Operations, to investigate and hold public hearings or executive sessions on the riots and disorders that have disrupted college campuses, and we have, since that time, held a series of hearings concerned with the activities of organized groups who have created unrest and disturbances and who have participated in rioting in our cities and on college campuses. It is clear, too, that some of the same individuals and organizations which have been involved in agitation in the cities are spearheading the disturbances and disruptions at our colleges and universities.

Initially, we heard witnesses who described in detail the backgrounds, struc-

tures, and activities of our militant organizations whose members are known to have been involved in widespread agitation and incitement to violence in cities that have suffered serious riots. Three of the groups and their members also have been notoriously active in campus turmoil and violence. The groups we examined were: The Black Panther Party, Student for a Democratic Society, the Student Nonviolent Coordinating Committee, and a comparatively new organization called the Republic of New Africa, which has not, however, been identified as being involved in campus disruptions.

These militant organizations have been examined in relation to their national impact and influence and the dangers they pose to the internal security of our society. We have included in the record the results of staff investigations and analyses which have been underway for more than a year. We have had the benefit of carefully prepared charts of the organizations' structures, which show the key members. Testimony has disclosed that these groups use threats and violence as a means of attaining their goals and that they are dedicated to callous and cynical exploitation of issues and grievances on campuses and in urban areas.

Our staff has worked closely with municipal, State, and Federal law enforcement agencies from coast to coast during our extensive inquiry. Representatives of these agencies, knowledgeable about the activities of militant groups within their jurisdictions, have substantiated in our hearings the information disclosed by the charts and the testimony of our staff. They have also furnished much additional information of value about specific instances of agitation, incitement to riot, and participation in violence by leaders and members of the groups I have named.

The subcommittee has heard testimony from officials representing agencies in New York City, New Jersey, Los Angeles, Oakland, the State of Michigan, Detroit, Chicago, and other areas. When other testimony is completed and in the record, we will have a very clear picture and understanding of the challenge that faces us.

Our investigations, however, have progressed sufficiently for us to begin a consideration of possible remedial legislation, and the bill which I am introducing today, the Student Disturbances Act of 1969, can be a beginning.

I may add, Mr. President, that there are already cosponsors of the bill. I am glad to welcome the additional cosponsorship of the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. MUNDT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. EASTLAND), and I ask unanimous consent that their names be added as cosponsors.

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

Mr. McCLELLAN. Mr. President, I assume that this bill will be referred to the Committee on the Judiciary and then to the Subcommittee on Criminal Laws and Procedures, in which case, as chair-

man of that subcommittee, I would expect to schedule early hearings. The record of the Investigations Subcommittee's hearings can be adopted as an exhibit for reference in those hearings on the bill, in order to expedite processing and consideration of the bill.

I think that the testimony, at least a substantial part of it, would be pertinent to and worthy of consideration in connection with the proposed legislation.

II

Mr. President, the use of force to occupy college buildings, to destroy personal or community property, and to make physical attacks upon faculty members and students, cannot, in my judgment, by any standards be considered a legitimate form of protest or dissent. From my viewpoint, such acts are criminal and intolerable.

Indeed, in addition to acts of violence and destruction that young vandals have committed in the name of protest and dissent, they have been guilty in many instances of denying to others the very rights that they so loudly profess to exercise for themselves.

They demand free speech, but shout down attempts to speak by persons who hold views different from theirs. They demand amnesty for their actions, but then insist that faculty members or administrators displeasing to them be fired. They claim that college administrations have declined to negotiate with them, and then they present lists of demands which they call nonnegotiable. They accuse law-enforcement agencies of brutality, and then they threaten fellow students with physical violence if such students do not support their cause. They shout for educational and academic freedom, and then prevent other students from attending classes and faculty members from teaching. By such acts, they are vigorously attempting to destroy the very freedom that they falsely claim to be defending.

Many students desire to train during college days as Reserve officers, yet the militants attempt to prevent them from doing so by attacking and removing ROTC programs from the campus. Other students wish to enlist in the Armed Forces in order to fulfill their military obligations upon graduation, but militants attempt to drive recruiting officers from the campuses. Officials of commercial corporations visit colleges to recruit graduates for positions in their firms, but frequently they are so abused and vilified that they abandon their efforts at certain institutions. Students are thus denied an opportunity to secure employment with firms of their own choice.

Mr. President, the academic world undoubtedly needs improvement and modernization, like many other areas of our developing and complex modern society. Indeed, I commend to college administrators everywhere the wise words of Edmund Burke to the House of Commons in 1780:

Consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy; early reformations are made in cool blood; late reformations are made under a

state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill fame; they never attempt to correct or regulate; they go to work by the shortest way; they abate the nuisance, they pull down the house.

The needed changes in our educational institutions should be the result of reasoned and informed discussion and negotiation among college administrative officials, faculty members, and responsible representatives of the student body—not the product of a cowed administrator's hasty decision extorted by the sight of firearms and bandoleers.

Our hearings on campus disorders have had and will have as witnesses a number of university administrators and other officials from institutions where disruption has occurred. We are endeavoring to ascertain from them how much of the so-called student unrest is based upon valid and legitimate dissatisfaction with certain aspects of our system of higher education, and how much is the product of deliberate attempts by organized groups to cause turmoil and create chaos. We are trying to determine from the officials whether the schools themselves can impose and enforce the discipline and restraint necessary to prevent disorders and lawlessness and to maintain order on the campuses. Nevertheless, we are mindful that the President's Commission on Violence has already concluded:

[T]he university is ill-equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power. Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty and administration that effective discipline is difficult to impose; and is seldom imposed quickly enough to meet an emergency. And in most institutions the ultimate internal disciplinary sanction of suspension or expulsion lies unused because the campus community shrinks from its probable consequence—exposure of dismissed students to the draft and what students call the "death sentence" of Vietnam.

We are also asking these officials what measures they intend to take to resolve their problems and what kind of aid and support they might need from outside agencies, including the Federal Government.

III

From our studies so far, however, it seems clear that the protestors who have generated much of the violence on American campuses represent only a minute percentage of the national collegiate student body of approximately 7,500,000. It is our information that in a large university of say 15,000 students, the hard core of militants who advocate physical disruption may number only 50 to 100 persons, some of whom are actually outsiders not registered in the institution and have no legitimate purpose for being on the campus.

Likewise, we are informed, for example, that the leaders of Students for a Democratic Society claim to have 40,000

members across the Nation. Yet our investigation has shown that there are only about 8,000 so-called hard-core members, while there may be 25,000 to 30,000 supporters of the organization and its objectives. Nevertheless, the impact of these small groups, who are primarily responsible for many of the outbreaks of violence on American campuses, has been very significant and deserves the close attention of all concerned citizens. The skilled use of what they call "provocatory tactics" is an important factor in their success in creating turmoil and disrupting great universities even though their numbers are relatively few.

As I understand this technique, it is to instigate a major incident or disruption through four separate stages, each of which in turn increases the unrest which may already exist on the campus.

Their first step is to seize for exploitation already existing issues relating to college activities, or to create them if none are readily available. A propaganda campaign about the issues is part of the initial stage, which may include demonstrations, rallies, street corner speeches, and inflammatory printed material.

Second, as support for their position is manifested by other students, they attempt to provoke reactions from the college authorities by occupying buildings, shutting down classes, and other physical tactics, including abuse of administrators and faculty members. At this stage they usually issue a list of "non-negotiable" demands, most of which the college administration cannot possibly accept.

Then the tempo of the disturbance is increased as much as possible, and if the college authorities react by the use of police or other force, in order to restore order to the campus, the militants seek a violent physical confrontation by rock-throwing, name-calling, marching into police lines and fighting police, resisting eviction, and other tactics.

Ultimately, when the police or other authorities carry out their duty to quell the disturbance, evict persons from unlawful occupation of buildings, and restore order to the campus, using force if necessary, the militants cry "police brutality" and "repression by the administration" and thus they manage to arouse segments of the student body to rally to their cause. The authorities have become the villains, charges of brutality have obscured the original issues, the militants and their close supporters have become the heroes, and the university or college is usually in serious difficulty.

Professor Glazer, in his instructive Atlantic article, described the purpose and result of this process in these words:

There is only one result of a radical action that means success for the radicals—making new radicals. In this sense, the Harvard action has been an enormous success. Those who know something of the history of Marxism and Leninism will be surprised to see this rather esoteric definition of success for true radical movements now emerging full-blown in the midst of the SDS, which began so proudly only a few years ago by breaking with all previous ideology and dogma. "Build the cadres" was the old slogan: "build the cadres," because any reform will only make the peasants and workers happier or more

content with their lot, and will thus delay the final and inevitable revolution.

The aim of action, therefore, is never its ostensible end—the slogan is only a tactic—but further radicalization, “building the cadres,” now “the movement.” The terrible effect of such an approach is to introduce corruption into the heart of the movement, and into the hearts of those who work for it, because the “insiders” know that the ostensible slogans are only tactical, that one can demand anything no matter how nonsensical, self-contradictory, and destructive, because the aim is not the fulfillment of demands, but the creation of new radicals who result from the process that follows the putting forward of such demands: violence by the revolutionaries, counterviolence by the authorities, radicalization therefore of the bystanders and the further “building of the movement.”

Mr. Charles A. Anderson, president of the Stanford Research Institute, Menlo Park, Calif., expressed a similar thought in his testimony before the Subcommittee on Investigations:

As for the hard-core radical student—the SDS type—I have found that they do not really want the so-called rational dialogue they speak of. It is only a phrase they use in trying to set up confrontation. They are bent on destroying the “establishment” and reducing our institutions to chaos.

He also added:

With them we must be absolutely firm and make it clear that lawlessness and violence are unacceptable tactics in our society under any circumstances. We must make it clear that we will insist upon and protect our rights.

Mr. President, the challenge that this is presented to us by this sort of “movement” has been ably articulated by 22 of our colleagues in the House in the Brock report. They observed:

It is clear that if violence on our campuses does not end, and if the reaction to it is on the one extreme too lax, or on the other extreme too harsh and indiscriminate, the vast moderate student majority may be forced into the arms of the revolutionaries, and those few who seek to destroy the fabric of higher education will have succeeded.

It was with this danger in mind, therefore, that the Student Disturbances Act of 1969 was drafted. Hopefully, it is neither “too harsh” nor “too lax.” Instead, without going “too far” or “not far enough,” it is designed to give those involved in the university community the legal tools necessary to help them help themselves restore order and work out in a peaceful manner the reform of their internal affairs.

I expect, of course, that there are those who will feel that even this sort of legislation is unnecessary or ill advised. The President’s Commission on Violence described: “the belief of many that the civil law should not apply to internal campus affairs. They feel that the academy is an enclave sheltered from the law, that the forces of civil authority may not enter the campus save by invitation.”

It then added:

This is a serious misconception—a residue of the time when the academy served in loco parentis. . . . Now that students themselves have firmly discarded school authority over their personal lives, they must logically accept civil authority. They can-

not argue that of all Americans they are uniquely beyond the reach of the law.

Nevertheless, Mr. President, the Congress—leaving to one side for a moment all other considerations—has a substantial financial investment in student aid—\$490 million annually is the current amount in appropriated funds. It has an enormous financial stake, too, in academic research. In 1970, total Federal obligations for research grants and contracts in colleges and universities will be \$1.56 billion, an increase of \$152 million over 1969. This investment of the Federal Government provides approximately two-thirds of all research funds spent by academic institutions throughout the country. This financial stake alone warrants our interest and concern in the future of higher education.

Mr. President, I should now like briefly to highlight the major provisions of the proposed statute to show the response that it makes to the challenge of student disturbances.

The bill begins with a statement of findings and purpose, which explicitly recognizes that the primary responsibility for the maintenance of academic freedom and the orderly administration of colleges and universities rests on the academic community itself.

Section 2 of the bill then sets out a series of definitions of the key terms which set the limits for the operation of the proposed act. Although its scope is comprehensive, I note that there is no intent to preempt parallel State law. The authority of the Congress to act is premised on the existence of a “Federal assisted institution of higher education.” Such institutions are then to be protected from “acts of disruption” that “unreasonably interrupt” or “unreasonably obstruct” the operation of the schools’ programs. See *Cameron v. Johnson*, 390 U.S. 611, 616 (1968); *Cole v. Arkansas*, 338 U.S. 345, 353–54 (1949). “Casualties” under the proposed act are defined to include bodily injury or death or loss of property, including benefit of tuition or other school fees, as well as loss of wages or profits. Finally, “persons” is defined to include individuals as well as legal or factual groups. See *United Mine Workers v. Colorado Coal Co.*, 259 U.S. 344 (1922).

Next, in section 3 of the proposed act, a threefold prohibition is set out, which centers around the orderly administration or operation of any federally assisted institution of higher education. Such institutions are protected against: First, the appropriation of property; second, the disruption of programs, and third, the obstruction of the restoration of order during disturbances.

No one has a constitutional right, I suggest, under the guise of free speech or dissent to bring about or to conspire to bring about a civil disturbance on the street or elsewhere. See *Lynch v. State*, 236 A. 2d 45 (Md. 1967); *People v. Epton*, 19 N.Y. 2d 496, 227 N.E. 2d 829, 281 N.Y.S. 2d (1967), cert. denied, 88 S. Ct. 824 (1968). Section 3, therefore, is but a codification of the commonsense of the matter.

The good faith acts of duly authorized individuals, such as firemen, are ex-

cluded from these prohibitions. See *Sterling v. Constantin*, 287 U.S. 378 (1932); *Commonwealth ex rel Wadsworth v. Shortall*, 206 Pa. 165, 173, 55 A. 952, 955 (1903); *United States v. Bevans*, 24 F. Cas. 1138 (No. 14, 589) (D. Mass. 1816). And, as it has been recommended, they are also given, under section 3, the protection of Federal law. See “Report on the National Guard Capability,” House Committee on Armed Services, 90th Congress, first session 5665, 1967.

Following these prohibitions, section 4 sets out a series of graded criminal penalties to enforce these prohibitions. Agreeing to engage in, endeavoring to engage in, or engaging in conduct in violation of the threefold prohibition, noted above, is made, for the first offense, a “petty offense” punishable by a \$500 fine, or 90 days in jail. See *District of Columbia v. Clawans*, 300 U.S. 617 (1937). Probation, however, is authorized for a period of up to 3 years. See *Frank v. United States*, No. 200 Oct Term 1968, decided May 19, 1969; compare 18 United States Code, section 3651. Nevertheless, a violation of the probation may not result in incarceration in excess of 120 days. Compare 18 United States Code, section 3653. Where bodily injury or death results from a violation, and it is so charged and proven, the penalty is appropriately increased to \$1,000 or not more than 1 year for bodily injury, and \$10,000 or for any term exceeding 10 years or life if death results. Second offenders are appropriately treated in a more severe manner by raising the petty offense to a misdemeanor.

Trials of petty offenses, without regard to the election of the defendant, are to be before the appropriate U.S. magistrate. Compare 18 United States Code, section 3401.

Since it would be only a “petty offense,” absent bodily injury or death, a violation of section 4 would not be a “serious crime” under the Higher Education Act Amendments of 1968, Public Law 90-575, 82 Stat. 1014, 20 United States Code, section 1060(a) (1968), and it could not serve as a basis for the cutoff of Federal educational assistance.

Mr. President, these provisions should adequately handle the vast majority of those who unwittingly allow themselves to be caught up in the current campus cause without full awareness of the implication of their actions. There is no purpose here to treat these young men and women as common criminals. Nonetheless, there is a need to impress upon them that this sort of conduct is beyond the pale of what a free society may tolerate under the misappropriate aegis of dissent or protest.

The proposed statute next turns to the outside agitator. Anyone not a member of the faculty or the student body in the university or college, who uses any facility of interstate commerce and thereafter engages in or endeavors to engage in any conduct in violation of the threefold prohibition, noted above, may be fined not more than \$5,000 or imprisoned not more than 5 years. See 18 United States Code, section 1952. Where bodily injury results, the fine and imprisonment is raised to \$10,000, or up

to 10 years. Where death results the fine and imprisonment are \$10,000 or any term exceeding 10 years, or both.

Mr. President, I do not suggest for a moment that all of the disturbances that our colleges have experienced have been the product of planning or conspiracy. Nor can it be maintained, I think, that none of these disturbances have been the outgrowth of a scheme or design. Seeing these disturbances solely in terms of these two alternatives is little more than a false dichotomy. Crane Brinton, in his instructive "The Anatomy of Revolution," sums up this sort of attitude as follows:

The school of circumstances regards revolutions as a wild and natural growth, its seeds sown among tyranny and corruption, its development wholly determined by forces outside itself or at any rate outside human planning; the school of plot regards revolutions as a forced and artificial growth, its seeds carefully planted in soil worked over and fertilized by the gardener-revolutionists, mysteriously brought to maturity by these same gardeners against the forces of nature. Actually, we must reject both extremes, for they are nonsense, and hold that revolutions do grow from seeds sown by men who want change, and that these men do do a lot of skillful gardening; but that the gardeners are not working against Nature, but rather in soil and in a climate propitious to their work; and that the final fruits represent a collaboration between men and Nature.

In concentrating on the legitimate grievances of some with our society and its institutions, we must not, therefore, close our eyes to the irresponsible acts of the unreconciled and unreconcilable radicals who desire not reformation, but reconstruction. We must not forget that the ubiquitous Tom Hayden was present both at Moses Hall at Berkeley and at the mathematics building at Columbia. This provision, modeled after the Anti-Racketeer Act, should put our Nation's future Tom Haydens in the place every free and sane society reserves for those who would violently destroy its very foundations.

Mr. President, if the criminal law has a role, however limited and however discriminating, to play in this area, it is true, too, that civil sanctions must be assigned their tasks to perform. Section 5 of the proposed act thus authorizes the U.S. district court to prevent and restrain violation of the threefold prohibition, noted above. The courts are, under appropriate circumstances, specifically authorized to regulate the size, place, and time of proposed demonstrations to protect the personal security and property of others. See *City of Chicago v. King*, 86 Ill. App. 2d 340, 353-54, 230 N.E. 2d 41, 47-48 (1967); compare *Walker v. City of Birmingham*, 380 U.S. 307, 309, 315 (1967), *Carroll v. Princess Anne Commissioners*, 393 U.S. 175 (1968). Such injunctive proceedings, however, may be brought only by those immediately concerned with their consequences—administrators, faculty members, and students. Special penal limits, paralleling those applicable to the petty offenses, noted above, are placed on contempt actions under such injunctions.

Mr. President, I have noted that most of those who get caught up in these disturbances are but immature adolescents,

playing at being revolutionaries, without fully understanding the consequences of their acts. I say this not to excuse or condone their actions, but to recognize them for what they are. It is important, then, not to brand them unnecessarily with a criminal record that will haunt them throughout their adult lives. For this reason, section 6 of the proposed act accords to each offender who was, at the time of the offense, a minor—under 21 years of age—upon the successful completion of probation, the right to secure the expunging of his record. It also permits him lawfully to ignore any future inquiry concerning such record in any employment or other situation.

Mr. President, all too many of our young radicals seem to think that in attacking what they call the "power structure," somehow only that "power structure" suffers. Little or no consideration is given to the direct financial and other injury they may be doing to their fellow students, faculty members, or the schools themselves. Section 7 of the act, therefore, appropriately creates a Federal civil cause of action making anyone who incites or engages in conduct in violation of the threefold prohibition of section 3 civilly liable for the consequences of his actions. For example, many of our private universities have tuition fees running as high as \$2,500 per year. A disrupted semester may mean for an individual the loss of the benefit of all or a part of that fee.

Similarly, at Howard University, according to testimony before the Permanent Investigations Subcommittees by its former president, James M. Nabrit, the damage done to buildings, during student disturbances there, amounted to \$136,397, of which only \$53,824 was covered by insurance. It is time, I suggest, that the cost of these irresponsible acts of vandalism be brought home to these young men and women. As the Court in *Calcutt v. Gerig*, 271 F. 220, 223 (6th Cir. 1921), aptly put it:

It would seem almost unnecessary to say that persons responsible for mob violence cannot escape liability for the necessary and natural consequences thereof. It would be just as reasonable to say that a man might start a fire and then by retiring to some distant spot avoid responsibility for destruction wrought by the conflagration he initiated.

If they would call the tune, they should be willing to pay the piper.

Civil suits may be brought in U.S. district courts without regard to the amount in controversy and in any of several appropriate forums. Recovery under section 7, moreover, is not limited to compensatory damages or punitive damages. Reasonable attorney fees, and litigation costs are provided. We must recognize, too, that many of those who might seek to recover their losses would be unable financially to bear the cost of suit. Nevertheless, recovery, other than for bodily injury or death, shall not exceed \$5,000 in the case of each defendant. There is no need to visit on any one individual a judgment in excess of his probable ability to pay.

The doctrine of charitable immunity shall not be asserted as a defense to liability. Compare *Miller v. Concordia*

Teachers College, 296 F. 2d 100 (8th Cir. 1961), with *Gamble v. Vanderbilt University*, 200 S.W. 510 (Tenn. 1918); see *President and Directors of Georgetown College v. Hughes*, 130 F. 2d 810 (D.C. Cir. 1942).

Section 8 of the bill authorizes under appropriate safeguards modeled after legislation recommended by the National Commission on the Reform of Federal Criminal Law, the granting of immunity from self-incrimination in civil and criminal suits brought under the proposed act. See S. 2122, 91st Congress, first session 1969. Since the civil provisions so closely parallel the criminal provisions, their effectiveness without such a provision would be sharply curtailed.

Section 9 of the bill sets out provisions for broad venue and process, similar to that set out in our antitrust laws.

Section 10 of the bill provides that it shall be liberally construed to effectuate its remedial purposes.

Section 11 contains a separability provision.

Mr. President, I am not irrevocably committed to the present language or the specific provisions of this bill. I am sure that the bill can be strengthened and improved by the hearing and committee process. Nevertheless, I am committed to the objectives of this legislation. We must support, protect, and preserve our system of higher education. We cannot let it be destroyed by the deliberate and willful actions of a few or by the unthinking and irresponsible actions of many. We must uphold our traditional standards of personal responsibility—both criminal and civil. Demonstrations and dissent must be protected; yet when such actions transgress the legitimate rights of others, effective redress must be afforded to those who are injured. Justice requires no less.

VI

The President, in his news conference of June 19, 1969, indicated:

[W]e do not want the Federal Government interfering in and responsible for discipline in every college and university in this country. . . . [T]he responsibility for discipline in colleges and universities should be on the college administrators.

That's why I've asked the Attorney General to develop, if he can, new legal remedies that might be available to college administrators, to use where violence or lawlessness does occur on the campus. The responsibility should be theirs. The Government's role should be to help them meet that responsibility.

I am in accord with the views of the President of the United States, and this legislation meets those objectives. It gives to those involved—the administrators, the faculty members, and the students themselves—what they need to help themselves work out their own problems. I hope, too, that it will soon meet with the approval of this body.

Mr. President, I ask unanimous consent to have the text of the bill, which I now introduce, printed in the Record at the conclusion of my remarks.

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

The bill (S. 2677) to prohibit the dis-

ruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes, introduced by Mr. McCLELLAN (for himself and other Senators), 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. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Disturbances Act of 1969."

STATEMENT OF FINDINGS AND PURPOSE

(a) The Congress hereby finds that the primary responsibility for maintaining freedom of expression, public order, and the effective functioning of the educational processes at American institutions of higher education rests with the trustees, administrators, and other duly-appointed collegiate officials, faculty, and student body.

(b) In light of the finding set forth in subsection (a), it is the purpose of this Act—

(1) to maintain within the scholarly community the basic American concepts of freedom of thought, inquiry, expression, and orderly assembly,

(2) to assist those who wish to pursue their education in a campus atmosphere free of acts of disruption and violence,

(3) to afford encouragement and opportunity to administrators, faculty and students in working for orderly progress,

(4) to assist the academic community in maintaining institutions of higher education as centers for the free interchange of ideas, and

(5) to assure reasonable protection of the Federal investment in higher educational programs.

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "federally assisted institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (A) which during the current calendar year has received or will receive, directly or indirectly, from any department or agency of the United States any compensation, education or research grant of money or property, educational loan, or educational loan guaranty, or (B) at which any student is in attendance, who during the current calendar year has received or will receive, directly or indirectly, from any department or agency of the United States any compensation, educational or research grant of money or property, educational loan, or educational loan guaranty.

(2) The term "act of disruption" means (A) any act of trespass upon, or unlawful or unauthorized occupation of, any classroom, office, or other facility or any federally assisted institution of higher education which results in the suspension, unreasonable curtailment, or unreasonable interruption of any class, program, or activity conducted or provided by such institution or authorized by appropriate administrative authority of such institution to be conducted in, around, or upon any campus of such institution, or (B) any unreasonable obstruction of access to, egress from, or the use of any part of any campus or property of such institution or any structure or facility situated thereon by any person who is lawfully entitled to access to, egress from, or the use of such campus, structure, or facility or property.

(3) The term "civil disturbance" includes any riot, demonstration, strike, or seizure of property occurring in, around or upon the campus of a federally assisted institution of higher education involving an assemblage

of three or more persons in which one or more acts of disruption occur.

(4) The term "casualty" includes (A) the bodily injury or death of an individual, (B) damage to, destruction or loss of, or loss of use of, real or personal property including, but not limited to, loss of benefit of all or part of tuition, fees or other costs incident to attendance at an institution of higher education, loss of wages or salary by an individual, or loss of earnings or profits by a person engaged in a business or profession.

(5) The term "person" includes any individual, corporation, trust, partnership, unincorporated association, or any other group composed of two or more individuals associated in fact although not a legal entity.

(6) The term "interstate commerce" means commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession or the District of Columbia.

(7) The term "foreign commerce" means commerce with a foreign country.

PROHIBITION

SEC. 3. (a) It shall be unlawful for any person knowingly to prevent, obstruct, or interfere with the orderly administration or operation of any federally assisted institution of higher education, by

(1) appropriating, occupying, damaging or destroying during a civil disturbance any real or personal property, which is the property of such institution, which is situated in, around or upon the campus of such institution, or which is situated within any structure of such institution;

(2) denying or abridging by force, threat of force, or any act of disruption during a civil disturbance the opportunity of any person to participate in or enjoy the benefits of any class, facility, program, or activity conducted or provided by such institution, or authorized by appropriate administrative authority of such institution to be conducted in, around or upon any campus of such institution; or

(3) obstructing, assaulting, or otherwise physically opposing any duly authorized person engaged in the good faith restoration of peace, safety and good order during a civil disturbance occurring in, around or upon the campus of such institution.

(b) The provisions of this section shall not apply to acts or omissions on the part of law enforcement personnel, firemen or other duly authorized persons, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State or the District of Columbia, not covered by such section 101(9), or members of the Armed Forces of the United States, who are engaged in the good faith restoration of peace, safety and good order during such civil disturbance.

CRIMINAL PENALTIES

SEC. 4. (a) Whoever agrees to engage in, or endeavors to engage in, or engages in conduct in violation of the provisions of section 3 of this Act shall for the first offense be fined not more than \$500, or imprisoned not more than ninety days, or both. Such person may be placed on probation for a period not to exceed three years. No person who violates a condition of such probation shall be imprisoned for a period in excess of one hundred and twenty days. If bodily injury to any person results from such first offense, such person, if so charged and convicted, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. If the death of any person results from such first offense, such person, if so charged and convicted, shall be fined not more than \$10,000, or imprisoned for any term of years exceeding 10 years or for life, or both. In the case of a second offense, and for such subsequent offense, such person, if so charged and convicted, shall be fined not more than

\$1,000, or imprisoned not more than one year, or both. If bodily injury results from such offense, such person, if so charged and convicted, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. If the death of any person results from such offense, such person, if so charged and convicted, shall be fined \$10,000, or be imprisoned for any term of years exceeding ten years or for life, or both.

(b) The trial of petty offenses under this section, without regard to the election of the defendant, shall be before the appropriate United States magistrate.

(c) Whoever, not being a member of the faculty in good standing of such institution or a student in good standing in such institution, travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mails, with intent to engage in conduct in violation of section 3 of this Act and thereafter engages in, or endeavors to engage in, any conduct in violation of section 3 of this Act in, around or upon the campus of a federally assisted institution of higher education, shall be fined not more than \$5,000, or imprisoned for not more than five years, or both. If bodily injury to any person results from such offense, such person, if so charged and convicted, shall be fined not more than \$10,000, or imprisoned for not more than 10 years, or both. If the death of any person results from such offense, such person, if so charged and convicted, shall be fined not more than \$10,000, or imprisoned for any term of years exceeding 10 years or for life, or both.

INJUNCTIONS

SEC. 5. (a) The United States District Courts shall have jurisdiction to prevent and restrain violations of section 3 of this Act by issuing appropriate orders, including, but not limited to: regulating the size, place, and time of proposed demonstrations to protect the personal security and property of others.

(b) A trustee, the president, chancellor, or other duly appointed head administrative officer of any federally assisted institution of higher education, any member of the faculty in good standing of any such institution, or any student in good standing in any such institution, may institute proceedings, without regard to the amount in controversy, to prevent and restrain such violations. In any action brought under this section, the courts shall proceed as soon as may be practicable to the hearing and determination thereof. Pending final determination, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, as the court shall determine to be appropriate.

(c) No person adjudged in contempt in a violation of an injunction or restraining order issued under this section shall be fined more than \$500 or imprisoned for a period in excess of 90 days or placed on probation for a period in excess of 3 years. No person who violates a condition of probation imposed under this section shall be imprisoned for a period in excess of 120 days.

EXPUNGING OF RECORD

SEC. 6. Upon the expiration of a sentence, including a term of probation, imposed upon any person under this Act, such person, who at the time of the offense was 21 years of age or younger, may apply to the court for an order to expunge from all official records all recordation of his arrest, trial and conviction pursuant to this section. If the court determines, after hearing, that such person during the period of such probation has not been guilty of any serious or repeated violation of the conditions of such probation, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied prior to such arrest, trial and con-

viction. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest, trial or conviction in response to any inquiry made of him for any purpose.

RECOVERY OF DAMAGES

SEC. 7. (a) Whenever any civil disturbance occurs in or around or upon any campus of a federally assisted institution of higher education, and any conduct in violation of section 3 of this Act is engaged in the course of such disturbance, all persons who have intentionally incited or have knowingly participated in such conduct shall be jointly and severally liable for all losses sustained on account of any casualty resulting from any such conduct engaged in the course of such disturbance or any act committed as a part of the good faith restoration of peace, safety, and good order during such civil disturbance.

(b) The district court of the United States shall have jurisdiction, without regard to the amount in controversy, to hear, determine, and render judgment upon any action brought under this section for the recovery of damages for any such loss. In any action brought under this section, a successful plaintiff shall be entitled to recover, in addition to the amount of compensatory damages entered in his favor, punitive damages and litigation costs, including a reasonable attorney's fee, taxable costs, and reimbursement for all other expenses reasonably incurred for the preparation and prosecution of such action as determined by the court.

(c) The doctrine of charitable immunity shall not be asserted to avoid liability under this section.

(d) Recovery of compensatory or punitive damages or litigation costs under this section, other than for bodily injury or the death of an individual, shall not exceed \$5,000 in the case of each natural defendant for each such disturbance occurring in, around or upon a campus of a federally assisted institution of higher education.

IMMUNITY

SEC. 8. (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or to produce other evidence in an action or other proceeding under this Act in and before or ancillary to a district court of the United States and the court orders the witness upon request made pursuant to this section to give testimony or to produce other evidence, the witnesses may not refuse to comply with the order upon the basis of his privilege against self-incrimination. No testimony given or other evidence produced in compliance with the order or any information come at by the exploitation of such testimony or other evidence may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information in any action or proceeding under this Act, the United States district court for the judicial district in which such action or proceeding is pending, shall issue, upon the written approval of the United States attorney for such district, an order requiring such individual to give any testimony or produce any other evidence which he refuses to give or produce on the basis of his privilege against self-incrimination.

(c) (1) A United States attorney may, with the approval of the Attorney General (or the Deputy Attorney General, or any Assistant Attorney General designated by the Attorney General), request an order under this section in any action brought under this Act when in his judgment—

(A) the disclosure of the testimony or other evidence sought from such individual may be necessary to the public interest; and

(B) such individual has refused or is likely to refuse to testify or produce other evidence on the basis of his privilege against self-incrimination.

(2) Upon the written approval of the United States attorney for the district in which an action or proceeding under this Act is brought, the plaintiff or the defendant in such action or proceeding may request an order under this section with respect to any individual who has been or may be called to testify or to produce other evidence in such action or proceeding when such individual has refused or is likely to refuse to testify or produce other evidence on the basis of his privilege against self-incrimination.

VENUE AND PROCESS

SEC. 9. (a) Any civil action or proceeding under this Act may be brought in the district court of the United States for any district wherein any action or transaction constituting a violation of section 3 of this Act occurred or in the district wherein any person against whom any such action or proceeding is brought is found or is an inhabitant.

(b) In any action under this Act in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

(c) In any action or proceeding brought under this Act in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

SEC. 10. The provisions of this Act shall be liberally construed so as to effectuate its remedial purposes.

SEC. 11. If the provisions of any part of this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Mr. McCLELLAN. I am prepared to yield the floor, or to yield for comments or questions.

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

Mr. McCLELLAN. I yield.

Mr. HANSEN. Mr. President, I have not had an opportunity to read the bill or to study it. I do wish to take this opportunity, though, to observe that I have the highest regard and respect for the distinguished senior Senator from Arkansas. I have observed him since long before I came to the Senate, and since then I have watched him very closely. I know he is a man who has been trained in the law. He served in various legal capacities before he came to Congress. He is diligent and perceptive. He is fair and unrelenting in his efforts to ferret out the facts. I know that he has worked long and tirelessly in delving into the records of the disturbances on campuses, as he has with respect to those of the disturbances in the cities of America; and I feel certain that as to many of the important

facts that have been developed insofar as those disturbances are concerned, and the forces that have generated them, he has made a significant contribution to our knowledge.

I certainly intend to study the bill. I am inclined to think it meets the test that the President has spelled out for legislation in this area.

I feel that the universities have a prime responsibility to the people of the country. I think it is their job to see that order is maintained on campus. In my opinion, some administrators have been derelict in not meeting the challenge that was posed for them by these disruptive influences on campus.

It is one thing to want to speak out, to propose a particular policy, or to object to a particular policy, of the university or of the Nation. It is another thing to deny others the right, similarly, to be heard. It occurs to me that, in most instances, this is precisely why trouble has erupted. There are those on the campuses who are not content simply to speak their own thoughts. They want, by means of violence and physical assault to deny others the right to speak out, to deny faculty members the ability to meet with their classes, and to deny college administrators the right to perform their tasks.

So at this point I think it is important that Congress consider what steps the Federal Government may take in order to assure that there shall be no question, on the part of the various school, college, and university administrators the country over, as to their freedom to do their job well.

I served for 17 years as a member of the board of trustees of the University of Wyoming. The last 7 of those years I was president of that board. Then I served also, for the next 4 years, while Governor, as an ex officio member of the university's board of trustees. I found no evidence, in my experience, of any university governing board that would seek to strifle free expression, or to deny anyone the right to express an opinion.

But I certainly think the taxpayers, the people of the country, and the students of the colleges and universities deserve better than they have been able to get for the last several years.

And I may say that my high regard for the distinguished Senator from Arkansas was not diminished by his continued and persistent efforts to do something about the TFX. A long time ago, he became convinced that the system that was being proposed by a previous administration was not sound. I recall how he stood almost alone in objecting to the development of a plane that was supposed to serve two major, yet very distinct and separate functions. I shared the great pleasure and satisfaction of many Senators when finally the various services concerned with that plane announced that its further development would be dropped.

I compliment the distinguished Senator from Arkansas for his scholarly approach to this problem, for his objective appraisal of all of the factors, for his fairness in listening to all points of view, and for the contribution I am certain he

now makes in presenting, for consideration by Congress, legislation which will help to implement the objectives the President has called for in order better to support those charged with the administration of the colleges and universities of the country.

Mr. McCLELLAN. Mr. President, I thank my distinguished friend from Wyoming. I appreciate his expressions of confidence and his desire to work with all Senators in an effort to find out what remedies will be needed and can be applied under the very difficult conditions that prevail today.

I may say to the distinguished Senator that the hearings have not been concluded. So far, we have examined, as I recall, 10 different colleges and universities. We have heard officials of those institutions. We have heard a number of police officers who had information about and were familiar with the disturbances, and particularly information about what I term the "hard-core group of militants," who are not concerned about education in our land, but whose only interest is to disrupt and to destroy—and that view—that their aim is to destroy—is shared by some college administrators.

A witness from New York testified this morning and explicitly emphasized that the goal of a number of these organizations—and he named the organizations and their leaders, and stated the general objectives of the organizations—was to do exactly what I have said. They were not interested in reform or improvement, but solely in destruction, not only of education in the universities, but of education generally, and of the country itself.

This bill is not perfect. It may need modifications. But it is a vehicle to go to the appropriate legislative committee of the Senate, which can, in its deliberations and in its wisdom, at the proper time begin hearings. Moreover, I think that the massive record that is being built in our investigating hearing can serve as an appropriate exhibit for the information of that legislative committee.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may have an additional 3 minutes.

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

Mr. McCLELLAN. Mr. President, the bill may need some modifications. A study of it will, I am sure, indicate that. I am not completely wedded to it, but it is an approach. As a whole, the bill is designed to enable the administrators of colleges and others who have responsibility to fulfill that responsibility. It gives them the tools with which to do it. It may be said that they already have tools in the form of State laws. That may be true, and if so they should use them. Nevertheless, this bill recognizes the responsibility and seeks to help them.

If an institution is supported by Federal aid, the Federal Government has the duty to make certain that the insti-

tution can be administered to protect the students who attend and who also have civil rights. They have a right to a peaceful education and to protection from the violence which interferes with their education.

Mr. HANSEN. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. HANSEN. Is it not true that there has been just as great an abrogation of the rights of the peaceful students who have been denied the right to attend classes as there can be charged an abrogation of the rights of militants on campus?

Mr. McCLELLAN. I do not think the rights of militant students have been abrogated. Rather, I think they have been taking to themselves a license to commit violence to accomplish their own purposes.

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

Mr. McCLELLAN. I am glad to yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the first requisite for the solution of a problem is an understanding of the problem. It is difficult for one of our generation, I daresay, to understand the causes which the present generation of college students would regard as sufficient to cause them to resort to acts of violence such as we have seen.

I wish to suggest one additional factor that perhaps should be a part of the consideration of this problem. Mrs. Gore and I attended the graduation of our son. At that graduation, only a handful of students walked out. I must say that by far the great majority, in their caps and gowns, received their degrees, their honors, and their awards. About the only thing I saw on television or read in the press about that graduation exercise, which was at one of the Nation's large universities, was the antics of that handful of dissidents.

It seems to me that we pay too much attention to the communication media and pay too much attention to the action of an obstreperous view. I accept that as only one grain of thought to be considered.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator.

I think that is probably a matter over which Congress cannot legislate. The communications media has the freedom of the press. They may make these selections even though they sometimes do the country a disservice.

But as the Senator has pointed out, 98 percent of the students not participating in the demonstrations are dedicated to getting an education. They resent the fact that they have to be subjected to this kind of an insult or this sort of treatment on a day that is most important to them.

It is against the activities and the objectives of that small militant group that the Congress has a duty to take some action of the present laws—Federal, State, and local—are not adequate.

The student that is there to get an education and the faculty that is there to teach him and give him the best education they can are today being injured

and interfered with by reason of these unlawful acts.

It is this element that we are trying to deal with—and are now dealing with unsuccessfully in my judgment.

Mr. GORE. The protection needed, it would seem to me, is the protection of the institution, of the educational process, of the processes of freedom, law, and order, and of the well-meaning students.

Mr. McCLELLAN. I agree wholeheartedly with the Senator. I appreciate these sentiments coming from him.

No one proposes to defend our institutions as being perfect. I am sure that there are occasions on which the students should have their reasonable complaints and grievances listened to. The institutions should on occasion react to them more favorably. However, the fact that they have not done so does not justify a resort to lawlessness.

Mr. President, I shall be away from the Chamber for awhile. The Senator from New York will now have an opportunity to reply to my statement.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the Senator from Arkansas (Mr. McCLELLAN), the chairman of the Committee on Government Operations and its Investigation Subcommittee, both of which I am a member, has with his characteristic courtesy, furnished me with a copy of the remarks he was going to make and with a copy of his bill.

The Senator invited me to join with him in introducing the bill. I did not do this, for reasons which I will make evident.

The Senator from Arkansas, again with characteristic fairness, agreed that we are at sort of a midpoint in our investigation.

The Senator from Arkansas, under his authority as chairman of the committee and by his own distinction, has introduced the first really wide-ranging measure introduced in the Senate since the more recent wave of dissent and disruption hit America's colleges and universities. This gives an opportunity to the Senate and to the country to appreciate the work of our committee.

I would say at this point that we are, as an approximation, at the midpoint of our investigation.

The fundamental difference between us as I now see it is whether or not we are ready to legislate.

The Senator from Arkansas knows that we are not ready. However, he feels that the time has come to crystallize a legislative proposal. I do not go that far.

As a lawyer, may I immediately state my point in speaking. It is that question—whether the time has come to crystallize a legislative proposal—to which I would like to address myself. In the light of the progress we have made, there is no question about our agreement on one point. That concerns our duty to protect and support our system of higher education. The Senator from Arkansas is pledged to perform that duty. So am I.

The question is how we go about it. At the point we have reached in our subcommittee's deliberations, we have reviewed about half of the case. That con-

cerns the activities of small, militant groups and how they have stirred up the college campuses and destroyed the opportunity for reasoned dialog and the opportunities for study.

What I think has not yet been covered in our subcommittee hearings is what the reasons for these disruptive activities have been and why they have had more attention than they deserved.

What is there that exists on the college and university campuses and in higher education and in the lives of our young people which has introduced these revolutionary ideas in American college and university lives? Students have been ebullient and full of this kind of derring-do before. They generally vented it in panty raids, not in the occupation of buildings nor, as in one case in New York, with guns and in the destruction of property and in the assaults upon deans as well as each other.

Now, Mr. President, to give an idea of how real this question is, may I point out that our witness this morning, a very distinguished man, the president of the City College of the city of New York, whom I had the honor of introducing to the committee, testified that there are 20,000 students at CCNY, that 12,000 of them are full-time students, and that there are 600 faculty members. Yet, his estimate of the membership of the groups that fomented and planned the unrest and disorder at CCNY, which was very real and very dangerous and very demanding, constituted some 205, divided, to be exact, into five extremist organizations.

What I think people such as myself, on the Investigations Subcommittee, would like to do is to dig beyond the present stage of the hearings in order to try to find out what the basis for this college disruption movement is and what we can do about it in a broader way than would be indicated by this bill.

I believe the Senator from Arkansas (Mr. McCLELLAN) has done us all a service in beginning to crystalize the issue. As we know, the public media are interested in debate. I hope that Senator McCLELLAN will forgive me if, on the very day that he introduces his bill, I join the issue, because it is the only way to make it vivid and useful to all of us. His dedication and his devotion to freedom of speech are such that I know he enjoys and would welcome another point of view, which is one I am going to state now.

So far, the subcommittee witnesses have, in the main, been police officials and subcommittee staff members who have investigated the various militant groups. We have begun to hear some college presidents. I gave an instance of it today. We have not heard, however, a great many of them, in some instances for good reason.

For example, Dr. Pusey was in the hearing room when a Harvard student testified all day long. Because the student's testimony took much longer than the chairman anticipated, Dr. Pusey could not be heard. I am confident, however, he will be heard.

The president of Cornell, an instance where the guns were brought into an oc-

cupied building, is yet to be heard. Again, he will be heard; but he has not been reached as yet.

To get the full picture, therefore, we must hear from many more people, not only from college presidents such as those who have already testified and those who will testify, but also, in my judgment, from a broad and representative range of students who attend colleges; also, from the members and staff of the National Commission on the Causes and Prevention of Violence, of which Dr. Milton Eisenhower is chairman; from students of the humanities and the social studies; from sociologists and psychologists; from our colleagues in the House of Representatives who have toured the campuses—to which Senator McCLELLAN has also referred; and from major student and faculty organizations, who represent the bulk of the students in the Nation's colleges and universities. We must even hear from representatives of such institutional sources which often have been the cause or the imminent, sparking cause for college disruption, such as the ROTC and defense-related corporations. Institutions such as these often have been the subject of student attack.

Until the hearing record is more complete—and it is not complete at this point—I do not think that, to quote our chairman, "our investigations have progressed sufficiently for us to begin consideration of possible remedial legislation."

May I point out that there are more grounds of agreement than difference between us, of course. I agree—and I believe every member of the committee agrees—and every Member of Congress agrees—that the use or threat of force and violence, the staging of immobilizing sit-ins, the breaking up or prevention of meetings, the insults hurled upon speakers—indeed, I myself was the object of such violent insult at one affair—are not legitimate forms of dissent. I do not believe that any of us would condone such activities. Nor should such students, who like to consider themselves only dissenters, but who are obviously far more than that, be permitted to restrict the freedom and opportunity of those who do not share their views.

However, I strongly restate my conviction that neither is a primary reliance on punitive Federal legislation the effective nor the equitable manner in which to deal with this problem. I do believe—and this is the central point to me, and I am delighted that Senator McCLELLAN is present—that because the authors of reforms are themselves violent and elicit such distaste and revulsion from all of us, it means that we should not listen to what they are saying; or, if it is in the interest of our whole system of higher education and the bulk of the student bodies, that we should not do anything about it. This is not a matter of getting even or of resentment. This is a matter of men of great authority, such as ourselves, doing what needs to be done in order to handle one of the most trying, radical movements this country has ever seen.

It is my judgment that the colleges

and universities themselves have the ultimate remedies for dealing successfully with serious disruptions; namely, the power of suspension and expulsion, as well as the opportunity, if they wish, to call on the courts for injunctions and the civil authorities for police assistance. Increasingly, university administrators are showing that they are beginning to have the will as well as the means to control serious disorders and to regain the initiative from the extremist members of their own communities. Most universities today are developing and revealing plans for dealing with campus disorders, drawing from a broad consensus of students, faculty, administration, and civil leaders. College officials are making these plans known to the college community and are emphasizing the fact that they intend to deal firmly with those who abuse the institution.

Much reform is resulting. Even at the City College of New York, at Columbia University, and at Cornell, where there have been the most serious disruptions, there has been the beginning of very serious and very deep reform in terms of student and faculty participation in all aspects of the higher educational process.

Mr. President, problems differ from campus to campus; the causes of disorder are not always the same, nor the resources with which to meet them. Thus, in my judgment, it is crucial that the universities and colleges be allowed to work out this matter in the way which is best suited to their particular situation. Federal legislation aimed alone at the maintenance of order on college campuses could be counterproductive and most unwise. Punitive legislation could well play into the hands of the very extremist disrupters who often are seeking exactly that in order to lend aid to their cause. These disrupters seek, through the "politics of confrontation," as they call it, to bring about a radicalization of American society and politics. We certainly cannot permit this to happen. We cannot play into their hands by reacting in the punitive and injudicious way they invite and for which they are hoping.

Indeed the subcommittee heard Prof. William Rambo, of Stanford University, who, himself, confessed to a basic bias against the student disorders, remark:

Would the application of external pressures hasten the development of that support so badly needed—pressure, for example, through Federal legislation such as is embodied in the so-called "anti-riot" amendments? I think not. I think in fact that the University would be diverted from this effort to control internal disruption by an instinct, one natural to an academic community, to deal with what many would consider an equally threatening external interference in its business.

I believe the majority of our campus community would agree that it is surely within the purview of the Congress to examine the disposition and use of federal funds in universities. I know that majority would hope that the conclusion of such an examination would be a recommendation against the future imposition of such measures as the "anti-riot" amendments. These measures would seem to arm our University adminis-

tration with weapons most narrowly aimed. They add nothing to an authority already in existence in the University; their application would substantially undermine that essential support of our university community for the President and the Administration, and hence reduce their practical power to exercise that authority in affected matters. The positive, direct effect can only be small; the negative effect, though indirect, can be enormous.

In recent statements, many university administrators have urged Congress and State legislatures not to act punitively, not, in effect, to prejudice the institutions themselves in the power and flexibility to meet this crisis.

May I refer, for example, to the testimony of Roger W. Heyns, chancellor of the University of California at Berkeley, probably one of the toughest campuses in the United States from the point of view of this kind of problem. This is from his examination by the subcommittee on July 15, 1969:

The CHAIRMAN. Let me ask you one other question. Is there anything, any legislation, or any action, other than appropriating money, that you think Congress can do to be helpful to administrative officials of the universities and colleges to help some of this problem?

Dr. HEYNS. Senator, I thought about this in connection with the same kind of question addressed to me by legislators in the State of California.

I will give you the same answer that I gave them. In the State of California there was some help with respect to the trespass law that we needed and we got, but I don't believe that there is anything in the way of legislation that is needed.

Mr. Chairman, I would say that if we at Berkeley fail to bring about a community that is capable of resolving its controversies without resort to violence and coercion, it will not be because of lack of laws or legislation.

If I do as I am doing, devoting my professional career to the achievement of that objective and I fail, I could not claim it was because of an absence of adequate legislation.

Nathan Pusey, president of Harvard, in testimony prepared for delivery before the subcommittee:

Nor do many of us within the universities feel, as a number of us have testified, that the problems of order with which we are confronted can be helped by legislative enactments of civil authorities . . . we are convinced that legislative enactments will not help with the larger problem. Indeed, we feel such action can only make our task more difficult by lending credence to the charge of the revolutionaries that all one can expect from existing authority is repression.

James M. Nabrit, former president of Howard University before the subcommittee:

We have no information which should lead us to believe that outside forces or organizations or political entities are playing any role in the disturbances at Howard. I would hope universities would have an opportunity to solve these problems within the universities themselves.

President K. S. Pitzer, Stanford University before the subcommittee:

Freedom is the essence of the university. As all of us know, it also is the heart of the democratic process. Its historic importance to the academic community accounts for the reluctance of many persons on campus to impose or support harsh penalties on those

found guilty of all but the most seriously disruptive acts.

After describing voluntary steps Stanford's students and faculty have taken:

These voluntary activities, together with the many official actions listed earlier, all point in the same direction—toward a growing sentiment on campus against disruptive acts. Obviously, these measures can provide no guarantee that such acts will not occur again. But they do provide some assurance that support for disruptive acts can be limited and that internal mechanisms can work.

We have devoted much time, energy and effort to developing our own internal judicial and governance procedures in ways which will attract the widest possible support. Having made this effort, we so far have been able to seek assistance when necessary from the courts and civil authorities without destroying the same consensus. We seek to build a university community which honors ideals and rejects coercion. . . . The modern university best serves society when it functions as a center for the free discussion of ideas. It cannot long endure any repression of free thought, whether imposed from within or from without. Nor can it function as an armed camp amid warring social factions.

Most importantly, in a well-publicized report to President Nixon, a group of 22 Republican Congressmen, led by Congressman BILL BROCK, of Tennessee, noted the following:

It is clear that if violence on our campuses does not end, and if the reaction to it is on the one extreme too lax or on the other extreme too harsh and indiscriminate, the vast moderate student majority may be forced into the arms of the revolutionaries, and those few who seek to destroy the fabric of higher education will have succeeded.

In their recommendations, the Congressmen called for "no repressive legislation" and stated:

In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community.

If there is to be any kind of Federal legislation it should have two objectives: first, it should be concerned not only with the symptoms but also with the causes of campus disorder; and, second, it should seek to stimulate the universities and colleges themselves to take the desired action suited to their particular problems and resources, rather than impose standards and remedies upon them which only have a threatening effect. And lest there be confusion, I mean by "desired action," not only to provide for the maintenance of order, but also to undertake to reform themselves. For, the most effective way to deal with this problem is by mobilizing the majority of the faculties and student bodies in each of these university communities to support the democratic processes of peaceful and nonviolent change.

If legislation be needed at all it should require universities and colleges to provide for change as well as for order and should preserve that autonomy and individuality of each academic institution which is crucial to the academic freedom which we so cherish.

With existing State laws on civil disturbances and criminal trespass; with the injunctive relief available and, in many cases, already exercised by uni-

versities; with a full range of laws already applicable to riots, building seizures and related conduct, new Federal statutes would add little to our capacity to deter and control campus disorders were we to provide additional Federal criminal penalties.

As the Republican Congressmen noted, this problem is "far deeper and far more urgent than most realize." However, it must be emphasized, as Senator McCLELLAN has himself done, that 98 percent of the students are thoughtful, highly motivated, and idealistic young men and women who seek to move and change things peaceably. But, often, they are frustrated by the institutions' unwillingness to listen and to discuss problems, by the lack of communication in many, if not most, universities and colleges.

There is on the campus today—

Said the Congressman—

a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and a substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America.

Despite the great affluence of our society, cynicism and frustration characterize much of the present student generation, including its most intelligent, responsible and sensitive elements—frustration over the Vietnam war and the inequities of the present draft system, frustration over the crisis of our cities, racial injustice and the lack of relevance of their own lives and the lives of the universities they attend to the problems of the communities that surround the campuses. In this situation, the fury of a revolutionary student vanguard who question American society has evoked some sympathy among the less militant, but not less concerned, students.

To quote the eloquent and distressing resignation statement of Dr. Buell Gallagher, the distinguished former president of the City College of New York:

The frustrations spawned by a society which has inverted its values and reversed its priorities, putting far ahead of human well-being and preferring privilege to justice—these frustrations pushed the on-coming college generation into an activism which overreaches immediately attainable goals. The resulting strains on the academic community are evident . . ."

Like my colleague from Arkansas, I do not want any part of the 98 percent of the students to whom I referred to fall into the arms of the militants and extremists, who comprise the other 2 percent. Those of us who have had experience with these disruptions on the campuses—and they have occurred in my State as frequently and as intensely as anywhere with the possible exception of Berkeley—know that this could happen. We have found that where there is a "bust," as the kids call it—that is, when the police move into the campus to clear a building or take other action that I admit may be necessary when no other way is possible—it can have the effect of rallying much greater numbers of the students to the side of the disrupters than before. That is the kind of confront-

tation they seek, but that does not mean we should not follow that course.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. JAVITS. Mr. President, I think punitive legislation on the Federal level can very well have the same effect on students as the "bust" to which I referred. This is not to say the measure which the Senator from Arkansas (Mr. McCLELLAN) proposed will or will not have this effect, but it will certainly give us the opportunity to appraise the situation. I do not believe a case has been made for Federal legislation.

In this situation now confronting our campuses we in the Congress can take action. We can and must address ourselves to the major problems of our society with a sense of urgency and immediacy. We must bring the war in Vietnam to a conclusion and begin the process of reallocating some national resources away primarily from military uses to correcting hunger, poverty and other social inequities, and to providing education and health.

As the hearings of the Permanent Investigations Subcommittee continues, we should keep before us the possibility that no Federal legislation is desirable. This has been the conclusion of our colleagues on the House Committee on Education and Labor.

On the other hand, we should also bear in mind that these hearings could result, for example, in legislation which would require colleges and universities to file information concerning their policies and procedures, not only for the maintenance of order, but also for the preservation of academic freedom, the stimulation of innovation, the improvement of communication, and the participation of students and faculty in the university's governance and mission.

Other reforms which we should consider include the enactment of new programs for strengthening the capacity of colleges and universities to enlarge contact with and involvement in the communities around them. This includes assuring all disadvantaged youth a higher education opportunity, establishing meaningful youth advisory procedures throughout our society and institutions of government, and, of course, lowering the voting age to 18.

The problem of student unrest and disorder requires firmness and, at times, punitive action. Our colleges and universities need order if they are to carry out their mission and if academic freedoms are to be preserved. But firmness and order, by themselves, are not enough. They will bring neither peace nor progress to our campuses or to our society. They must be combined with new opportunities for participation of students and of change and innovation. There must be new institutions and arrangements which will build into our colleges and universities the opportunity for a continual process of reform and re-

sponsiveness to all the members of the academic community, including students.

That is the response which is demanded of us. Until we are prepared to act in such a balanced and judicious manner, we had best not act at all.

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

Mr. JAVITS. I yield.

Mr. McCLELLAN. Mr. President, did I understand the Senator to refer to some witnesses?

Mr. JAVITS. Mr. President, I have no doubt that the chairman will be more than reasonable in connection with any witnesses we might want.

Mr. McCLELLAN. It was not a matter of reason. I wanted to explain that I wrote to each member of the committee some time ago when we were hearing the matter of riots generally and asked for suggested witnesses, whose attendance we might procure, psychologists, and so forth.

Mr. JAVITS. Yes.

Mr. McCLELLAN. Mr. President, as I recall, the Senator gave us two names, one of which was Mayor Lindsay and the other was Dr. Clarke. I wish to advise the Senator that they were both invited at that time. Dr. Clarke first accepted but then said that he could not come. Mayor Lindsay said he was involved in a campaign at that time, and it was not convenient for him to come. The committee will still hear either of them at any time that it can be arranged. I am not trying not to hear any of them.

Mr. JAVITS. I think it would scale down the level of this discussion if I engaged in any colloquy with the chairman which indicated any doubt in my mind that he did call witnesses.

I might point out to the chairman, in fairness to myself, that it was suggested we call Milton Eisenhower, the Executive Director of the National Commission on the Causes and Prevention of Violence to deal with this question of violence. At that time the Chair felt—he is running the hearings and I have no quarrel with that—he would rather hear the testimony of the police officials, the committee staffs, and at least some of the college presidents, before hearing other witnesses.

Mr. McCLELLAN. Does not the Senator agree with me that if we are going to have those officials heard, we should first make the record? I think that this would be the logical way to do it. But I have no objection to bringing them in out of order, if the Senator wants to do that, but we should, I think, get in all the facts before we hear opinions as to how to deal with those facts. The Senator says the bill is premature. I think opinion witnesses now would be premature.

Mr. JAVITS. I do not agree, but the Senator is running the hearings.

Mr. McCLELLAN. I do not think I agree with that. I am running the hearings, of course, in a sense. But that term might imply—

Mr. JAVITS. No, no.

Mr. McCLELLAN. I am the chairman, but I try to consult with my committee members.

Mr. JAVITS. I respect that. I respect the fact that the Chair is presenting his

case in a certain way in which he feels it is best presented. I personally would have opposed it. I had hoped that we could have called the members of this Commission to testify much sooner than we now apparently will be. I made that clear to the Chair, but as I said a minute ago, I hope we may continue to discuss this issue of campus disorder on a high level. I would ask the chairman, under the circumstances, to consider calling these officials of the Commission once more, I think it will really help the hearings.

Mr. McCLELLAN. I believe we have called some. How many have we heard? Does the Senator from Illinois recall? I do recall we called one that the Senator from Illinois was interested in. I believe he was a doctor of psychology.

Mr. PERCY. I do not recall that one.

Mr. JAVITS. I would hope that at an early date we could call both the national commission, Congressman BILL BROCK, and some other Representatives who actually investigated the college campuses.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR CRANSTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the Journal tomorrow morning, the distinguished junior Senator from California (Mr. CRANSTON) be recognized for 1 hour.

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

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from California (Mr. MURPHY) be recognized for 30 minutes tomorrow following the remarks of the Senator from California (Mr. CRANSTON).

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

S. 2677—INTRODUCTION OF THE STUDENT DISTURBANCES ACT OF 1969

Mr. McCLELLAN. Mr. President, I have only one or two other comments and I will be ready to yield. I just want to assure the Senators how present on this committee that its chairman will consider the calling and will call any witness that any member of the committee wants.

I say this with only one limitation. I reserve the right not to call witnesses if I believe we would only be calling in militants solely to give them a forum to

debase the Nation. I will not participate in that sort of hearing. Any witness who can make a contribution to the hearings I will be more than happy to call.

As I said to my good friend from Illinois a moment ago when we were in conversation, when you are the chairman of a committee you realize what the problems are. Others perhaps do not fully appreciate these problems. I do as much as I can to accommodate all of the membership. For example, as soon as I could get the bill finalized I submitted copies of it to the membership of the Criminal Laws and the Investigations Subcommittees so that they could have an opportunity to look it over. I did not generally circulate it. What I did is a courtesy that is always required. So far as I am concerned, I have always tried to work harmoniously and considerately with everyone. I always try to do that.

With respect to what the Senator terms our differences, although we have the same desire to control these disturbances, I again direct my attention to the small number of militants, Dr. Copeland of the College of the City of New York, I believe, this morning indicated only about 200 of these hard-core militants had succeeded more than once in disrupting that institution, taking over half of it at one time.

And I add that whatever are the causes, whatever are the conditions that prevail in America today, I do not think that this sort of activity is justified, and I do not think it should be tolerated, in fairness to the overwhelmingly large number of students who want to get an education.

If—I do not say it is—I may have opinions about it—but if additional laws are needed or any new legislation can be passed by Congress that will strengthen the hands of the college administrators who have the primary responsibility, I want to see to it that such legislation is enacted.

Finally, let me say with respect to the ultimate causes, if poverty is such a cause—and for the moment, let us assume that it is—if we have to tolerate militants, disruptors, and destroyers, from now until the time that poverty is eliminated from this great land of ours, then only God knows for how many years this country is in for turmoil and revolution.

Mr. JAVITS. It is a question of how best to deal with it. It is my judgment that we are not dealing with a simplistic equation of 205 militants against 20,000 students. Militants attract to them a constituency, too. I want to get at the basis of this issue as well as the Senator does. It does not mean that we have to wait until poverty is eliminated. It does mean that there are reforms of institutions on the campuses of this land which are being made. The answer is, they are being made. They were made at Columbia, and the most of the difficulties have stopped there. The same goes for CCNY—the very university that Dr. Copeland testified about. They are being made elsewhere, at Berkeley, Stanford, and other places.

The question is: Shall we allow them to be made, or shall we leave it to the discretion of the militants to initiate ac-

tions because we have too simple a view of the situation at the Federal level? It is not a question of enforcing the law, but enforcing the law intelligently. We will never have enough policemen, or Army, Navy, and Air Force to merely enforce the law if enough people are against it. Therefore, I want the biggest constituency behind me when I try to enforce a law intelligently. I do not want to concede it to the militants.

Mr. PERCY. While the chairman is still in the Chamber, I would like to express a sympathetic view toward his desire not to have the dignity of the Senate hearings abused by someone who, obviously by his own record of past actions and words, designs to do only one thing; namely, to destroy in every way he conceivably can this form of government and the institutions which have made this country great. We do not want the great forum of a Senate hearing to be used for that purpose.

However, let me comment that I was pleased to hear the chairman say he would like to have any witnesses called who can make an intelligent analysis for us of the situation as to what is transpiring and going on. For these reasons, I have urged and am pleased the chairman has accepted the suggestion to hear Representative Brock and the group that he would select from the other body who have visited 50 campuses recently and who spent an hour and a half with the President of the United States and who made their special report to him and who, I think, have a unique opportunity to provide intelligence to us because they see the problem as lawmakers. They have talked with administrators and they have talked with the students, and before I could pass judgment on any piece of legislation, I would need to have the intelligence that I could get from that group of highly responsible men who are deeply concerned about the direction the country is taking, and who are also deeply concerned about the responsibilities that Congress has.

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

Mr. PERCY. May I make one further suggestion? Then I shall be very happy to yield. I would suggest, thinking about who in the country have not been called who could give us guidance, that we could call Dr. Ed Levy, of the University of Chicago, to come. Recently a news magazine cited his having handled the riots and demonstrations at the University of Chicago in such a way as to call for the commendation of academicians across the country, as well as observers of this type of disturbers.

He had to deal with hard-core militants. He had to deal with those from the outside who were seeking to destroy the university and who were desirous of seeking to contribute to the destruction of American society. He was also faced with the great problem of keeping separate that group from the hundreds, and perhaps thousands, of students who were perhaps disillusioned and disappointed at the response of the so-called establishment. It was his job to handle that situation in such a way that he did not thrust these moderate, but constructive, discontents into the hands of the

very militants whose intent and purpose he was certainly aware of. He handled that problem with great skill and patience. I think he would make a fine witness to appear before the committee.

Mr. JAVITS. So would Morris Abrams, of Brandeis University, who had exactly the same experience.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to have 5 additional minutes.

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

Mr. JAVITS. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I have no objection to these suggestions. Nevertheless I repeat that it is not always possible to schedule each of these hearings and still carry on our other duties. But I have been present at all of the hearings. Other Senators engaged in this colloquy have not been able to attend much of the time, in spite of the fact that we scheduled them and worked them out as best we could. I can understand that, but I have to be practical. I recognize that my colleagues are trying to be helpful in making these suggestions, and I will cooperate with them. I always have.

I understand that the Senator thinks this bill is premature, and perhaps it is. But I do not think so. I think Congress ought to have something before it. I have letters—so do other Senators—asking, "What are you going to do about these disturbances?" I do not know what we are going to do about them, but I, for one, am going to hold hearings on this suggested legislation that I have introduced with the idea of revising the proposed legislation as testimony indicates it should be revised. And I am going to take some action, as I have sought to take action in this proposed legislation. I hope other Senators will introduce other legislation to carry out their ideas as to what should be done, or will join me in helping to improve mine. Let us act in this field and make a judgment where legislation is needed. If our judgment that legislation is needed is wrong, then Congress can reject it.

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

Mr. JAVITS. I yield.

Mr. MUNDT. I know the chairman will consider recommendations from any member of the committee, and that includes specifically the minority members. I have had a longstanding understanding with the chairman that the minority would always have the full right to call witnesses before the committee as we so indicate. I am sure that understanding will be carried out. It has never been violated in the past.

While understandably one captain of the team has to schedule the order of witnesses, we can urge him, if we think it advisable, to move the scheduling of one witness forward a little or back a little. As far as calling our witnesses is concerned, we will have no trouble in that. I will assure the Senator. I have served with the chairman of the subcommittee much longer than have the two Senators who have come on the com-

mittee more recently. I do not think they have had any adverse experience in that period of service on the committee in that regard. I have not had, prior to that or since. I can assure the Senators that that kind of procedure will be followed.

May I say, regarding the question of whether the legislation is premature or not, I do not think it is premature because I think it is well to have a legislative purpose for a committee investigation hearing whenever we can. I joined the chairman in support of the bill, not because I favor every single passage, not because I think it covers every item which should be covered, but because I think it would be highly constructive to have a legislative proposal in order to hear people like Dr. Levy and Dr. Abrams, and the others mentioned, make their suggestions for addenda or deletions. Certainly, the bill can be expanded or changed.

I would certainly agree with the Senator from New York if he says it is premature for us to enact legislation. This is not the final advice of the committee in that regard. It is a start. It recognizes that the Federal Government has an obligation in this area. It is definitely not premature to have placed before the committee and before the Senate some specific proposals in bill form on which we can take testimony and seek counsel.

Some of the testimony indicates that some of the disturbances were perpetrated by people on the Federal payroll, in the OEO, and elsewhere. Whatever the situation is, it seems to me the Federal Government cannot, like Pontius Pilate, wash its hands and say we have no responsibility at all.

I am not sure the suggestions incorporated in the bill, in which I have joined as a cosponsor, will at the end be what Congress decides or what our committee decides should be done; but I think it is good to have some expressions of opinion from the kind of witnesses that have been suggested, so they can give us their opinions as to whether they feel this legislation is appropriate and what changes should be made in that connection.

In the end, I think Congress is likely to enact some legislation. We saw what happened on the other side of the Capitol. For awhile, it looked like the other body was going to rush into legislation which, in my judgment, was ill-advised, because it sought to punish the innocent as well as the guilty. It now seems to be in a state of hiatus, but from what my colleagues there tell me, the desire to have some legislation is rampant in the Congress, and it certainly is present in the House. We also see many indications of it in the Senate.

The PRESIDING OFFICER. The 5 additional minutes of the Senator from New York have expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 2 additional minutes.

Mr. MUNDT. Unless we and the committee take some action in saying, "We

think this is acceptable" or "This is undesirable. Here is something we are pondering, Mr. University President. What do you think about it?" we are likely to be plagued with a plethora of suggestions, as they were on the other side of the Capitol, many of which will not have had the benefit of hearings.

I am sure the Senator from New York is desirous of our having some legislative purpose in our hearings, when we can. It does not mean that this proposed legislation is the final answer, take it or leave it; but here are some suggestions, which are pretty moderate, which carefully and clearly avoid the temptation to try to punish the institution or the innocent members of the student body for the errors of the guilty. This legislation is directed specifically against those who are the disrupting influence.

So I think, with a little patience and with a little persistence, we are going to continue to work toward a constructive goal.

I believe the suggestions which have been made by our esteemed colleagues from New York and Illinois will be helpful in this connection.

Mr. JAVITS. I thank the Senator. He has certainly tried to be most fair, as the ranking minority member.

I would like to conclude by saying that, just as the issue was raised in the other body between those who thought legislation was desirable and those who did not, I thought the issue should be joined here. That is what I have tried to do, in terms of legislative determination. It is also a legislative determination to say that any Federal legislation is unwise.

So far, I think that is where the burden of the evidence lies. I think it is very useful that the Senator from Arkansas (Mr. McCLELLAN) and the Senator from South Dakota (Mr. MUNDT) have done what they think is right, and I have done what I think is right. I think that will help the hearings, and be more meaningful to the country.

I thank the Presiding Officer, and I yield the floor.

Mr. MUNDT. Mr. President, I am pleased to be a sponsor of the proposed legislation and I would like to associate myself with the remarks just made by the distinguished chairman of our Subcommittee on Investigations of the Senate Committee on Government Operations, which has long been studying riots, civil and criminal disturbances and disruptions on college campuses.

In fact, the U.S. Senate recognized the grave national crisis created by the urban rioting in voting unanimously on August 11, 1967, to examine these matters thoroughly, including their immediate and longstanding causes. This task was given to the Permanent Subcommittee on Investigations, the inquiry was undertaken immediately, and the hearings began on November 1, 1967.

The initial undertaking included study of the disturbances which erupted in the cities of Nashville, Tenn., and Houston, Tex., in 1967. The subcommittee made a detailed investigation into the activities of the Student Nonviolent Coordinating Committee—SNCC—at both Fisk University and Tennessee A. & I.,

in Nashville, and at Texas Southern University—TSU—in Houston. We did not realize then that our inquiry would be a forerunner to our current investigation of disturbances on college and university campuses that have occurred so frequently in 1968–69.

In our earlier hearings, the subcommittee learned that there were 166 riots and major civil disturbances that occurred in our Nation's cities from 1965 through the middle of 1968. A recent subcommittee staff study, which has become a part of the record of our hearings, indicates that there were 471 disturbances at 211 universities and colleges throughout the country during a period from October of 1967 through May of 1969. A simple comparison of these figures alone should indicate to the unsuspecting, or to the uninformed, that we have a very serious matter before us in considering the import and effects of the relatively recent unrest and disorder that has come to our Nation's great universities and colleges.

It is not my purpose to cry alarm unnecessarily, but I feel that the record of the hearings, with particular emphasis on that portion pertaining to our schools of higher learning, contains startling disclosures about militant organizations throughout the country which are dedicated to the use of violence in gaining their goals and objectives. In using the word, "militant," I am referring to those individuals, or groups, who, by their own proclamations and avowals state that they intend to attain their ends "by the use of any means necessary."

These organizations loudly proclaim their dedication to revolution in the United States, the destruction of our system of government, and the replacement of the ideals and principles of our republic with the philosophy and methods that characterize and dominate the societies of Red China, Cuba, and the Soviet Union and its satellites. They make no attempt to disguise or cover up their intentions. The testimony of our hearings, largely based upon documentary evidence which comes directly from the public speeches, newspapers, magazines and other propaganda devices of these organizations, is replete with such disclosures. Whatever factional loyalties they hold, they seem to have one theme in common—their dedication to the overthrow of what they call "the capitalist and imperialist" Government of the United States. I am using their words which flow from their printing presses in great abundance. The printed material states their intentions over and over again, and the record of our hearings so indicates.

The organizations that I refer to are the Students for a Democratic Society—SDS—the Black Panther Party—BPP—with its affiliates under many names such as the Black Student Union—BSU—and the Student Nonviolent Coordinating Committee—SNCC. Scarcely an institution which has had a campus disturbance has not been affected by one or more of these organizations.

All of them have limited hard-core memberships; for example, SDS has a

basic national membership between 6,000 and 8,000—not all of whom are students, I might add. The same is true of the Black Panthers, who are estimated to number about 4,000 nationally. However, both organizations, through adroit exploitation of issues, have managed to attract many times their number in "sympathetic understanding" to participate in campus disturbances.

Examination of chronological events bears out this conclusion. For instance, these organizations were very successful in creating disorder in a relatively few scattered demonstrations in 1967. However, they quickly discovered that their tactics of exploiting issues without serious intent to resolve them frequently led to violence, complete disruption of the orderly processes of the institution involved and, more importantly and more often than not, to capitulation by the college administrators. Under these circumstances, initial successes led them to more intensified efforts and to the spread of their influence and support on hundreds of college campuses, until, during the 1968-69 academic year, there were almost daily outbreaks of rioting and violence on campuses all across the Nation.

It is clear from testimony in our hearings that they owed much of their success initially to several factors other than the direct results of their own aggressiveness, use of force, and skill in provocation. Their efforts generally were assisted and strengthened in impact by: First, the failure of college administrators to take swift and certain action against criminal tactics and strategies; second, the intimidation of college faculties and administrations as a result of threats and actual physical violence, vandalism, and destruction; third, the capitulation of persons in authority to outrageous demands made under conditions of existing violence, and fourth, the failure of administrators and faculties to impose justified penalties:

I realize that there is every indication that these destructive activities are carried out by only 2 percent of the student body of our colleges and universities. However, 2 percent of an estimated 7.5 million students does amount to some 187,500 persons, and if this represents the number of "rebels," as Adm. Hyman Rickover called them while testifying before a Special House Subcommittee on Education recently, then this becomes a significant statistic. And I also recall the words of Al Capp, noted American cartoonist, who told our subcommittee:

From my observations, not more than two percent of the student body on even our most turbulent campuses have been infected by such men, but a two percent infection of any body can eventually destroy it all, if it isn't checked.

I think it should also be noted that these radicals have hoodwinked countless numbers of mature, respectable and law-abiding citizens—some at high levels in the professions, communications media, and government—into apologizing for them and condoning their violence in the erroneous belief that the revolutionaries are fighting for individual freedom and the right to self-determination.

Our hearing record shows that when students seize college buildings with force of arms, physically mistreat faculty members and other students, fight with police, destroy property and commit other types of vandalism, their apologists often condone and justify the criminal actions. Their defenders ignore the frequent proclamations that the overthrow of this society and its institutions is the ultimate goal of the disrupters; instead, they advocate capitulation to unreasonable and destructive demands which are arrogantly termed "nonnegotiable," they call for permissiveness in college administrative policies, and promote amnesty for ringleaders of violence and crime.

The faculty is not always without fault. Our hearings have shown that faculty activities at the time of a campus disturbance have ranged from silent acquiescence, through participation as sympathizers, to actual leadership in some of the disorders. Many college instructors, of course, have been very much opposed to campus disruptions of any kind, but unfortunately too few of them have spoken up when the campus has been taken over. Herbert Ellingwood, legal affairs secretary to the Governor of California, in his appearance before the subcommittee explained it this way:

What is the role of the faculty in all of that? It is becoming increasingly apparent that the University is not just a victim of student militancy.

Overt faculty involvement in the organization of student radicals evidences faculty complicity rather than faculty permissiveness.

Although academic achievement is of paramount importance, high moral character must be of equal concern. The young learn not only by exposure to fact and interpretation but also in great part by good example. Academic freedom cannot become a disguise for unprofessional conduct, and tenure cannot be tolerated as a device for the unqualified or irresponsible professor.

What has been the result of these campus disorders to date? What has it all gained? What are the losses?

Dr. Dwight L. Dumond, professor emeritus of history at the University of Michigan and a noted liberal pioneer in the struggle for freedom of the blacks in America, asked these identical questions in a lengthy article in the Sunday Star of May 4, 1969. Dr. Dumond concluded as follows:

The militants are not progressives, not liberals. They are reactionaries of the most extreme sort. They seek to destroy, not to build, and they are achieving little except chaos and retardation.

Dr. Dumond indicates that the following conditions have resulted and I feel, for the most part, that I must agree with him. Dr. Dumond says:

Those responsible have:

- (1) Destroyed academic freedom.
- (2) Betrayed the educational process by seeking objectives through ultimatums, threats of force, and destruction of property.
- (3) Infringed upon the rights of others to improve their talents and skills.
- (4) Greatly retarded understanding and peace between people of different colors by demanding separation instead of integration.
- (5) Fostered in their own minds and others a false idea of achievement, inculcat-

ing the idea that the road to progress is obstruction, destruction, threats of fear.

(6) Allowed themselves to resort to mob action, planned and well coordinated, until no one knows whether the upheaval, with its overtones of racism, portends social revolution or war; or whether the disorders are evidence of smoldering emotions or first steps in a specific program of world-wide revolution.

(7) Insured a level of mediocrity in the education of blacks and whites alike by demands for adoption of "pass-fail," abolition of requirements for admission and graduating, and appointment of professors on other bases than quality.

(8) Turned distinguished scholars and administrators away in disgust.

What are the probabilities that we have seen the end of these campus disruptions? Unfortunately, the testimony and the documentary evidence in the record give us no basis for optimistic predictions that the worst is over, that violence in our institutions of higher education has been checked, and that those responsible for disruptions will be generally deterred from renewing and accelerating them when schools open in the fall. I hope I am wrong. However, I quote the testimony of Al Capp:

After my (campus) lectures, I am usually visited in my living quarters by small delegations of activists, and militants. They have better manners, in small groups in motel sitting rooms, than when they form mobs in auditoriums, and I don't mind their visits much except that after they leave, I need air.

At these sessions, they tell me, with childish frankness, of their plans for the future.

They learned that their greatest asset is the publicity given them by TV and their sympathetic treatment by TV commentators. They learned a lot—and they are learning a lot today—from the television handling of their takeover of the "People's Park" at Berkeley.

They appropriated a million dollars of the university's property, and when they were handled as firmly by the police as another mob of bandits who stole a million—the Brink's gang—the slobbering over them by TV softened much of the more soft-headed public into slobbering over them, too.

When the Brink's bunch stole a million, they were called bandits, when this bunch stole a million in property, they are called idealists.

The lesson wasn't lost on them. They know the value of TV. And so come this fall, they are going to try to take it over. New objective, but same methods.

They have already had one moderately successful dress rehearsal; namely, the takeover—for an hour or so—of Channel 13 in New York last year. They rushed the studio, roughed up the staff, demolished the equipment, and screamed filth into the transmitters.

They feel that they have even a more persuasive case for their right to take over TV than universities and parks. They know that TV is the people's property, returnable to the people, at the demand of the people, and they are the people who are going to demand it, in the robust style that TV has so often sympathized with—new objective, but same methods—when they demanded it from other institutions.

If Mr. Capp is correct, that the revolutionaries are going to attempt to take over the television medium, then God help our universities and colleges which so obviously fit into their disruptive and destructive programs.

What can be done about it? I think that the bill proposed by our distinguished subcommittee chairman, Senator

JOHN L. McCLELLAN, is a step in the right direction. Senator McCLELLAN has explained the provisions of the bill in some detail and so I will not attempt to duplicate his efforts here. However, there are some parts of this proposed legislation which seem extremely important and I will run through them briefly.

First, Federally assisted institutions of higher learning would be protected against the threefold prohibitions of, first, appropriations of property; second, disruption of programs, and third, obstruction of the restoration of order during disturbances.

Second, The criminal penalties for the unaggravated violation of any of the above provisions, which are directed primarily at students and cooperative faculty members, upon being charged and convicted, would range from those applied generally for "petty offenses" to those applied for misdemeanors, with the right of a person under 21 years of age at the time of the offense to have the violations expunged from his record to protect his civil rights more fully. Of course, if a person was involved in a situation in which bodily injury, or death, resulted, then such person, if so charged and so convicted, would incur a substantially more severe sentence.

Third, Any person, not a member of the faculty or of the student body of the particular school then being disrupted, but who used any facility of interstate commerce and thereafter engages in, or endeavors to engage in, any conduct in violation of the threefold prohibition, upon being so charged and convicted, could be fined \$5,000 or imprisoned for a maximum period of 5 years. Similarly, if bodily injury or death has resulted from the incident, the resulting sentence would be considerably more severe.

Fourth, For civil remedies that would be available under this proposed statute, the appropriate U.S. district court could be utilized for the restraint or prevention of a violation of the threefold prohibition through the use of the injunctive process, if requested by the particular school's administrators, faculty members, or students.

Fifth, A Federal civil cause of action, to the maximum extent of \$5,000 for each individual, could result against any person charged and convicted of the violation of any of the threefold prohibitions.

There is no mention in this bill of cutting off Federal funds from students who create campus disturbances or from particular schools involved. I am willing to accept the lack of such a proposal at this time. However, I have a deep concern over the use of Federal funds by an institution of higher learning which allows its rampaging students to become a disruptive influence to that institution. This is always at the expense of other students who are interested in attending that school to get an education. I am particularly disturbed if the disruptive students are recipients of Federal grants allowed by the Department of Health, Education, and Welfare, the Department of Defense, or the National Science Foundation. I will reserve further judgment for the moment, but I feel that the American taxpayer has every right to

know, and expects to know, whether his hard-earned dollars are being siphoned in that fashion. I believe the situation would be intolerable if those students are active members of the Students for a Democratic Society, the Black Panther Party, or their affiliates, whose avowed common purpose is the overthrow of our present form of government.

Mr. President, I recognize that there is substance to the cries of our youthful students that some changes must be made. Colleges and universities may have become too impersonal, or their curriculums may be outmoded. New fields of study may be necessary; new approaches to traditional academic disciplines may be desirable, and certainly new or amended policies of administration and supervision should be considered. However, I again refer to the word of Dr. Dwight L. Dumond;

Those things which militants among the students want are not within the province of anyone to give. The structure of a university cannot be changed overnight, in all probability should not be changed at all.

Teaching methods, the content of admission requirements, the intellectual attainments which justify conferring degrees—all of these elements in the educational process are constantly under scrutiny and revision by college faculties. *There is always intellectual ferment, though not always change, because change does not always denote progress.*

Dr. Dumond made another very provocative statement when he concluded his article:

It takes 100 years to build a university faculty of distinguished scholars, even longer to establish for it a reputation which merits the full support and affection of the people.

Schools like Harvard and Michigan and California belong to the world. They are the most precious institutions of a people's culture, reaching far into the distant past and on into an endless future. *They can be destroyed in a day, and I wonder how close it is. . . .*

Mr. President, I have warm feelings of affection and admiration for the great universities and colleges of our country. They provide the finest system of higher education the world has ever known. I also respect, admire and cherish the youth of our Nation. All my colleagues, I am sure, share my sentiments. Because of my feelings, I am deeply concerned about the future of these great institutions and about the welfare of the young people who attend them. For these reasons, I have added my name as a sponsor of the measure under discussion, and I strongly urge the Congress to give it close and careful attention.

CURRENT VIETNAM STATISTICS

Mr. GORE. Mr. President, in view of the many statistics that have been released, I have asked the Department of Defense to provide me with statistics regarding the number of U.S. soldiers, sailors, marines, and Air Force personnel who have been sent to Vietnam since the Midway Conference.

The figures supplied to me are as follows:

The Army has sent, from June 8 to July 10, 37,658.

The Navy, from June 8 to July 14, has sent 2,888.

The Air Force, from June 9 to July 10, has sent 3,489.

The Marines, from June 9 to July 12, have sent 7,672.

That represents a total for the various forces, with regard to the stated dates, of 51,707.

I have also asked the Department of Defense to supply me figures with respect to casualties. These statistics now show that we have suffered more than 50,000 casualties since the inauguration of President Nixon.

ATOMIC ENERGY COMMISSION ANNOUNCES NEW POLICY FOR LICENSING COMMERCIAL ATOMIC POWERPLANTS

Mr. AIKEN. Mr. President, I wish to comment briefly on a very important announcement being released today by the Atomic Energy Commission.

It may not be generally known that every one of the commercial atomic electric powerplants licensed in the United States to date has been licensed under section 104(b) of the Atomic Energy Act, which means that they are licensed under the medical therapy and research provisions of the law.

This has had the effect of keeping them out from under the antitrust laws. It has also had the effect of causing every municipal system, every cooperative system, and a great many small private power systems to fear that, with these giant generating plants being owned by a few companies, the time will come when they will be discriminated against as to price, or have their power shut off, and, in effect, be put out of business.

This announcement today, to the effect that by June 30, 1970, the Atomic Energy Commission intends to initiate public rulemaking proceedings, means that they will license these plants under that provision of the law, which will have the effect of putting them under the antitrust laws, and will prevent unfair discrimination against public and cooperative distribution systems.

I read one paragraph of the release:

The Atomic Energy Act provides that whenever the Commission has made a finding that any type of reactor has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for facilities of such type under Section 103 of the Act. Licenses for nuclear power reactors built to date have been issued under Section 104b, which authorizes the licensing of nuclear facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes.

As I have just stated, licensing under this section has the effect of keeping the giant powerplants out from under the antitrust laws, provided things have gone as they hoped.

I read further as to what this new rulemaking proceeding will provide:

A finding of practical value, in addition to requiring that only Section 103 licenses

be issued thereafter for the reactor type or types covered, would have the following principal legal consequences:

1. The proposed issuance of a Section 103 license must be reported to the Attorney General for an advisory opinion on antitrust aspects.

2. Preference must be given to applications for power reactors which will be located in high cost power areas in the United States if there are conflicting applications for a limited opportunity for such licenses. Where there are such conflicting applications, those submitted by public or cooperative bodies must be given preferred consideration.

3. Notice of application must be published for four consecutive weeks in the Federal Register and notice must be given to various regulatory agencies, and others.

4. Charges for use of source and special nuclear material may not be waived by the Commission for a Section 103 licensee and charges must be made for consumption of nuclear fuel.

This means they not only cannot be licensed in such a way as in the past, so as to keep them out from under the antitrust laws, but that the Government will be prohibited from furnishing them free fuel with which to produce the energy.

Mr. President, some of us have been trying for some time, with emphasis on the last 2 or 3 years, to get the law changed so as to provide for licensing these plants in the manner in which the Atomic Energy Commission now says it intends to do it. But I say that, much as we are pleased with the announcement by the Atomic Energy Commission, I, for one, do not regard it as taking the place of legislation on the books. This year a bill has been introduced by the Senator from New Mexico (Mr. ANDERSON), of which I am a cosponsor, which would write this proposal into the law itself, where it properly belongs. I understand that the bill now has priority before the Joint Committee on Atomic Energy, and that it will be considered in the not-too-distant future. It is my earnest hope that, in spite of the gratitude we may have for the Atomic Energy Commission's decision to properly license these great commercial atomic powerplants under a rule, promulgated by the Commission, they should also be required to license them under the law; and therefore, I hope that the bill sponsored by the Senator from New Mexico and myself may be considered and passed by Congress at an early date, so that there will be no future complaint as to the handling of this licensing of atomic power plants.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire news release of the Atomic Energy Commission and the bill (S. 212) to amend the Atomic Energy Act of 1954, as amended, to which I have referred.

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

AEC PLANS PUBLIC RULEMAKING CONSIDERATION ON FINDING OF PRACTICAL VALUE FOR CERTAIN TYPES OF POWER REACTORS

The Atomic Energy Commission announced today that it intends to initiate a public rule making proceeding by June 30, 1970, to consider whether a finding of practical value, within the meaning of Section 102 of the Atomic Energy Act, should be

made for some type or types of light water nuclear power reactors.

The Commission's intention to initiate a practical value rule making proceeding during 1970 was stated by Government counsel to the Court of Appeals for the District of Columbia Circuit on June 26, 1969, in the course of oral argument on appeals from AEC licensing actions granting provisional construction permits to the Duke Power Company, the Vermont Yankee Nuclear Power Corporation and the Philadelphia Electric Company. The announcement today makes more specific the timing for Commission commencement of the of the rule making proceeding.

The Atomic Energy Act provides that whenever the Commission has made a finding that any type of reactor has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for facilities of such type under Section 103 of the Act. Licenses for nuclear power reactors built to date have been issued under Section 104b., which authorizes the licensing of nuclear facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes.

The Commission has considered whether a finding of practical value should be made on two previous occasions. In a public rule making proceeding which culminated in a Determination dated December 29, 1965, the Commission concluded that such a finding could not be made on the basis of cost information limited to the prototype and non-competitive nuclear power reactors then in operation. The Commission's position is summarized in the following quotation from that Determination:

"While certain economic evaluations governing the award of contracts for scaled-up plants not involving Government assistance provide strong indications that economic competitiveness will be achieved, we have decided to exercise our discretion to await a reliable estimate of the economics based upon a demonstration of the technology and plant performance. Pending the completion of scaled-up plants, and the information to be obtained from their operation, and in light of the legislative history, the Commission has determined that there has not yet been sufficient demonstration of the cost of construction and operation of light water, nuclear electric plants to warrant making a statutory finding that any types of such facilities have been sufficiently developed to be of practical value within the meaning of section 102 of the Atomic Energy Act of 1954, as amended."

The 1965 Determination and its bases were reaffirmed by the Commission on December 21, 1966, in a denial of a petition for rule making filed by the National Coal Policy Conference, Inc., the National Coal Association and the United Mine Workers of America.

The Commission's intention to initiate rule making reconsideration of the practical value question before the end of the first half of 1970 is based on its expectation that sufficient information as to the cost of construction and operation of certain types of larger sized light water reactors will then be available to provide a sound basis, with reasonable extrapolation, for a determination as to whether such types of reactors are sufficiently developed to be of practical value within the meaning of Section 102 of the Act.

The Commission has previously stated that it also intends to consider, in a further rule making proceeding, whether to change its present regulations (10 CFR §§ 50.24 and 50.56) so that any operating license for a facility of the type for which a finding of practical value has been made would be is-

sued under Section 103 of the Act, even though the construction permit for the facility may have been issued under Section 104 b. A public rule making proceeding to consider such a change will also be initiated by June 30, 1970.

A finding of practical value, in addition to requiring that only Section 103 licenses be issued thereafter for the reactor type or types covered, would have the following principal legal consequences:

1. The proposed issuance of a Section 103 license *must be reported* to the Attorney General for an advisory opinion on antitrust aspects.

2. Preference must be given to applications for power reactors which will be located in high cost power areas in the United States if there are conflicting applications for a limited opportunity for such licenses. Where there are such conflicting applications, *those submitted by public or cooperative bodies must be given preferred consideration.*

3. Notice of application must be published for four consecutive weeks in the Federal Register and notice must be given to various regulatory agencies, and others.

4. Charges for use of source and special nuclear material may not be waived by the Commission for a Section 103 licensee and charges must be made for consumption of nuclear fuel.

The Atomic Energy Act's requirement for a finding of practical value and the statutory differences in treatment between facilities licensed under Section 104 b. and facilities licensed under Section 103 were based principally upon an anticipated scarcity of nuclear materials and the desire for a mechanism which would serve to designate the point at which a facility type should not be eligible for further Governmental assistance. The reasons for the licensing distinction have either receded in importance or been shown to have less significance than was previously attributed to them, and the Commission is supporting legislative proposals, now pending before the Congress, designed to eliminate the practical value distinction between Section 103 and Section 104 b. licensing. Enactment of such legislation would remove the basis and need for Section 102 rule making by the Commission.

S. 212

A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2 e. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"e. Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security, to protect the health and safety of the public, and to control the thermal effects of the release of liquid effluents to the environment."

Sec. 2. Subsection 3 d. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"d. a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security, the health and safety of the public, and the control of the thermal effects of the release of liquid effluents to the environment."

Sec. 3. Paragraph (4) of subsection 31 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"(4) utilization of special nuclear material, atomic energy, and radioactive materi-

al and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial or commercial uses, the generation of usable energy, and the demonstration of advances in the commercial or industrial application of atomic energy; and".

Sec. 4. Section 102 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 102. DETERMINATION OF SUBSTANTIAL RESEARCH ACTIVITIES.—Any license for a utilization facility to produce electric energy for ultimate sale to the public or for a production facility shall be issued pursuant to section 103 unless the license applicant demonstrates, and the Commission determines in writing, that the principal purpose of the facility is the performance of substantial research and development activities for the demonstration of significant advances in the commercial or industrial application of atomic energy, in which case such license shall be issued pursuant to section 104."

Sec. 5. The first sentence of subsection 103 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "The Commission is authorized to issue licenses to persons applying therefor to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, utilization or production facilities."

Sec. 6. Subsection 104 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. Subsequent to a determination by the Commission as authorized in section 102, the Commission may issue to any person applying therefor a license for a utilization facility to produce electric energy for ultimate sale to the public or a production facility the principal purpose of which is the performance of substantial research and development activities for the demonstration of significant advances in the commercial or industrial application of atomic energy. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public."

Sec. 7. Subsection 105 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. The Commission, promptly after receiving any application for a license under section 103, shall transmit a copy thereof to the Attorney General who, in the case of an application to construct a utilization or production facility shall, or in the case of an application to operate such a facility may, within a reasonable time, in no event to exceed 180 days after receiving a copy of the application, advise the Commission whether, insofar as he can determine, the issuance of such license or the activities for which the license is sought would tend to create or maintain a situation inconsistent with the antitrust laws, and such advice shall be published in the Federal Register. The Commission shall give due consideration to the advice received from the Attorney General and, where the Commission finds that activities under any license would tend to create a situation inconsistent with the antitrust laws, is authorized and directed to refuse to issue such license or establish such conditions to prevent such result as the Commission may determine necessary and appropriate. Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information, including, but not limited to, contracts between the applicant and other parties relating to activities for which the license

is sought, as the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this subsection. Where the advice furnished by the Attorney General states in substance that he does not favor issuance of such license or requests the Commission to impose thereon conditions requiring such applicant to alter or enter into any contracts or other arrangements with other parties relating to activities for which the license is sought, the Attorney General or his designee shall participate as a party in any proceedings that may thereafter be held on such license application. The Commission, with the approval of the Attorney General, may except from the requirements of this subsection such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws as specified in subsection 105 a."

Sec. 8. The Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new section:

"SEC. 111. CONTROL OF THERMAL EFFECTS.—
"a. In addition to any other requirements of this Act, the Commission shall not issue any license under section 103 or section 104 b. for a facility except to those persons who are equipped to observe and who agree to observe applicable and nondiscriminatory Federal and State standards for the control of the thermal effects of the release of liquid effluents from such facilities to the environment.

"b. The Commission, promptly after receiving any application for a license under section 103 or section 104 b., shall transmit a copy thereof to the Secretary of the Interior who, in the case of an application to construct a utilization or production facility shall, or in the case of an application to operate such a facility may, within a reasonable time, in no event to exceed 90 days after receiving a copy of the application, advise the Commission whether the license applicant appears equipped to observe applicable and nondiscriminatory Federal and State standards for the control of the thermal effects of the release of liquid effluents from such facility to the environment. The Commission shall give due consideration to the advice received from the Secretary and is authorized and directed to refuse to issue such license or establish such conditions as the Commission may determine necessary and appropriate to effectuate the purposes of this section. Upon the request of the Secretary, the Commission shall furnish or cause to be furnished such information as the Secretary determines to be appropriate or necessary to enable him to give the advice called for by this section. The Commission, with the approval of the Secretary, may except from the requirements of this section such classes or types of license applications as the Commission may specify."

Sec. 9. Subsection 161 i. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"i. prescribe such regulations or orders as it may determine necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this Act, and to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health, minimize danger to life or property, and, with respect to facilities within the purview of section

111, control the thermal effects of the release of liquid effluents to the environment."

Sec. 10. Subsection 161 n. of the Atomic Energy Act of 1954, as amended, is amended by striking out the words "finding of practical value" and inserting in lieu thereof the words "determination of substantial research activities".

Sec. 11. Subsection 161 o. of the Atomic Energy Act of 1954, as amended, is amended by striking out "section 105" and inserting in lieu thereof "sections 105 and 111".

Sec. 12. The second sentence of subsection 182 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "In connection with applications for licenses to operate production or utilization facilities, the applicant shall state such technical specifications, including information of the amount, kind, and source of special nuclear material required, the place of the use, the specific characteristics of the facility, and such other information as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization of production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public, and that, with respect to facilities within the purview of section 111, the applicant is equipped to observe and agrees to observe applicable and nondiscriminatory Federal and State standards for the control of the thermal effects of the release of liquid effluents to the environment."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the transaction of routine morning business.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Under the previous order, are speeches during the transaction of routine morning business to be limited to 3 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. TYDINGS. Mr. President, I ask unanimous consent that, notwithstanding the time limitation, I be permitted to speak for 7 minutes for the purpose of introducing a bill.

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

S. 2676—INTRODUCTION OF A BILL TO PROHIBIT THE SALE TO MINORS OF CERTAIN OBSCENE MATERIALS

Mr. TYDINGS. Mr. President, today on behalf of myself and Senator ANDERSON, Senator BIBLE, Senator BURDICK, Senator CANNON, Senator EASTLAND, Senator FANNIN, Senator FONC, Senator GORE, Senator GURNEY, Senator HARRIS, Senator HART, Senator HARTKE, Senator HOLLINGS, Senator MAGNUSON, Senator MANSFIELD, Senator METCALF, Senator RANDOLPH, Senator STEVENS, and Senator THURMOND, I am introducing, for appropriate reference, a bill to prohibit the sale to minors of obscene materials that have been transported by interstate commerce or by the U.S. mails.

In 1963, Ralph Ginzburg, a New York publisher, was convicted and sentenced

to 5 years' imprisonment for sending an obscene edition of his magazine, *Eros*, through the mail. In 1966, following the Supreme Court's affirmation of his conviction,¹ Ginsburg posed the following question:

What is obscenity anyway, it's not definable, not measurable, a bag of smoke, it's like witchery, there's no such thing?

I disagree with Mr. Ginsburg. There is such a thing as obscenity. You may have some trouble defining it, but you know it when you see it. You know that it is not James Joyce's "Ulysses." It is not the poems of Ovid. It is not the Book of Ruth. Great literature and poetry may deal with sexual matters, but they are still art, not pornography. These are, of course, many borderline cases, with which the courts struggled for many years. As to such material, individuals may perhaps differ from each other. Let us admit also that standards have changed over the years and that today we have difficulty understanding the uproar that accompanied the use of the word "damn" in "Gone With the Wind."

But consider the trash books with titles on the order of "Wicked Wanton" and "Sex Siren" that are becoming increasingly prevalent on the less reputable bookstands. These high-priced formula pulps are turned out by the score, virtually overnight. They are cheaply bound and printed. They have no beginning and no end. They have little plot and no characters worth remembering. In sum they have no literary merit whatsoever. They do, however, describe in vivid terms the most lurid sexual aberrations known to man. Are they obscene, Mr. Ginsburg? I think so. Worse even, let us consider the so-called French postcards, and playing cards, and stag films that in still and motion pictures show heterosexual and homosexual relations of every nature and kind. We do not have to agree with Anthony Comstock or even to be old fashioned to label these items obscene.

Does anyone doubt that this material panders to prurient interests, violates contemporary community standards, and is utterly and completely devoid of redeeming social value? Clearly, it constitutes hard-core pornography. Clearly, it represents speech that is not and should not be subject to the protection of the first amendment to the Constitution.

Frankly, I am not overly concerned about what adults buy or read or see. Mature adults are usually quite capable of selecting their own reading matter and coping responsibly with its content. I am very concerned, however, that as much as 75 percent of the pornographic material circulated in this country eventually falls into the hands of minors. I am concerned that much of this material reaches the unformed minds and emotions of young boys and girls.

I cannot prove that a particular child read a particular manuscript and as a result committed a crime or suffered emotional problems. I do not need such proof and neither does any other parent. I am satisfied with the accuracy of the findings of the New York Academy of

Medicine that such reading "interferes with the development of a healthy attitude and respect for the opposite sex." Such interference would seem to be a natural result of the sick and distorted manner in which pornography portrays sex. No one would suggest that all or even most youngsters would be detrimentally affected by exposure to pornography. But some might. I am convinced by the expressed views of noted psychiatrists that by exposing healthy boys and girls to abnormalities you might do permanent character damage.

At the very least I am convinced and satisfied by such authoritative opinions to the extent that I do not wish to test the findings, not with my children nor with anyone else's.

Parents, of course, are responsible for raising, caring for, and nurturing their own sons and daughters. And we welcome these chores. Nevertheless we do not wish and cannot be expected to monitor their every activity, examine every piece of mail that they receive, and constantly search their rooms for hidden contraband. In order to be a match for those who pander filth for the dollar's sake, we must have the support of laws designed to aid us in the discharge of our responsibilities.

Pornography is big business with an immense profit margin. Estimates as to the annual take of the smut industry have ranged as high as a \$2 billion per year. With so much money at stake, it is no wonder that the pornographers ply their trade so diligently. To subdue this massive operation, we must depend to a great extent on vigilant, vigorous enforcement of laws that are designed to convince the peddlers of pornography that the risks of their activities outweigh the potential monetary rewards. To be certain there are already numerous laws on the books. Many of them, however, are excessively vague or are otherwise subject to constitutional attack. When trained law enforcement officers cannot be certain of the applicability of a statute, and when prosecutors and judges have doubts as to the validity of convictions obtained under it, we cannot expect it to be an effective weapon in the war against obscenity.

Many of the existing laws are also not as effective as they might be because they apply the same standards to children as they do to adults. These statutes fail to take advantage of recent court decisions that would allow a broader attack on the material peddled to children than on that purchased by adults. I am pleased to see that a number of thoughtful legislative proposals introduced this year are designed to take advantage of these court decisions. We simply cannot afford to waste any ammunition that we have at our disposal.

In drafting the legislation that I am introducing today, I have attempted to utilize all available ammunition while adhering closely to the guidelines established by the courts. I began with the proposition that obscenity is not entitled to the protection of the freedoms of speech and press and may be regulated by a properly drafted and administered statute. The Supreme Court has specifically affirmed that proposition in Roth

against United States.² In Roth, the Court also established for the first time the constitutional test for obscenity. That test, as subsequently amplified in *Jacobellis* against Ohio³ and the *Fanny Hill* case⁴ has three elements, all of which must coalesce. In order for material to be considered obscene and not subject to the strictures of the first amendment, it must be established that:

First, the dominant theme of the material taken as a whole appeals to a prurient interest in sex;

Second, the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and

Third, the material is utterly without redeeming social value.

Of course, in Ralph Ginsberg's own case, the Court held that the manner in which the material was presented to the public is evidence that can be considered in determining if it fits the definition of obscenity.

In my opinion, however, the most significant case since Roth involves another Ginsberg, Sam Ginsberg, the owner of Sam's Stationery and Luncheonette in Bellmore, Long Island. Samuel Ginsberg was tried and convicted under a New York criminal obscenity statute that prohibits the sale to minors under 17 years of age of material defined as obscene not on the basis of its effect on adults but rather on the basis of its prurient appeal, offensiveness and social importance to such minors. Ginsberg attacked the law in its face, but the Supreme Court rejected his position.⁵ Justice Brennan wrote the opinion for the Court. The Court said, in sum, that obscenity is not within the area of protected speech or press; that the power of the State to control the conduct of children reaches beyond the scope of its authority over adults; and that the Court cannot validly take the position that defining the obscenity of material on the basis of its appeal to minors has no relation to the objective of protecting such minors from harm. The Court also found that the statute was not unconstitutionally vague and had the necessary requirement of scienter implied within its strictures. These latter findings deal, of course, with familiar problems of procedural due process.

The legislation that I am introducing today is patterned after the provisions of the New York statute⁶ upheld in Ginsberg.

It is a criminal statute, not one involving prior restraint, and will provide those accused of violating it with all the due process safeguards surrounding a criminal trial. The bill would make illegal

¹ 354 U.S. 476 (1957) *reh. den.* 355 U.S. 852.

² 378 U.S. 184 (1964).

³ A book named "John Cleland's *Memoirs of a Woman of Pleasure*" v. *The Attorney General of Massachusetts*, 383 U.S. 413 (1966).

⁴ *Ginsberg v. State of New York*, 390 US 629 (1968), *reh. den.* 391 US 971.

⁵ I believe that the modifications that I have made represent improvements. *Foolish Figleaves*, a thoughtful book by Richard H. Kuh was particularly helpful.

¹ *Ginsburg v. United States*, 393 U.S. 463 (1966).

the sale or exhibition to children under 16 years of age of books, photographs, drawings and movies that pornographically depict or describe sexual conduct and sexual excitement, including sado-masochistic abuse. Pornographic is defined in terms of effect on minors and, therefore, reaches beyond the limits proscribed for the regulation of material sold to adults. The legislation sanctions only knowing intentional behavior.

Furthermore, the bill is designed carefully so as not to interfere with any parent's guidance and supervision of his own child. Immunity is also provided for schools, museums, and libraries.

No one law, even if vigorously enforced, could in itself put the purveyors of filth out of business. The legislation that I am proposing, however, will, I believe, be a powerful, dependable weapon in the arsenal of our law enforcement officials. Hopefully, it will be utilized to do heavy damage to those whose trade endangers the impressionable minds of our children.

No doubt, despite the safeguards incorporated in it, this legislation will be criticized by those who fear any regulation of the written or spoken word. To these critics let me say that I respect their views and understand and share their concern for the defense of our basic freedoms. Nevertheless, I do not believe that a narrow, carefully drafted law designed to protect young children from the tensions and distortions that are inherent in pornography encroaches in any manner on our rights of free speech and free press. I must agree with the words of Norman Thomas, a man who had a deep and abiding belief in the need to maintain the viability of the Bill of Rights:

I do not believe that in order to protect the fundamental liberties of the press we have to turn our children . . . over to the kind of visual exploitation of base emotion, and the arousal of base emotion to which of course this literature, this pornographic literature, these films and cards and all the rest are directed . . .

I think in these times with this terrible increase in juvenile delinquency, with this immensely profitable flood of pornography using techniques never before available to the seducers of the innocent, I think it is nonsense to say that we are so bound by a very extreme interpretation of the freedom of the press that we cannot act.⁷

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

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

The bill (S. 2676) to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

⁷ Hearing on juvenile delinquency (obscene and pornographic materials) before Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, 84th Cong., 1st sess., 217-21 (1955).

S. 2676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended:

(1) By adding a new section 1466 as follows:

"§ 1466. Sale of matter harmful to minors
"(a) Definitions. As used in this section:
"(i) 'Minor' means any person less than sixteen years old.

"(ii) 'Adult' means any person sixteen years old or older.

"(iii) 'Sexual conduct' means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas, or buttocks of the human male or female, or the breast of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

"(iv) 'Sexual excitement' means the condition of human male or female genitals when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct.

"(v) 'Sado-masochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"(vi) 'Harmful to minors' means that quality of any description or representation, in whatever form, of sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

"(A) predominately appeals to the prurient interest of minors; and

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

"(C) is utterly without redeeming social importance for minors.

"(vii) 'knowing' means having general knowledge of or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both of the following:

"(A) the general nature and content of any material described herein which is reasonably susceptible to examination by the defendant, hereafter referred to as the 'content' of the materials, and

"(B) the fact that the materials have been or will be shipped in interstate commerce or by the U.S. mails, hereafter referred to as the 'character' of the materials.

"(b) Selling obscene material to minors

"(1) A person is guilty of selling obscene material to minors when knowing its character and content, he sells or loans to a minor for monetary consideration.

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body that depicts sexual conduct, sexual excitement or sado-masochistic abuse, that is harmful to minors, and that has been or will be shipped in interstate commerce or by the U.S. mails; or

"(B) any book, paperback, pamphlet, magazine, or other written or printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (A) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, that, taken as a whole, is harmful to minors and that has been or will be shipped in interstate commerce or by the U.S. mails;

"(ii) A person is guilty of selling obscene materials to minors when knowing the character and content of a motion picture, show or other presentation that, in whole or in part, depicts sexual conduct, sexual excitement, or sado-masochistic abuse, that is

harmful to minors, and that has been or will be shipped in interstate commerce or by the U.S. mails, he:

"(A) exhibits such motion picture, show or other presentation to a minor for a monetary consideration; or

"(B) sells to a minor an admission ticket or pass to premises whereon there is exhibited or to be exhibited such motion picture, show or presentation; or

"(C) admits a minor for monetary consideration to premises whereon there is exhibited or to be exhibited such motion picture, show or other presentation.

"(iii) An employer actively participating in the operation of a business may be held criminally responsible for the acts of those employees in such business that are in violation of this section when those acts are performed within the scope of the employee's employment.

"(iv) A person found guilty of selling obscene material to minors shall be punished by a fine of not more than \$5,000 and/or imprisonment for not more than five years for the first offense and a fine of not more than \$10,000 and/or imprisonment for not more than ten years for each additional offense.

"(v) Selling obscene materials to minors shall not be a violation of this section when:

"(A) the minor is accompanied by his parent or legal guardian, or when the minor is accompanied by an adult, and the defendant has no reason to suspect that the adult accompanying the minor is not the minor's parent or guardian; or

"(B) the defendant is charged with the sale of materials the obscene portion of which form merely a minor and incidental part of an otherwise non-offending whole and which serve some purpose therein other than titillation.

"(vi) Nothing in this section shall be construed to render illegal the selling, lending, giving, or exhibiting to minors of the materials proscribed herein when:

"(A) the defendant is in a parental or guardianship relationship with the minor; or

"(B) the defendant is a bona fide school, museum, or public library, or is acting in the capacity of an employee of such organization or of a retail outlet affiliated with and serving the educational purposes of such organization; or

"(C) the defendant is distributing, selling, or otherwise commercially marketing or renting a book, magazine, pamphlet, paperback, or other written or printed matter that is a serious and bona fide treatise or handbook on sexual functioning, guidance, hygiene, or problems, and is advertised and marketed as such; or is officially involved with legitimate research in these areas.

"(c) Presumptions—The following rebuttable presumptions are applicable to this section:

"(1) Any person owning, operating, or employed in the business of selling, offering for sale, renting, or exhibiting any of the materials proscribed for minors by this subsection shall be presumed to have knowledge of which materials in the establishment have been transported by interstate commerce or by the United States mails.

"(ii) An employee who sells obscene materials to minors in or about his place of employment is presumed to have acted within the scope of his employment.

"(d) Defenses:

"(1) In any prosecution for selling obscene material to minors, it is an affirmative defense that:

"(A) the defendant or his employee had reasonable cause to believe and did honestly believe that the minor involved was sixteen years old or older; and

"(B) such minor exhibited to the defendant a draft card, drivers license, birth certificate or other official or apparently official

document purporting to establish that such minor was sixteen years old or older.

"(11) It shall be an affirmative defense to a charge of violating this section by filling a minor's mail order request for obscene material that the defendant made reasonable efforts to determine that the purchaser of the material was sixteen years old or older: *Provided that* reasonable efforts shall not solely consist of the asking the minor to state he is sixteen years old or older."

(2) By adding to the analysis of chapter 71 of title 18, United States Code, the following new item:

"1466. Sale of matter harmful to minors."

Mr. HART. Mr. President, if tax fairness is the No. 1 complaint of many constituents, a close second is concern over the mushrooming availability of obscene materials—obscene by any definition.

The problem is not only that such material, however broadly or narrowly defined, is available for purchase or viewing, but also that increasing amounts of such material are being sent through the mail unsolicited.

Even more disturbing is the estimate that 75 percent of such material ends up in the hands of minors.

Rational men of good will can and do differ on what is pornographic.

Rational men of good will can and do differ on what authority the State has in a free society to regulate the availability of obscene material for adult consumption.

There is disagreement on the need of censoring such material for adults.

But despite this disagreement on controlling what material adults may choose to read and to watch—I believe that most of us can agree that there is a strong case for greater control of the material available to minors.

Indeed, the trust of most complaints in this area is concern over efforts made to sell such material to minors.

As a parent of eight children, I share that concern.

Because of that concern, I today cosponsor S. 2676, a bill, introduced by the senior Senator from Maryland, to prohibit the sale to minors of certain obscene material transported in interstate commerce or by the U.S. mails.

There is every reason to believe that this bill is constitutional and will be effective.

The bill is based on four propositions set out in a series of U.S. Supreme Court decisions, most recently the 1968 ruling in *Ginsberg versus New York*:

First. Obscenity is not protected by constitutional guarantees of freedom of speech and of the press.

Second. Obscene material can be defined.

Third. The State has broader authority to control the conduct of minors than of adults.

Fourth. The State is not prohibited from defining obscene material in terms of its effect on minors.

In *Ginsberg* against New York, the Supreme Court upheld a State law prohibiting the sale to minors of material defined as obscene in terms of its effects on minors rather than on adults.

The bill I cosponsor today is patterned on that law.

In short, the bill defines pornography in terms of its effect on minors; sets

criminal penalties for selling or exhibiting obscene material to minors; protects the rights of the accused by requiring a criminal jury trial; and, permits the sale of such material to minors accompanied by a parent or legal guardian and to schools, museums, and libraries.

Mr. President, short of outright and total censorship of all publications, I know of no law which will force all material considered pornographic out of circulation.

I know of no law which will totally insure that such materials, no matter how defined, will not reach minors.

In the final analysis, the primary responsibility in this area must rest with parents, churches and schools.

For example, effective public boycott of a movie or television show will do more in determining acceptable standards than any legislation or office of censorship.

However, having said that, I do not mean to imply that the State has no authority to help parents who seek to provide guidance in developing their children's taste and intellect.

That is a clear responsibility of parents and should not be undercut by persons seeking profit from playing to the prurient interest of minors.

To argue that such authority is not needed because we have no proof that exposure to obscene material is harmful to minors is to argue that society and parents do not have an interest in seeking to develop in the young a knowledge of sex, literature, and the arts that is both healthy and wholesome.

As a parent I believe I do have that responsibility.

The bill I cosponsor today is designed to assist parents to meet that responsibility, and in no way interferes with the parent who decides what some may consider pornographic is suitable material for his children.

I recognize and sympathize with those persons concerned about any censoring of the written and spoken word.

That concern is, of course, at the heart of the question of controlling the availability of obscene material to adults.

In a free society, it is extremely difficult if not impossible to determine a broad definition of what adults consider pornographic. Tastes vary, even within communities.

Nevertheless, a carefully drawn bill to help parents guide their children toward material which the parents, as individuals, feel is proper does not infringe on the basic freedoms so often thought to be endangered by bills in this area.

This bill both protects the rights of individuals and attacks the efforts of those who seek profits from playing to the prurient interest of minors.

I join the able Senator from Maryland in the introduction of this bill; I will join him in efforts to schedule prompt hearings.

PROPOSED EXTENSION OF THE SURTAX

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss one adverse effect of deferring enactment of H.R. 12290 which as yet has not been mentioned.

In previous statements I have already called attention to the problem created in the financial communities as the result of the continued uncertainty as to whether Congress will or will not extend the surcharge and if so, at what rates, and whether Congress will or will not repeal the investment credit and if so, its effective date.

Businessmen need to know the rules under which they are expected to operate, and a continuation of this uncertainty is having and will continue to have an adverse effect on our economy.

But there is an additional argument for prompt action on H.R. 12290 which has not been mentioned, and that is the point I wish to discuss today.

The argument is made, "It will not make any difference if we enact month-to-month extensions of withholding and pass the surcharge extension any time." On the contrary it does make a tremendous difference.

By merely extending the withholding rates on the wage earners the corporations and the large taxpayers who file estimated returns have a definite advantage in that they can legally reduce their estimates on the assumption that the 10-percent surcharge is no longer the law; it has not been extended. All that Congress is doing is extending the withholding rates.

I have asked the Treasury Department to compile an estimate—the table to be incorporated at the end of my remarks—of the additional deferral of individual and corporate income taxes due that could result from successive month-to-month extensions of withholding as a substitute for passing the surcharge extension.

According to this table prepared by the Treasury Department the August revenue will be about \$50 million lower if we rely on month-to-month extensions than it would be if we passed the surcharge extension now. The cumulative loss will be \$685 million if we are still relying on month-to-month extensions through September, and by December if month-to-month extensions are still being used the cumulative revenue loss and the increase in the Federal debt will be \$1.355 billion.

Senators should understand what these figures mean. We are proceeding on the premise that ultimately the surcharge will be passed. We are telling the wage and salary earners of America that we are going to withhold taxes on their income as if we had passed the surcharge. This is what the withholding extension does.

Most of the wealthy taxpayers, however, and the corporations pay a large amount of estimated tax. We cannot require these taxpayers to increase their estimated tax payments until we increase the legal liability for 1969—that is, until we pass the surcharge extension. When we defer passage of the surcharge extension and enact monthly withholding extensions, we are collecting more money from wage and salary earners but not from the wealthy people and the corporations that pay estimated tax. We

are telling them that they can reduce their estimated tax proportionately and pay us later.

What we are doing is providing interest-free loans to wealthy taxpayers and corporations at a time when the prime interest rate is 8½ percent nominally and over 10 percent in effect due to compensating balance requirements. On the other hand, the Federal Treasury will have to pay additional interest at close to 7 percent per annum on the borrowing necessary to make up these interest-free loans.

There is another aspect that arises from the mere extension of the withholding rates. Many corporations report their income tax liabilities on a fiscal year rather than a calendar year basis.

H.R. 12290 proposes to repeal the investment credit as of April 18, 1969; however, a company whose fiscal year ends between April and whatever date Congress enacts this bill gains an additional benefit. For example, suppose this company between those dates purchases equipment which under existing law is eligible for the 7-percent investment credit. That company in filing its tax return must comply with the law as of the date it files its tax return. That means it would automatically deduct the 7-percent investment credit from its fiscal year tax obligation for equipment purchased after the April date.

It is true that later, should Congress repeal the investment credit retroactively the company would be required to file an amended return and refund this investment credit to the Government. In the meantime, however, the company would have had the use of the money and conceivably could have invested it in Treasury bills bearing 6 percent until such time as Congress decided to enact the law. The Government would not recover this interest because Congress in retroactively enacting a tax cannot place a penalty upon a taxpayer for not having paid the tax before the law was passed.

I have pointed out the decided advantages that can accrue to the corporations and large taxpayers as the result of congressional delays in acting on this surtax bill. Now I shall point out the disadvantages to the wage earners whose taxes would be withheld under a series of withholding extensions.

Suppose, in the final analysis, Congress did not extend the surtax. When the wage earners file their tax returns next April they would get a refund of the additional withholdings, but they would not get any interest on this overwithholding.

The Government would have had the use of their money, interest free, from 6 to 8 months.

Mr. President, there is only one responsible and equitable manner in which this issue can be settled, and that is by prompt consideration by the Senate of H.R. 12290. There is no reason why action cannot be taken promptly. It would be a near catastrophe to wait for the tax reform now being considered by the House. Tax reform is needed, and there is no question but that it will be on the agenda of the Senate before this session

of Congress ends; but its proper consideration will take time—and time is running out in our fight against inflation.

I ask unanimous consent to have printed at this point a table prepared by the Treasury Department showing the results of monthly extensions of with-

holding rates and the potential windfalls that will develop for the wealthy taxpayers and corporations should action on the surtax extension be unduly delayed.

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

TAX POSTPONEMENT GRANTED BY SUCCESSIVE MONTHLY EXTENSIONS OF THE CURRENT WITHHOLDING RATES WITHOUT ENACTMENT OF THE SURCHARGE

[In millions]

Month-to-month extension through—	Additional deferral of estimated tax due to—			Total	Cumulative deferral
	Corporate income	Investment credit	Individual income		
August.....	\$30	\$10	\$10	\$50	\$50
September.....	450	110	75	635	685
October.....	30	10	10	50	735
November.....	30	10	10	50	785
December.....	450	110	10	570	1,355

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED AMENDMENT TO REQUESTS FOR APPROPRIATIONS FOR FISCAL YEAR 1970 FOR FEDERAL BUREAU OF INVESTIGATION ACADEMY AT QUANTICO, VA. (S. Doc. No. 29)

A communication from the President of the United States, transmitting a proposed amendment to the requests for appropriations transmitted in the budget for fiscal year 1970, in the amount of \$7.4 million, for completion of the Federal Bureau of Investigation Academy in Quantico, Va. (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED 2-YEAR EXTENSION OF RURAL HOUSING AUTHORIZATIONS

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949 to provide for a 2-year extension of rural housing authorizations, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Phoenix, Ariz., Office of Economic Opportunity (with an accompanying report); to the Committee on Government Operations.

PROSPECTUSES FOR PROPOSED LEASES

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, prospectuses, which propose acquisition of space under a lease arrangement (with accompanying papers); to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center (Rept. No. 91-327).

HYDROELECTRIC POWER DEVELOPMENT AT THE TOCKS ISLAND DAM—DELAWARE RIVER BASIN—REPORT OF A COMMITTEE—(S. REPT. NO. 91-328)

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, I report favorably an original bill (S. 2678) to amend section 203 of the Flood Control Act of 1962 to provide for optimum development at Tocks Island Dam and Reservoir project, and I submit a report thereon.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar.

Mr. BYRD of West Virginia subsequently said: Mr. President, on behalf of my senior colleague from West Virginia, Senator RANDOLPH, I ask unanimous consent that the report filed earlier today from the Committee on Public Works, on an original bill (S. 2678) to amend the Flood Control Act of 1966, be printed, together with the individual views of the Senator from Kentucky (Mr. COOPER).

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

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Roderic L. O'Connor, of New Jersey, to be an Assistant Administrator of the Agency for International Development.

Spurgeon M. Keeny, Jr., of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. RIBICOFF:

S. 2669. A bill to provide for the free entry of certain scientific instruments for the use of certain universities; to the Committee on Finance.

S. 2670. A bill for the relief of Giuseppe Di Nardo;

S. 2671. A bill for the relief of Giuseppe Mangano; and

S. 2672. A bill designating July 20 of each year as a legal public holiday to be known as "Moon Landing Day"; to the Committee on the Judiciary.

S. 2673. A bill to permit a Federal employee to transfer his enrollment from a Federal health benefits plan to another plan under certain additional circumstances; to the Committee on Post Office and Civil Service.

(The remarks of Mr. RIBICOFF when he introduced S. 2672 appear later in the RECORD under the appropriate heading.)

By Mr. INOUE:

S. 2674. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

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

By Mr. HOLLAND:

S. 2675. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. TYDINGS (for himself, Mr. ANDERSON, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. EASTLAND, Mr. FANNIN, Mr. FONG, Mr. GORE, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. RANDOLPH, Mr. STEVENS, and Mr. THURMOND):

S. 2676. A bill to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes; to the Committee on the Judiciary.

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

By Mr. MCCLELLAN (for himself, Mr. BYRD of West Virginia, Mr. EASTLAND, Mr. MUNDT, and Mr. THURMOND):

S. 2677. A bill to prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes; to the Committee on the Judiciary.

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

By Mr. RANDOLPH:

S. 2678. A bill to amend section 203 of the Flood Control Act of 1962 to provide for optimum development at Tocks Island Dam and Reservoir project; placed on the calendar.

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

By Mr. BYRD of West Virginia:

S. 2679. A bill designating July 20 of each year as a legal public holiday to be known as Manned Lunar Landing Day; to the Committee on the Judiciary.

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

By Mr. GOLDWATER:

S.J. Res. 138. Joint resolution to designate the 20th day of July in each year as "National Man in Space Day"; to the Committee on the Judiciary.

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

S. 2672—INTRODUCTION OF A BILL TO ESTABLISH JULY 20 OF EACH YEAR AS "MOON LANDING DAY"

Mr. RIBICOFF. Mr. President, men have dreamed about going to the moon for thousands of years. Now we have done it.

An annual holiday in commemoration of this historic event would remind us each year of the great success we have achieved—and provide inspiration for us to pursue new and even more challenging goals, both on earth and in space.

In the lunar landing, the world has witnessed the most spectacular technological accomplishment of all time.

The door has been opened to a whole new world of exploration and knowledge. As Neil Armstrong said walking on the moon for the first time:

That's one small step for man, one giant leap for mankind.

We have seen a triumph of wit, daring, and vision—and all mankind can take pride in this achievement.

Armstrong, Aldrin, and Collins—like Columbus—have made history and, in so doing, have enriched and broadened the course of human destiny.

The plaque that rests on the lunar surface says, "We came in peace for all mankind." I hope that all mankind will benefit from this mission and those that follow.

For if men can visit the moon—and now we know they can—then there is no limit to what else we can do. Perhaps that is the real meaning of Apollo 11.

It is a lesson that each generation of Americans should know—one that should be remembered for as long as we are a nation.

Accordingly, Mr. President, I introduce, for appropriate reference, a bill to establish July 20 each year as a national holiday to be known as "Moon Landing Day."

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

The bill (S. 2672) designating July 20 of each year as a legal public holiday to be known as "Moon Landing Day," introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2674—INTRODUCTION OF A BILL PROVIDING FOR THE PROCUREMENT AND RETENTION OF JUDGE ADVOCATES AND LAW SPECIALISTS FOR THE ARMED FORCES

Mr. INOUE. Mr. President, I introduce, for appropriate reference, a bill to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces. My bill seeks to alleviate a chronic, critical problem of retention of military lawyers by providing special incentives for continuation in the service after the initial 4 years' active duty in the Judge Advocate General's Corps and professional pay for a skill that is in desperately short supply.

Specifically, my bill provides special pay to judge advocates of \$50 per month

for grade O-1 through O-3; \$150 per month for grades O-4 and O-5; and \$200 per month for grades O-6 and above. This allowance corrects what appears to me to be an unjust discrimination against lawyers, dentists, physicians, and veterinarians currently receive special pay of \$100 to \$350 per month. Enlisted personnel in some 484 designated skills and specialties receive special pay ranging from \$30 to \$150 per month per recipient. Of the professionals requiring advanced graduate education, only the lawyer receives no recognition for the years spent in school. My bill will accomplish two things; it will make service in the Armed Forces as a career military lawyer more financially attractive and it will confer upon the lawyer recognition as a respected professional with urgently required skills.

The second portion of my bill will provide for a continuation bonus for military lawyers who extend their service on active duty for at least 3 years but not more than 6 years, at the rate of 2 months' pay for each additional year. The bonus would be paid upon the completion of the 4 years' required duty.

Figures released over the last year indicate the seriousness of the military lawyer retention problem. It has been estimated that there is an existing shortage of some 737 lawyers: 323 in the Army; 170 in the Navy; 112 in the Marine Corps; and 132 in the Air Force. This problem will be aggravated when the Military Justice Act of 1968 becomes fully effective. The act is estimated to require more than 800 new attorneys.

The retention rate of lawyers is shockingly low. Of the required rate of 25 percent in the Army, only 17 percent are retained; the Navy retains 8 of 30 percent; the Air Force 14.5 of 45 percent; and the Marine Corps 3.6 of 25 percent. The result of the failure to retain an adequate number of experienced lawyers could result in the decline of the quality of counsel since newer lawyers may be unfamiliar with military routine and lack the experience that comes only with years of practice.

Hitherto there has been little difficulty in obtaining junior lawyers because draft pressures have led a sufficient number of well-trained graduates to join the Judge Advocate General's Corps. However competent they may be, a junior lawyer lacks the expertise of someone who has spent a career as a military attorney.

The Department of Defense has recognized the critical nature of the shortage. A study by a Department of Defense working group on military lawyer procurement, utilization, and retention was completed last October and arrived at many of the dismaying figures I have given today. My measure embodies many of the suggestions of the study and conforms to Department of Defense recommendations.

Estimated cost of the legislation is \$7 million annually, with subsequent costs of no more than that amount. More expensive programs have been proposed, but I believe that my bill is sufficient to mitigate the problem at a lesser cost. The Judge Advocate Association has en-

dorsed the concept of the bill, as has the Federal Bar Association. After years of hesitation, the Department of Defense has finally given lawyers' compensation its endorsement and has conceded that there is no present remedy to relieve the shortage. I believe that the proposals contained in my bill are overdue and that, having been ignored for so long, the lawyers serving in the armed services deserve this recognition.

Mr. President, I ask unanimous consent that a table showing these figures be printed at this point in the RECORD.

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

The bill (S. 2674) to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces, introduced by Mr. INOUE, was received, read twice by its title, and referred to the Committee on Armed Services.

The table presented by Mr. INOUE is as follows:

MILITARY LAWYER RETENTION RATE DECLINING

	Required rate per year (percent)	Actual rate per year (percent)	Numerical shortage in career force
Army.....	25	17	-323
Navy.....	30	8	-170
Air Force.....	45	14.5	-132
Marine Corps.....	25	3.6	-112

**SENATE JOINT RESOLUTION 138—
INTRODUCTION OF A JOINT RESOLUTION DESIGNATING THE 20TH DAY OF JULY IN EACH YEAR AS "NATIONAL MAN IN SPACE DAY"**

Mr. GOLDWATER. Mr. President, the success of Apollo 11 is an incredible triumph of man. The extraordinary achievements of the crew of Apollo 11—which are still unfolding—will go down in history unlike anything before.

The most remarkable fact about this flight may be that it marks the first voyage of humans to the surface of another celestial body. But, other firsts which result from this mission will continue to unravel for months to come. Any list of these firsts will surely include the following:

The first landing of a manned spacecraft on the surface of the moon.

The first step taken by man on extra-terrestrial soil.

The first words spoken on the moon.

The first on-the-spot television pictures transmitted by and about men on the moon.

The first successful demonstration that men can function on the moon.

The first scientific exploration and experimentation to be conducted by humans on the moon.

The first samples of lunar materials to be returned from the surface of the moon to the earth.

The first successful liftoff and return of any craft, manned and unmanned, from the lunar surface.

Mr. President, I believe that the essence of what all this means is well expressed in the first words which were

spoken on the moon. At the fateful moment last Sunday when Neil Armstrong took his first step onto lunar soil, he reported:

That's one small step for man, one giant leap for mankind.

Mr. President, in my opinion, these words must be among the most profound and prophetic in the entire history of man. This step was indeed a small one insofar as it carried this one man; but with this same step mankind took a great leap forward into a new, bold era utterly removed from any other in the entire history of the human race. Man has for the first time proven that he is able and willing to adapt to environments beyond this planet. Thus, an era is begun when man, sooner or later, will colonize the moon, move toward the planets, and perhaps, even reach for the stars.

Mr. President, there is another special quality of the journey of Apollo 11 that sets it far above any previous events. It should be noted that never before has any landmark of human times been shared and witnessed by such a great portion of mankind. It is not alone by reason of the technical miracles of the age that we were able to enjoy the privilege of bearing witness to this incredible venture. A real debt of tribute must be paid to the open quality of American society—an America courageous enough to permit the peoples of the world to view and listen to the journey of Apollo 11 each step of the way and thereby to experience history as it was being made.

Mr. President, I cannot fully describe the impact Apollo 11 will have on man's future. I have touched upon the significant beginning that has been made to put man into environments outside this planet. And, to that, I can add the great boost which this flight will have in rekindling man's dreams and hopes by proving what dedicated men, and a dedicated people, can do in the face of seemingly insurmountable problems. But the final answer lies within us all because the complete results of this memorable flight will depend upon the ultimate capabilities of man and what he chooses to do with them.

Mr. President, there is much cheer in this for America. Two Americans have been on the moon. American will and American know-how was able to pull off a staggering technical and physical feat. This country can be pleased that it is the American flag which is the first to be planted on the soil of any body outside this planet. And, we can rightly be proud of the decision by our space experts to stick to manned flights for the major lunar mission. The wisdom of this decision was clearly proven Sunday when the automatic guidance system on Eagle nearly put the craft into a deep, rock-filled crater. It was only the skill of the astronauts on board who were able to override the automatic system by manual steering, that saved their ship from what might have been a fatal landing.

Mr. President, there will be many honors and celebrations awaiting the brave astronauts soon after their safe mission home is completed; and they are fully deserving of all the tributes we can bestow upon them.

But, once these ceremonies have ended, we must search for something more lasting. We must provide a means for Americans of all future generations to recall, rejoice in, and be inspired by the great deeds and achievements which these three men have made a part of America's heritage.

Therefore, Mr. President, I propose to set aside a day in each year when citizens of the United States from all walks of life may participate in ceremonies and activities held in honor of Apollo 11. This day should be marked by remembrances of the great story of the flight of Apollo 11 and by a continuous updating of its meaning to Americans.

Also, it might serve well as the one day when all of man's great ventures in space will be recalled and used to refresh the human spirit.

Since the most dramatic single events of the 9-day Apollo 11 mission will have to be those which occurred on the day when man first touched down on the moon, I have chosen this date—July 20 of each year—as the symbolic occasion for holding this national day of participation. And, I can imagine no more fitting name to give to this day, so that it will remain relevant to changing times, than "National Man in Space Day."

In this manner, Mr. President, the noble flight of Apollo 11 and the great moments of other space endeavors may serve to lift the human spirit and reawaken the pride of achievement in man that will move the human race forward for the betterment of all.

Mr. President, at this time I introduce, for appropriate reference, a joint resolution to carry out the proposal, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 138), to designate the 20th day of July in each year as "National Man in Space Day," introduced by Mr. GOLDWATER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 138

Whereas on Wednesday, July 16th, 1969, Neil A. Armstrong, Edwin (Buzz) Aldrin, Junior, and Michael Collins rocketed on the memorable start of the epic nine-day flight of Apollo 11; and

Whereas on Sunday, July 20th, 1969, at 4:17 p.m. (EDT), with the lunar module, Eagle, separated from the command ship, Columbia, Neil A. Armstrong and Edwin (Buzz) Aldrin, Junior, touched down safely in the Sea of Tranquility on the first landing of a manned spacecraft on the surface of the moon; and

Whereas with the message "Houston, Tranquility Base here. The Eagle has landed," the whole world was informed of this landmark in human history; and

Whereas at 10:56 p.m. (EDT) on July 20th, less than seven hours after the first lunar landing, Neil A. Armstrong became the first man to set foot upon the moon; and

Whereas a few minutes later, Edwin (Buzz) Aldrin, Junior, became the second man to stand on extra-terrestrial soil; and

Whereas these two space pioneers success-

fully performed a lengthy and grueling set of scientific activities on the lunar surface, demonstrating to the world that man can function on the moon; and

Whereas it was stated by the President of the United States that this momentous achievement stands as the breakthrough by which "the heavens have become a part of man"; and

Whereas the first words spoken on the moon, "That's a one small step for man, one giant leap for mankind," are deeply profound and prophetic because the flight of Apollo 11 is more than the first voyage of humans to another celestial body—it is also the beginning of a whole new era in which mankind has taken the first great step in adapting to an environment beyond this planet; and

Whereas the successful lunar landing, moon walk, and lift-off from the lunar surface are the only landmark events in the whole history of man which were experienced and witnessed as they occurred by a large portion of mankind; and

Whereas the moment on which the American flag was planted in the soil of the moon is a dramatic event destined to be a lasting part of the heritage of this nation; and

Whereas the successes of Apollo 11 and other great space ventures will surely serve to rekindle man's dreams and hopes, and reawaken his confidence in what dedicated men, and a dedicated people, can do in the face of seemingly insurmountable problems; and

Whereas it is therefore fitting and proper that the extraordinary achievements of the brave men of Apollo 11 and great moments of other American space endeavors be recalled and rejoiced in by annual, national observances held throughout the United States:

Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 20th day of July in each year is hereby designated as "National Man in Space Day."

Sec. 2. The President of the United States is authorized and requested to issue proclamations annually (1) officially designating July 20th in each year as "National Man in Space Day," (2) calling upon the people of the United States to participate in ceremonies and activities in remembrance of the epic achievements of the flight of Apollo 11 and other historic American space ventures to the end that all our people may have a better understanding of the meaning of these great events in relation to current times, and (3) inviting the Governors and Mayors of State and local governments in the United States to issue similar proclamations.

ADDITIONAL COSPONSORS OF BILLS

S. 961

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of S. 961, to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities.

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

S. 1980

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of S. 1980, to improve judicial machinery by providing Federal jurisdiction for certain types of class actions, and for other purposes.

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

S. 2306

Mr. ALLOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Kansas (Mr. DOLE) and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of S. 2306 to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

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

S. 2518

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE) I ask unanimous consent that, at its next printing, the names of the Senator from Maine (Mr. MUSKIE) and the Senator from Texas (Mr. TOWER) be added to S. 2518 to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

In the case of the Senator from Maine, he was one of those who originally indicated his desire to cosponsor this legislation, but, through an inadvertence, his name was omitted from the list that went to the bill clerk. I therefore ask unanimous consent that the permanent RECORD be corrected to show Mr. MUSKIE's name among the list of cosponsors as of June 30, 1969.

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

S. 2636

Mr. ALLOTT. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS) I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Hawaii (Mr. INOUE), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of S. 2636, to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen.

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

SENATE RESOLUTION 221—RESOLUTION TO INTERNATIONALIZE THE U.S. SPACE PROGRAM

Mr. GRAVEL submitted the following resolution (S. Res. 221); which was referred to the Committee on Aeronautical and Space Sciences:

S. Res. 221

Whereas the exploits of the United States astronauts who have left indelible footprints on the moon is a ringing salute to man's courage and enterprise;

Whereas the United States of America has performed a singular achievement in extending man's perspective beyond his own environment;

Whereas we remain confident that this has been only the first of many successful ventures into space by man;

Whereas our nation's resources can and should be shared with mankind, and

Whereas the United States has twice cooperated with Canada in international extension of our space exploits, first in the

area of science, and second in the area of applicational communications, and

Whereas the United States has cooperated fully with nations in Europe, in the Americas, in the Far East and in Africa, and with groups of nations operating within singular organizations such as the European Space Research Organization,

Resolved, that it is the desire of the United States Senate to fully share the technology and pride of our space achievements with all nations. Toward that end the Senate urges The National Aeronautics and Space Administration to select candidates from Canada and Mexico to participate in the space program as astronauts and ground specialists. And that the inclusion of those from our contiguous neighboring states be considered a first step toward expansion of the program to include all nations.

The United States Senate believes that internationalizing our space program will truly identify it as a program of science and peace and one shared by all men everywhere.

NOTICE OF HEARINGS ON S. 1980

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I announce hearings on S. 1980, a bill to improve judicial machinery by providing Federal jurisdiction for certain types of class actions, and for other purposes. The hearings will be held at 10 a.m. on July 28 and 29, 1969, in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

RURAL HOUSING PROGRAM

Mr. SPARKMAN. Mr. President, the Subcommittee on Housing and Urban Affairs, of which I am chairman, is conducting hearings this week on 1969 legislation. The subject matter of the hearings is of a general nature, mostly concerned with reviewing existing programs and extending them beyond current expiration dates. After the great Housing Act of 1968, we believe that we have enough new programs on the books to last us for a few years.

One of the programs up for review and extension is the rural housing program under the Farmers Home Administration of the Department of Agriculture. I take great pride in this program because I authored it originally as part of the Housing Act of 1949. At that time, it was called the farm housing program. Later, it was extended to small towns—up to 5,500 population—and to nonfarm residents in rural areas.

The testimony submitted to the subcommittee on Monday by Mr. James V. Smith, Administrator of the Farmers Home Administration, gives a brief explanation of the program and I believe is one of the best statements on the housing problem in rural areas and how the Farmers Home Administration is helping to solve it.

Mr. President, sometimes we forget how the people live in rural areas and the kind of poor housing occupied by so many of them. Mr. Smith, in his statement, points out that about 30 percent of the Nation's population lives in rural

areas, and about one-half of the Nation's substandard housing is found there.

The rural housing program, I believe, has all the elements needed to solve the housing problem in rural areas if it is properly implemented and given adequate authority by the administration.

At the current time, "tight money" has slowed the program down, but Mr. Smith has made suggestions which I believe are very reasonable for speeding up this very fine program.

I ask unanimous consent that Mr. Smith's statement be printed in the RECORD.

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

TESTIMONY FOR ADMINISTRATOR JAMES V. SMITH, FARMERS HOME ADMINISTRATION, BEFORE SENATE BANKING AND CURRENCY SUBCOMMITTEE ON HOUSING, JULY 21, 1969

Mr. Chairman, members of the committee, I appreciate the opportunity to appear before you to recommend a two-year extension of Title V of the Housing Act of 1949, as amended—the so-called rural housing section. This extension is of utmost importance if we are to fulfill the commitment to replace or repair the some 4 million substandard homes in rural America, and to provide new housing in the countryside for a substantial part of our growing population.

In support of this amendment I will briefly describe how the rural housing program works, and how it is administered by the Department of Agriculture.

The Farmers Home Administration got into the business of making rural housing loans by Congressional action in 1949. But our loan authorization was restricted to farm families only. As such, the program was limited in scope but it did give our county supervisors in the field valuable experience in dealing with rural housing problems.

In 1961, Congress greatly broadened the rural housing program. This legislation authorized us to make rural housing loans to nonfarm people as well as farmers in rural areas. Special provisions were made for housing loans to senior citizens and for farm workers.

Our rural housing loans increased from \$40 million in 1960 to more than \$95 million in 1962 and to \$185 million in fiscal 1963.

By 1965, there was a growing public awareness that the rural housing problem matched that of the city and urban areas not only in size but in urgency. Congress responded to this by incorporating in the Housing and Urban Development Act of 1965 authority to broaden the rural housing program.

The 1965 Act was particularly significant because it authorized a change in the method of financing the program to make it possible for private investors to buy housing insured noted. This shifted the funding of the program from appropriated funds to private funds. This change established a solid base for a rapid expansion of the rural housing program. In addition the Act authorized us to make loans in rural communities of up to 5,500 population. An estimated 30 percent of our nation's population live in rural America and about half of the nation's substandard housing is to be found there.

In the first full year under this insured loan program our rural housing loans rose to more than \$400 million. By fiscal 1968 our rural housing loans totaled \$494 million.

In 1968, the Housing and Urban Development Act further expanded the program, making it possible for us to help more hard-to-reach low income rural people who are the ones most desperately in need of adequate housing. The interest supplement payment provision of this act enables us to reduce interest rates to as low as one percent for low-

income families thus putting the monthly payments within reach of rural people who heretofore could not repay a rural housing loan.

The interest supplement provision is administered in two ways. First, under an agreement with HUD, the Farmers Home Administration acts as the authorized representative of the Federal Housing Administration, Section 235 program in rural areas.

Second, in cases where the applicant is unable to obtain a loan insured by Federal Housing Administration the Farmers Home Administration is able to make an interest supplement loan under the Section 502 program.

I would like also to take note of our self-help housing program which is another excellent program to help very low income rural families to acquire decent housing. The "sweat equity" these people put into their homes reduces the construction cost from 20 to 25 percent. During fiscal 1969 we made more than 650 self-help housing loans. This is a small but a most important program.

These loans require more than normal technical assistance and with the limited personnel the program must remain small. The funds in the amount of \$3 million which are being requested in fiscal 1970 would be granted to private nonprofit groups who would provide the supervision required by this program. Such an approach would make it possible to expand this program without increasing the number of government employees and yet bringing the programs to a great many more low income rural families.

Overall, during fiscal 1969 through May 31, some 52,000 loans totaling approximately \$480 million were made to help rural families improve the condition of their housing. In addition, we still had a backlog of 67,000 applications that could not be processed because of lack of funds. For the current fiscal year, 1970, we have asked for \$1.2 billion. This is about two-and-one-half times more than we had in 1969.

While this represents a substantial increase in loan funds, it still falls short of the level of rural housing lending we should have if we are to meet the goal of building 3 million publicly assisted rural housing units over the next decade. To meet this goal we should provide loan assistance to build or rehabilitate 300,000 units a year. The \$1.2 billion authorization will enable us to serve the housing needs of only 154,000 families in fiscal 1970.

In this business of attacking the rural housing problem, we must recognize that poor housing is a fact of life to millions of rural people and unless there are public assistance programs such as our rural housing program, these people are never going to get decent housing.

There are a number of reasons for this:

1. There is a well defined credit gap in rural areas. Consequently, the flow of housing credit to the countryside is often inadequate, sporadic and sometimes non-existent. Small town bankers and other lenders are just unable to tie up their limited lending resources in long-term housing credit. Furthermore, rural facilities for tapping the credit resources of larger institutions in big cities are inadequate.

2. Over the years, federally-sponsored housing programs have been designed for urban areas. Vast urban renewal projects, city slum clearance programs and towering housing developments in our cities provide ready evidence of federally-financed urban-oriented housing programs. Only in the last two decades have rural housing problems begun to share any attention in the federal spotlight.

3. Rural houses are scattered and dispersed over 98 percent of the nation's land area. This makes rural housing construction and development less attractive to builders and lenders. Mass housing development in the countryside for rural families is not a practical solution. Rural families want individual

homes, for the most part. Highrise apartments are not well adapted to the needs of rural people.

4. Efforts of the Federal Housing Administration have been much more effective in urban areas than rural areas largely because that agency's program depends on private originating lenders and large-scale builders. Both are scarce in rural areas. Furthermore that agency does not have the local offices and personnel to serve the scattered rural population.

5. Rural areas with 30-percent of the population have 40 percent of the nation's poverty-level people. This limits the ability of many rural people to improve their homes or to secure the credit to build a new one.

6. Communications and the lack of public and private institutions and organizations to tell rural people about available housing assistance has also been a factor in contributing to the housing lag.

We feel we are uniquely qualified to serve rural people in this area of public assistance.

The Farmers Home Administration has established an outstanding repayment record on housing loans. Losses, Mr. Chairman, are less than two hundredths of one percent of the amount loaned. The delinquency rate is less than 9 percent. Repayments by active borrowers are 104 percent of the amount loaned. This in our judgment is a most creditable record.

One of the prime factors of our record lies in the fact that 90 percent of our staff and personnel live out in the rural areas with the people they serve. We have 1,700 local county offices. Our county supervisors, our assistant supervisors, our clerks intimately know the community. They know the people who come for credit assistance. They know their abilities, their personal integrity. The personal relationship and rapport our people have with those they serve, enables us to carry on a program of effective supervision and counsel—a factor, we believe, that is as important as the credit assistance itself.

Furthermore, our people—both at the national and local level—now have a combined record of 20 years experience in the rural housing program.

Over our years of experience we have devised effective procedures to carry out the program.

The following five characteristics distinguish the rural housing loan program:

1. Loans are made only to families who cannot obtain credit from other sources at terms they can reasonably be expected to pay. The function of the agency is to supplement other credit sources and not to compete with them.

2. The Farmers Home Administration works directly with individual families. They frequently need more than just credit. They need advice in house planning and design, obtaining cost estimates, contract negotiations, inspection of construction and, often most important of all, advice in budgeting so that their housing debt will fit their pocketbook.

3. When the Farmers Home Administration makes a loan to a family, it is a combined construction and permanent financing loan. For example, if an applicant applies for a loan to build a house, the loan is closed before construction starts and loan funds are deposited in the joint bank account of the borrower and the Farmers Home Administration. Funds are disbursed as construction work progresses. After construction is completed, the same loan continues on a long-term basis.

4. Loans are made out of the Rural Housing Insurance fund. After the loans are made, the notes are sold to private investors. The loans are insured at the time of sale. Proceeds from the sales are used to replenish the revolving fund.

5. Loans are made, serviced, and insured by the Farmers Home Administration. When insured loans are sold to a private investor, he buys only the note and receives payments

once a year. The Farmers Home Administration makes collections and services the loan at no cost to the investor or the borrower.

In this regard, I think it is important that I bring to the attention of the Committee the difficulties we are experiencing in funding the rural housing program as well as other programs in which we insure the funds extended by private investors.

Funds for rural housing loans come from the private sector through the mechanism of our rural housing revolving fund. We make our loans to the home owner out of the housing fund and replenish the fund by selling the home owner's note to private investors.

This method of funding worked remarkably well up until about the first of the current calendar year, when the money market began to tighten up and interest rates began to climb. Sales of FHA paper fell off sharply. Even after two increases in interest rates the volume of sales is well below the level needed to operate the program.

The Treasury Department helped us get through the last half of fiscal year 1969 by offsetting the shortfall in our sales against the accounts of other Government agencies that were in surplus. The Treasury Department determines policy on the sale of securities by Government agencies. They know our problem and have been working with us. As yet we have not been able to evolve a solution using the authorities available to us in existing legislation. We will continue to work with Treasury and we will keep the Committee informed on the progress we make.

In addition we are now working on a proposal now being cleared for submission to the Committee that will recommend that the ceiling on the amount of new notes we can hold in the fund be raised from \$100 million to \$350 million. We need a higher ceiling so that we can do an orderly job of assembling and marketing the larger volume of housing loans flowing through the fund as a result of the sharp increase in program volume scheduled for the 1970 fiscal year.

SUMMARY

Mr. Chairman, poor housing is a serious problem in rural America.

There are as many substandard homes in the countryside and in our small towns and villages as there are in all our cities.

The rural housing problem merits the same comparable deliberation and support as given to the housing problems of the metropolitan areas.

The "credit gap" in rural America further aggravates the situation. The flow of credit for rural housing historically—either from private or public sources—just has not been adequate to meet the need.

Title V of this Act represents a breakthrough on this problem. The program combines the muscle of private credit with public assistance, personal supervision and capable technical know-how which Farmers Home Administration furnishes through its 1,700 local county offices.

With private investors providing nearly all of the funds for this program, Title V makes relatively minor demands on the Federal budget and the taxpayer.

Our rural people need the assurance that this program will be continued and we urge the two-year extension of Title V of this Act.

ARKANSAS YOUNG DEMOCRATS PLATFORM SECTIONS ON FOREIGN AFFAIRS AND ABM

Mr. FULBRIGHT. Mr. President, the Arkansas Young Democrats recently adopted a platform for 1969 which sets forth their position on a number of issues of current importance. Although most of the platform pertains primarily to Arkansas matters, there are two sec-

tions—on foreign affairs and the anti-ballistic-missile system—ABM—which are of much broader interest.

I call these sections of the Arkansas Young Democrats platform to the attention of the Senate and ask unanimous consent that they be printed in the RECORD.

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

FOREIGN AFFAIRS

We believe that we should re-examine our nation's foreign policy in the light of present realities and cast aside old myths which have no relevance in today's world.

Our Nation, born in revolution, should support the revolutionary aspirations of peoples striving to set up political and economic institutions which they, the people feel to be in their best interest. We feel that the United States should not dictate to other people the courses that their revolutions should take. In aligning ourselves with those who are in opposition to revolution we incur the enmity of those engaged in the revolutionary struggle and thwart the aspirations of developing nations.

Today we find ourselves involved in a revolutionary struggle in South East Asia on the side of the status quo. In Viet Nam we believe that our initial commitment was an error and that the main problem facing this nation now is how to extricate ourselves with the greatest possible speed.

We find, 90 miles south of our border a revolutionary government which is hostile to the United States. In Cuba, we feel that we must as a nation recognize that the Cuban revolution is established. We call for the resumption of diplomatic relations with Cuba.

We find that our nation stands deserted by many of our oldest allies in our stance towards the world's most populous nation. We find that our nation's policy toward Red China has tended to isolate and induce a paranoid response by the Chinese toward us. Mankind cannot hope to survive with the world's most populous nation remaining outside the family of nations. We call for the establishment of diplomatic relations with Red China and the admission of Red China to the United Nations. We do not believe that the twelve million or so people of Formosa should lose their seat in the United Nations.

We wish to emphasize that we are not in favor of an isolationist foreign policy. We believe that the United Nations is the world's best hope for peace in this time and should be thoroughly supported.

ANTI-BALLISTIC-MISSILE SYSTEM

We are opposed to the construction of the Safeguard Anti-Ballistic Missile System. It is technologically unproven and easily circumventable. Our nation's domestic problems urgently need the funds which would be justifiable only if there were evidence that the construction of this system would advance the cause of world peace. The very opposite appears to be the case. The construction of this system appears to be another step in the expensive arms race, the only result of which could be to bring nuclear annihilation but one step closer.

We commend the Democratic Senate leaders who have opposed the deployment of the Safeguard ABM system.

TAX-EXEMPT STATUS OF MUNICIPAL BONDS

Mr. TOWER. Mr. President, I have already spoken before this body on the attempt being made to eliminate the tax-exempt status of municipal bonds. I believe that there are many uninformed Americans who might tend to support a

proposal to tax municipal bondholders in the name of tax reform. However, when the issue is presented in a clear manner, strong support for the maintenance of this tax-exempt status is overwhelmingly the case. I will now repeat what I have been saying since this issue came up, and that is that the present tax-exempt status on municipal bonds enables an already deteriorating system of local government to survive and remain viable in our Federal-State-local governmental framework.

In an article published in the Texas Town and City, Mr. W. E. Tinsley, the executive director of the municipal advisory council of Texas, argues the position which I have taken in a most forthright and revealing manner. Among the many points Mr. Tinsley states is the fact that it is not the minute number of municipal bondholders who gain the most out of this tax-exempt status, but, rather, it is the American populace who benefit through the public services afforded them by municipal and local governments. Furthermore the author refers to statistics which show that only 18 percent of those corporations, banks, and so forth gain more than 10 percent of their income from municipal bonds.

The American system provides for a viable federalized system of government. By eliminating the tax-exempt status of municipal bonds we will move further away from such a federalized system of government. Nor can we accept the proposal to federally subsidize municipalities. Such a setup will further enhance the local government's dependency on Washington. Entangling the Federal Government in the collection of taxes on municipal bondholdings and replacing the present tax-exempt status with some type of Federal subsidy will infringe on the rights of local institutions to govern themselves effectively without excessive bureaucratic interference.

At this time in our country's history students of political science and government are attempting to find ways in which to rebuild our State and local government structures so that they can compete with the Federal Government with regards to services rendered to the public. In order to restore this balance between Federal and local governments, I feel that it would be disastrous to change the present tax-exempt status of municipal bonds. Since the above-mentioned article puts this controversy in such an enlightening frame of reference, I ask unanimous consent that its text be printed in the RECORD.

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

TRANSFER OF POWER FROM CITY HALL SEVERELY THREATENED—WHO REALLY BENEFITS FROM TAX EXEMPTION OF INTEREST ON MUNICIPAL BONDS?

(By W. E. Tinsley)

A surprising number of people across the land are completely unaware of the fact that the owner of a bond issued by a state or unit of local government is not required to pay income taxes on the interest which the bond earns. At least that has been the situation; the number of such people grows smaller every day. One can hardly pick up a newspaper these days or listen to a newscast without there being brought to his attention some story of the gross inequities in our sys-

tem of federal income taxes under which bloated plutocrats realize incomes running into the millions but pay no income taxes whatever. More often than not, it is mentioned that the tax dodge or loophole employed by these parasites of society is that of the municipal bond, the interest income from which is tax exempt.

The average American is an easy mark for this sort of propaganda. He has an inherent sense of fairness, he is generally unhappy with the amount withheld from his pay check, and he has the uneasy suspicion that he is not getting his money's worth of government for the taxes he pays. He is outraged by the image which has been created of the owner of municipal bonds, this fat cat lying on the warm sands of Miami Beach with a martini in one hand and a buxom blonde in the other, and paying no income taxes. There ought to be a law against it! Everyone ought to be forced to pay some income taxes!

Here we see one of the most cleverly contrived images (of a character who does not exist, incidentally) which has been foisted on the American public in many a day. What are the facts? When and how did such a system ever come into being in the first place? Why doesn't Congress put a stop to it?

The exemption of interest income on municipal bonds is as old as the federal income tax law. Eminent legal authorities maintain that its principle is solidly founded in the United States Constitution under those provisions which establish reciprocity between the states and the central government under our federal system. But this is not a legal dissertation; the purpose of this discussion is to examine some of the practicalities of the matter and to determine just who the real beneficiary is of this arrangement which exempts municipal bond interest from federal income taxes.

WHO REALLY BENEFITS?

Our thesis is this: the real beneficiary is not the holder of the municipal bond—the investor who loaned the money to the state or local governmental unit to finance some public facility—but the real beneficiary is any one of the 200 million Americans who may at any time during the routine of his day-to-day existence—

Draw a glass of water to quench his thirst, open the faucets of his shower, wash the family automobile or sprinkle his lawn;

Flush a toilet, open the drain in the lavatory of his bathroom, or drop table scraps into the disposal unit of his kitchen sink;

Pay a premium on a fire insurance policy covering his home or place of business which is protected by the fire plug at the corner and the fire station in the neighborhood;

Drive his automobile on a paved street or county road, across a bridge which spans a stream, or halt it at the traffic light at a busy intersection;

Have a child enrolled in a public school or a state supported institution of higher learning;

Feel any satisfaction as a citizen of his community in the knowledge that the criminal is safely behind bars, the insane are being ministered to, and the indigent are housed;

Romp with his children in a public park or give them a swimming lesson in the park pool;

Take off or land as a passenger of any scheduled and licensed airline or ship, or receive merchandise sent by air;

Or, participate in any one of literally dozens of other activities or realize the benefits and conveniences of any of the countless publicly-owned facilities which are financed through the issuance and sale of bonds of the state and its local governmental units.

This is the real beneficiary of tax exemption of municipal bond interest. Why? Be-

cause it saves him billions of dollars a year in interest charges on money borrowed through the medium of municipal bonds to provide all of these conveniences, interest he pays for in the form of locally levied taxes or user charges.

INTEREST—RATES AND DOLLARS

There are about \$125 billion in state and local government bonds which are outstanding in this country today. A good guess as to the average rate of interest on all of these bonds would fall in the neighborhood of 4%. Now that produces a gross interest cost of about \$5 billion annually.

The difference between the rate of interest on tax free municipal bonds and taxable bonds, such as those of the U.S. Government and private corporations, usually amounts to about 40%. Or, to express it somewhat differently, under conditions of comparable security or certainty of repayment, investors are willing to lend money to states and local governmental units at an interest rate which is usually about 70% of that which they demand of private borrowers.

On the basis of these figures, we compute by simple arithmetic that the \$5 billion annual interest charge on tax-free municipal bonds becomes \$7 billion if the right of income tax exemption is ever lost by local government.

But this tells only part of the story as regards the true value of tax exempt bonds to the local governmental unit. Take the case of the school district that needs a \$1 million school building or the city that needs a \$1 million hospital expansion. Now, if this school district or this city can issue bonds at 5% (which is unlikely under bond market conditions existing at this writing), it is necessary to find only \$65,050 a year in the annual budget to finance the million dollar project. In other words, \$65,050 will amortize a million dollars over a 30-year term assuming that the bonds can be sold at a 5% interest rate.

Remove tax exemption of municipal bonds, though, and the 5% assumed rate immediately becomes about 7¼% and look how the picture changes: interest alone on a million dollar bond issue amounts to \$72,500, and if \$65,050 is the extent of leeway in the local budget, then the project must be forgotten or cut back to unworkable proportions.

This is the value of tax exemption of municipal bonds to states and local governments, and it is the local taxpayer who is the true beneficiary of the arrangement; not the investor who buys the bonds.

FICTITIOUS FAT CAT

But what about this fellow—this fat cat—this parasite who lives off the fat of the land, and who pays no income taxes? We are still more than a little wrought up about him. The mere thought of him outrages our sense of fairness. There has been more than one barn burned down just to get rid of the rats, but in this instance, perhaps we should first try to take a rat census. Just how many rats are there in this picture? Do we know? The answer is, yes.

We start with an examination of those who own all of these \$125 billion state and municipal bonds. Who is the recipient of this tax free interest income? Here are the latest figures available on the subject.

[Percent owned of total outstanding]

Class of bondholder:	
Commercial banks.....	38
Individuals and personal trusts.....	32
Insurance companies (life, casualty, etc.)	17
Pension funds, sinking funds and all other	13

Latest available U.S. Treasury data reflect the fact that there were 155 tax returns filed by individuals in the year 1967 with incomes over \$200,000 on which no income taxes were

paid. Of these, there were 21 returns covering incomes over \$1,000,000, but there is no information as to the amount of these incomes which arose from municipal bond interest. Data gathered by the Michigan Survey Research Center¹ indicates that, of persons surveyed in income tax brackets of \$315,000 and more, 65% held some municipal bonds, but only 18% derived as much as 10% of their income from that source and only 6% derived as much as 25% from that source. So it begins to appear that there may not be so very many rats in the barn after all.

But what about these banks and insurance companies which evade income taxes at least on that portion of their income which arises from municipal bond ownership? Go ahead and tax them if you will; it really makes little difference to this type of investor; he merely places a new floor under the investment yield which is acceptable, and he switches to corporate bonds yielding 7½% or he demands municipals which yield that figure.

Who profits from all of this? It is hard to say. Some fast figure artists with the aid of mirrors and formulae which no one can understand have come forth with the very positive assertion that in the tax exempt bond principle there is a loss to the U.S. Treasury in income taxes of 42% while the states and local government units which issue such bonds realize a benefit of only 25%, thus "proving" a loss to the public in general of 17%.

In the first place, the criteria and procedures which lead to this conclusion are highly questionable; but even if their absolute validity and accuracy could be established, the cold, stark fact remains that when local government loses its right to issue tax exempt bonds, it loses more than dollars. Take away tax exemption, and the entire system of local governmental capital financing in this country will have to be re-structured, and the only immediate solution lies in a federal subsidy of some sort.

This, of course, is exactly what the opponents of tax exemption of municipal bonds know, and this is the way it has all been patiently planned. Centralism versus local self-government, this is the real issue in all those propaganda barrage to which the American public is being subjected.

Who is the real beneficiary of the exemption of municipal bond interest from federal income taxes? Every American citizen who pays local taxes or locally imposed user charges for a publicly owned facility. Every American citizen who prizes the right of local self-government and every American citizen who believes in efficiency in government as opposed to suffocation under a heap of red tape. This is the real beneficiary of tax-exemption of municipal bonds.

NEW JERSEY CONGRATULATES ASTRONAUT EDWARD ALDRIN, JR.—MONTCLAIR'S MOON MAN

Mr. WILLIAMS of New Jersey. Mr. President, we have become a marvel for all the world to witness. Americans have explored space and encircled the moon and the earth, and now we have set foot on the moon. I share with all Americans the mutual esteem generated by this momentous occasion.

It is a time of national achievement and international promise. The moon landing demonstrates the necessity of international and world order, peace, and cooperation. It reminds us that we

¹ *Income Distribution and The Federal Income Tax*, Michigan Governmental Studies No. 47, Institute of Public Administration, University of Michigan, 1966, Appendix A.

must live in a community of nations to survive in a universe of communities.

Col. Edwin "Buzz" Aldrin, Jr., from Montclair, N.J., was there when it happened. As pilot of the lunar module, he was the second man to set foot on the moon. This is not a time for provincial vanity, but I cannot conceal my pride in this personal achievement for one of our hometown boys.

"Buzz" Aldrin is a composite of America. He is the athlete, the military hero, the scientist, the engineer, the family man, and the humorist. The perseverance demonstrated by "Buzz" throughout his life and his drive for perfection and accomplishment resembles the stories of many of our American heroes.

Mr. President, in tribute to this great American and his recent celestial achievement, I ask unanimous consent that an article which describes Col. Aldrin, his life, and aspirations, published in the Elizabeth Daily Journal, be printed in the RECORD.

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

"MOON MAN" ALDRIN, MONTCLAIR NATIVE, RECALLED AS BRILLIANT, AMBITIOUS
(By Paul Recer)

SPACE CENTER, HOUSTON.—Edwin E. Aldrin, Jr., looks like an athlete, talks like a scientist and has the humility of a church elder.

The 39-year-old astronaut is actually all three.

Aldrin, an Air Force Colonel, is lunar module pilot on Apollo 11. He'll follow Apollo 11 commander Neil A. Armstrong out onto the moon's surface early on July 21.

The prospect of becoming one of history's great explorers is humbling, says Aldrin.

"You feel a bit more humble in the fact that you've been very blessed in receiving things that maybe you personally wanted," he says. "I think you have to look at this as an obligation, not only to this particular job, but as an obligation . . . to repay for the opportunity by service to other people."

Aldrin, a blue-eyed man with receding blond hair, is a muscular, agile ex-football player who works almost as hard to stay in shape now as he did when he played center on the 1947 New Jersey high school championship team.

He has a high bar in the back yard of his home near the Manned Spacecraft Center and frequently goes through gymnastic routine. He also pole vaults, a skill he first learned in high school.

Aldrin could stick a "doctor" in front of his name, but never does. He earned a doctorate in orbital mechanics from Massachusetts Institute of Technology, but he's not particularly impressed with it.

HAS OPEN MIND

"People can go to school all their lives and not be sharper than people who haven't," he says. "I think that the education I've been exposed to has served to give me an open mind rather than fill me with a particular type of knowledge."

The astronaut was born in Montclair, N.J. and lived there until college. People who knew him there as a boy speak of his brilliance and ambition.

"He had a 150 IQ and was always in the upper half of the top five per cent of his class," recalls his grade school principal, Al Hartman.

Aldrin started first grade a year early and "just bent over backwards to prove that he could stay," recalls Rita Hogan, a retired elementary teacher who had him as a pupil.

"He had what I call a creativity in most

all of his activities," says Hartman. "At 8, he could comprehend at a junior high level. He had the ability at 12 to do what a child usually does in algebra at 15."

Aldrin was the lone son of an early day aviator and, appropriately, the maiden name of his late mother was Marion Moon.

Aldrin's father earned his pilot's license in 1919 and today, at 73, is still qualified to fly.

MECHANICAL MAN

His parents gave him the nickname "Buzz" which has stuck on since.

"My name was the same as my father's," explains the astronaut, "so I guess they felt they needed something else for me."

Even at a young age, Aldrin seemed to develop a reserve that haunts him yet. He's been called "the mechanical man" by some who know him.

"Buzz was one of those kids who had a mind that was really fantastic," says Hartman. "But he would sometimes shrink into his shell."

The astronauts' father remembers him as a "football nut" from an early age and Aldrin was eager, but not outstandingly skilled, when he went out for football in high school.

He was a second-string back for two years and then Clary Anderson, a legend in New Jersey high school football, became coach at Aldrin's school.

"I needed a center," recalls Anderson. "Buzz was a blond, curly haired 160-pounder, so I said 'you're the center.'"

Aldrin developed an unusual one-handed snap and is remembered as a "ferocious" tackler.

"He didn't have a lot of natural athletic ability," says Line Coach Anthony J. "Butch" Fortunato, "but he had determination. He was varsity over players that actually had better ability."

But the coaches also remember his reserve. "The girls thought he was snooty because he was always so busy," says Anderson. "He was friendly, all right, and one of the guys. But when there was horseplay, he would be the last to take part. He was too busy."

TOP STUDENT

Aldrin graduated with a scholastic record of A's and B's, finishing in the top 10 per cent of his class, and received both a scholarship offer from MIT and an appointment to the U.S. Military Academy.

His father said he picked West Point because it offered more athletics.

Buzz made a "hell of a good cadet" recalls W. F. Lewis, academy physical training teacher.

Aldrin was first in his plebe class scholastically and showed a well-remembered dedication in athletics.

"He wasn't frivolous. He wasn't any playboy," says Lewis. He said Aldrin would come in for calisthenics even in the off season.

"Everything was feared and aimed at perfection," says Carlton R. Leton, the academy track coach, of Aldrin as a cadet. "Aldrin was very methodical and business like. He'd come down and do his work and leave."

Aldrin was a pole vaulter at the academy. He scaled up to 13 feet, 8 inches in the days before the flexible glass vaulting poles starting springing vaulters ever higher.

The astronaut graduated third out of 475 cadets in the class of 1951. He took his commission in the Air Force and received his pilot's wings at Bryan, Tex. The Korean War was drawing to a close, but the new Air Forces lieutenant went there for the final months.

DOWNED TWO JETS

He flew 66 combat missions and downed two enemy jets and crippled another.

The war, he recalls, "was all chasing and not being chased."

He married Joan Archer of Hohokus, N.J., after returning from Korea. The Air

Force assigned him to three posts in the United States and then sent him to Bitburg, Germany as flight commander of a tactical fighter wing.

Despite his love of flying, he says, he realized toward the end of his three-year tour there that he had also better learn other skills.

"The future of fighters at that time looked pretty bleak," Aldrin recalls. "I decided it was about time to go back and get some more schooling. MIT looked like the best place."

The pilot entered a two-year Air Force program at MIT, but got an extension after a year there to work on his doctorate.

In 1963, Aldrin earned his degree after writing a thesis on orbital rendezvous. A system he suggested for this critical space maneuver was later adopted in part by the Gemini and Apollo programs.

He put his theories to work three years later.

The National Aeronautics and Space Administration picked him as an astronaut and later named him to the Gemini 12 mission commanded by Navy Capt. James A. Lovell Jr.

The mission included a rendezvous using a radar and an onboard computer. The Gemini spacecraft was to link up in space with a previously launched Agena target vehicle.

But the radar failed, and Aldrin and Lovell completed the rendezvous with computations of their own.

Aldrin later opened the spacecraft hatch and spent more than five hours "walking in space." By promptly pacing himself, he overcame the problems of exhaustion which cut short earlier space walks. His space walk record still stands.

Aldrin was named to the Apollo 11 crew in January. He admits he would have been "pretty disappointed" if he hadn't made the crew.

But he also has mixed feelings about the fame that's sure to follow.

"I think there are enjoyable parts of it," he says. "There are frustrating parts of it, also. Your life is not the same. You certainly lose privacy."

The astronaut's wife holds a master's degree in dramatic arts and is active in local theater groups, but Aldrin makes little effort to fit in with the theater crowd.

His reserve often strikes people as a coldness, says a friend of Aldrin's wife.

"If you didn't know what he did you wouldn't be at all interested in him," says an actress friend. "He's a very forgettable man, but he's a nice man."

Fellow astronauts say Aldrin has a rich sense of humor, but seldom flashes it. Dedication to his job, they say, often masks it and he often appears pompous when he's concentrating on his work.

"He's a brilliant engineer and a cracker-jack pilot," says a technician who has worked with Aldrin for months, "but a totally gray personality."

Aldrin and his wife have three children, Michael, 13; Janice, who'll be 12 in August, and Andrew, 11.

The astronaut said they're not at all impressed that he's going to the moon.

"I feel that they must somehow think that, you know, this thing happens all the time," says Aldrin.

His job takes him away from home for weeks on end, says Aldrin, but he adds "We do try to have family get-togethers whenever we can."

And the second man to walk on the moon has the same problems of parents everywhere.

"We find that just to be able to locate them (the children) is an event around the house," he says. "And we usually do that just before they go to bed. They're extremely independent."

A BRILLIANT STROKE OF DIPLOMACY

Mr. BENNETT. Mr. President, for the last several years, the most astute observers of the Communist world have noted with great interest the forces of polycentrism at work, the crumbling of what was once the monolith of Joseph Stalin. There is a deep schism in the Communist world between the Soviet Union and China; lesser Communist heresies now proliferate throughout Eastern Europe.

One nation that speaks with an independent voice in foreign policy, that has refused to toe the line drawn by the Soviet leadership, is Rumania.

The President of the United States, recognizing this yearning among the Communist states to carve out their own national foreign policies, has accepted an invitation to visit Bucharest. As the Miami Herald has noted, it is a "bold and imaginative" stroke of American foreign policy:

It will thrust him onto a world stage which so long has been bare of American Presidential presence.

The Atlanta Journal has written:

It is good to have a President who is not content to sit back in Washington . . . and let his aides do all the contact work.

I am in firm agreement. President Nixon's visit to Rumania is a brilliant and bold stroke of American diplomacy.

We have a President who is not willing to concede to the Soviet leadership that the ancient states of Eastern Europe are colonies of Mother Russia—a permanent sphere of absolute Russian influence, off limits to American presence. We finally have an independent and imaginative foreign policy that recognizes clearly the vast gulfs between the Soviets and the states of Eastern Europe and deals with the world as it is. The Soviet veto over American foreign policy toward Eastern Europe will no longer be recognized.

Those who term this a provocation of the Soviet Union are asking in effect that we allow the Soviets to dictate our policy toward the Communist part of the world, while the Soviets conduct their own policy in the non-Communist regions of the world. I have yet to hear of Soviet leadership asking American permission to visit the NATO nations; I did not hear of a Soviet request for permission before they moved diplomatically to establish closer ties with the CENTO nations of Turkey, Pakistan, and Iran.

For years we have been told that we must recognize the Soviet bloc is no longer a monolith. Our President has recognized that historical event; he seeks to deal with it to the advantage of the peoples of Eastern Europe and the people of the United States, and in the interests of peace. Now he is faulted for not asking the Russians' permission to make this move. I say, good luck, Mr. President, and Godspeed. Congress is behind you.

THE POLITICAL SITUATION IN SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, the St. Louis Post-Dispatch recently pub-

lished an excellent series of articles written by Richard Dudman on the political situation in South Vietnam. Mr. Dudman is one of the most industrious and perceptive reporters on the Washington scene. This series is a thorough exposition of the repressive political environment in Saigon, created by the government on which the United States has placed its chips.

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

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

SAIGON REGIME'S CHANCE AGAINST REDS AT POLLS RATED SLIM

(By Richard Dudman)

SAIGON, SOUTH VIETNAM, July 5.—As the Vietnam war slowly begins to run down, the emerging main test of success or failure of Allied policy and strategy is whether any South Vietnamese government can compete effectively against the Viet Cong.

Can the 2-year-old republic, with its American-style constitution proclaiming government "of the people, by the people and for the people," survive the change from shooting war to political contest?

Findings in a month-long inquiry by the Post-Dispatch suggest that the prospects of the non-Communist forces in the approaching political contest must be rated as poor and probably worsening.

It appears, moreover, that the political contest has begun and that the government headed by President Nguyen Van Thieu may be losing and the Viet Cong winning.

KEEPS NARROW BASE

The trouble is that Thieu is clinging to his narrow political base, largely military and Roman Catholic. He is using his extraordinary wartime police powers to block efforts to form a broader, non-Communist "third force."

Paradoxically, the showings on all the secondary tests have turned generally favorable in recent months.

The actual fighting is going well for the government for a change. Enemy body counts are up. Although American fatalities are holding steady at more than 200 a week, the enemy-to-friendly "kill ratio" shows that the other side is being hurt more. It may well be true, at last, that the enemy can no longer mount a major offensive.

Pacification, as measured by the computerized hamlet evaluation survey, shows steady progress. Each month, a higher percentage of the population is rated as living in relative security.

Pacification, which means different things to different people, is the term used to cover a broad range of activities aimed at improving life and freedom for South Vietnamese, and destroying the Viet Cong's popular support. Saigon thinks the program is designed to create positive allegiance to the present government. Washington regards it as an effort to bring about widespread popular support for any government the South Vietnamese people may choose.

Cash rewards bring in more and more enemy defectors, intelligence reports, and tips on where to find enemy caches of weapons and food. Other cash payments persuade more and more "friendly" Vietnamese to build new houses, repair bridges and canals and restore abandoned rice paddies.

Operation Phoenix, the heart of the pacification effort, has an impressive record in its task of wiping out the Viet Cong's shadow government that still collects taxes, recruits new troops and even runs its own mail service over much of South Vietnam. Monthly reports usually show that a thousand or two of these underground officials have been captured, killed or persuaded to defect.

But what will happen when the fighting tapers off, when the long-sought cease-fire comes at last?

FEW COMMITTED

After all the years of fighting and propaganda and cash handouts, a reasonable estimate of the present state of South Vietnamese allegiance puts the number uncommitted to either side at 70 to 80 per cent. Only 20 to 30 per cent are lined up solidly with either the government or the Viet Cong.

A widely respected former minister of information in the Thieu government, Ton That Thien, now a professor at Van Hanh University, offers that estimate. What is more, he says the government is lucky that the number uncommitted remains as high as it is and that so few have swung over to the Communists.

When the time comes to vote, the choice will not be the simple ideological one of capitalism versus Communism or the still simpler one of freedom versus slavery. Instead, it will be Ho Chi Minh (or rather his ally in the South) against Thieu or whichever other non-Communist leader emerges in the meantime.

A main issue is likely to be peace versus more war. Peace sentiment runs strong. Vietnamese are sick of bombing, sick of artillery barrages, sick of being drafted, sick of being taxed, sick of the constant trouble and danger that comes with the war.

Another is likely to be Vietnamese nationalism. On the communist side will be leaders who have established a legitimacy by fighting against foreign intruders no matter who they are—the Japanese, the French and now the Americans. On the government side, the leaders, until now at least, are those who sided with the French and now side with the Americans.

Looking toward peace, many South Vietnamese students and intellectuals have begun to hedge against the future by moving toward their personal accommodations with the Viet Cong. Being civil to a Viet Cong agent might keep one off the Viet Cong blacklist if it turned out that the communists came to power outright or became an important force in a ruling compromise coalition.

The Viet Cong's recent proclamation of a provisional revolutionary government of South Vietnam stepped up the political warfare. Although American officials scoff that the leaders of the new "government" are the same old faces from the Viet Cong and the transitional Alliance of Peace, Nationalist and Democratic Forces, many South Vietnamese consider the move an important one.

FIRST ALTERNATIVE

For the first time, there is an alternative to the Saigon regime. If the enemy now should ask for a cease-fire, the United States and Saigon could hardly refuse. The next step would be a regrouping of forces into assigned areas, the Viet Cong into a generally recognized "liberated zone." The result would be de facto partition, with two capitals and two governments.

The present situation has been long in the making, and the obvious remedy has long been discussed. What was needed, it was said, was for the Saigon government to broaden its base, bring in all the non-Communists, and develop a popular regime.

Whatever Thieu's other achievements, his response to these suggestions has been to narrow his political base rather than to broaden it.

He has closed newspapers that have said too much about peace or coalition with the Communists. He has used the draft and imprisonment to put his non-Communist political rivals out of action. Many potential leaders of a broadened regime have been jailed, drafted into the army or sent into exile.

When Thieu announced the formation of a

political front this spring, it included only the groups he could trust. Even the opposition front, in Saigon, put forward as the start of a loyal opposition in an eventual two-party system, was hand-picked on an invitation-only basis.

This opposition front has become something of a joke, inasmuch as the head of one of the component parties has been telling friends that Thieu personally asked him to take part in the opposition bloc.

A somewhat more independent group, some lawyers, professors and one member of the lower house of the National Assembly, is headed by Tran Ngoc Lieng, a Saigon lawyer, it has been walking the narrow edge of what is permitted. The group carefully avoids the forbidden terms "neutrality" and "coalition" in its program calling for a "government of national reconciliation."

Lieng was summoned to national police headquarters for questioning. He says he expects continued harassment but hopes to avoid arrest.

EXAMPLES GIVEN

Those who have dared to go further have been put out of action entirely. Some examples:

Duong Van Minh, one of the generals who led in overthrowing the dictatorship of Ngo Dinh Diem, was kept in exile and prevented from running in the 1967 presidential election. He now has been permitted to return but remains on the sidelines.

Au Truong Thanh, former minister of economics in the Nguyen Cao Ky government and regarded as one of the most promising potential leaders of a non-Communist or coalition regime, is in exile in France. He was thrown off the ballot shortly before the 1967 election on the ground that his peace candidacy was neutralist and pro-Communist. He later was arrested, ostensibly for his own protection. Eventually, after intercession by the U.S. mission, he was released from prison and permitted to go with his family to France, where he teaches in a university at Tours.

Gen. Nguyen Chang Thi, former commander of the northern First Corps, one of the few national leaders who had the respect of the militant Buddhists, is in exile in Washington, where Ky banished him with the help of Gen. William C. Westmoreland.

BUDDHIST DRAFTED

Tran Quang Truong, a widely respected Buddhist layman and university professor who walked out of the constitutional assembly in 1966 because of the government's suppression of the Buddhist struggle movement, was ordered back into the army for additional duty, although he had long since completed his military service. He has no prospect of returning to politics.

Vinh Kha, who was president of the student body of the University of Hue and took a leading part in the struggle movement, was drafted as a sergeant although he was a fourth-year medical student. He is in prison, convicted of desertion.

UNDER HOUSE ARREST

Hoang Van Glau, another leader of the struggle movement, was drafted, went into hiding and was caught and sent to prison.

Thich Tri Quang, the able if troublesome and charismatic leader of the militant Buddhists, as anti-Communist as he is anti-Thieu, is under virtual house arrest at the An Quang pagoda, effectively out of action for the present.

In its systematic suppression of the struggle movement, the government followed a pattern of drafting hundreds of the student activists as privates, although Vietnamese university students entering the army are almost invariably commissioned as officers. Many either evaded the draft or deserted after induction and wound up in prison or, in some cases, with the Viet Cong.

Whatever the merits of the cases against

Thich Thien Minh, director of the Buddhist youth center, Truong Dinh Dzu, runner-up peace candidate in the 1967 election, and Nguyen Lau, editor of the Saigon Daily News, their continued imprisonment is a constant warning to Thieu's non-Communist opposition to lie low or take the consequences.

SAIGON FLOUTS CONSTITUTIONAL RIGHTS (By Richard Dudman)

SAIGON, July 7.—An American Citizens' committee touched a raw nerve when it came to Saigon recently to investigate the status of political and religious freedom in South Vietnam.

American and Vietnamese officials barely concealed their annoyance over the visit, although they decided that they could not avoid co-operating, especially because one member of the group was a congressman.

An official of the United States mission said afterward that the "study" was "an unconscionable smear on a sovereign ally in time of war." He said that it was cowardly of the group to question such practices in South Vietnam when China stood threateningly nearby and positively "Phariseical" to cast the first stone, considering the many abuses of civil liberties in the United States.

On the Vietnamese side, hard-line supporters of President Nguyen Van Thieu in the National Assembly gave a luncheon for the American study team and then in very un-Vietnamese fashion denounced their guests to their faces. Disagreement here is characteristically oblique, but these Vietnamese legislators asked bluntly who had appointed the American committee, who was paying its expenses, and why it did not also investigate the status of civil liberties in Hanoi and why it did not inspect the mass graves at Hue where the Viet Cong murdered hundreds of citizens in the Tet offensive last year.

But there were many anti-Communists who heralded the American committee as a prospect of relief from what they contend is an oppressive regime seeking above all else to maintain itself in power.

A four-week inquiry into the situation by the Post-Dispatch has produced a mass of evidence that President Thieu is operating a semipolice state. There is not much dispute about this, but there is wide disagreement as to whether it is necessary.

Some of the bitterest comments encountered came from a Vietnamese lawyer to whom high American embassy officials had repeatedly referred the reporter as a reliable source.

The attorney supplied details of several cases of false arrest and torture. He said the fingers of one of his clients had been broken in the course of third-degree interrogation the previous day. He denounced the arrest and imprisonment of Thich Thien Minh, a prominent Buddhist monk, and Nguyen Lau, publisher of the Saigon Daily News.

"We have authoritarian rule in South Vietnam," the lawyer said. "According to the constitution, we have freedom. Actually we have none. We have an unofficial police state."

Somewhere between 15,000 and 35,000 South Vietnamese citizens are now in prison for alleged political crimes ranging from active participation in the Viet Cong to merely advocating coalition with the Viet Cong, or a neutral Vietnam.

Other thousands are being detained indefinitely on mere suspicion of being Viet Cong sympathizers or supporters, for investigation, or through crude extortion rackets, maliciously false accusations or official red tape.

Many of these prisoners were picked up in wholesale lots in the course of military sweeps of contested areas. These detainees are classed as "Viet Cong suspects" and theoretically are quickly screened to hold only those against whom there is substantial evidence.

Actually, many are held for months or even years without being brought to trial.

Others have been caught in a year-old program known as Operation Phoenix, aimed at beating the Viet Cong at its own game by rooting out the "Viet Cong infrastructure," the shadow government whose network extends through most of South Vietnam.

Still other prisoners have been picked up under a broad interpretation of Article 4 of the Vietnamese constitution, which prohibits "every activity designed to publicize or carry out Communism." Such arrests, often for advocating "neutrality" or calling for a political compromise to end the war, have led to many of the most publicized cases of political imprisonment.

Finally, there are those who are arrested clearly for political reasons but technically on such grounds as draft evasion, desertion from the armed forces, or conducting a meeting or press conference without the required government permission.

South Vietnam's American-style constitution bears little resemblance to what actually goes on under the Thieu regime.

The constitution prohibits arrest without a warrant, yet suspects are rounded up every day on the basis of unsupported accusation.

Torture is outlawed, yet broken fingers, electrical burns and bruises from systematic beatings of arms, legs and backs attest to the continued use of torture as a tool of interrogation.

A Saigon lawyer today recognizes the same police bullies who used to give the third-degree under the French.

The constitution says that "a defendant is entitled to a speedy and public trial," yet thousands of political prisoners are held in prison two years or sometimes far longer without any hearing at all or on the decision of a mere provincial security committee that looks only at a dossier.

A defendant is guaranteed the right to a defense lawyer for counsel at every phase of the interrogation, including the preliminary investigation.

Yet only a few of several hundred convicts serving sentences of five years or more on the prison island of Con Son, questioned by the Post-Dispatch, said they had been represented by counsel, even court-appointed counsel.

Minister of the Interior Tran Thien Khlem insists that lawyers may be present and communicate with their clients during investigations and may look at the dossiers to plan their defense.

But when a tour of the central interrogation center in Saigon, disclosed a young woman detainee who said she had no lawyer, Col. Nguyen Mau, chief of the national police special branch, a rough equivalent of the American FBI, said flatly that no lawyer was ever permitted inside the center. Detainees may retain counsel only if transferred to prison to await trial, he said.

American and Vietnamese officials, when asked about these discrepancies, pointed out that South Vietnam is a poor and backward country doing the best it can in the midst of an all-out war against a ruthless underground insurgency.

Several of these officials recalled that the United States had uprooted Japanese-Americans on the West Coast at the start of World War II and put them into inland detention camps on the notion that some of them might be disloyal. They pointed out that South Vietnam is only two years old as a republic and asked whether the state of civil liberties was any better in the United States in, say, 1791.

A former minister of information, Ton That Thien, who gained a reputation for toughness in suspending newspapers that offended President Thieu or Prime Minister Tran Van Huong, now has turned to teaching and can afford to be philosophical about such matters.

He says that he is not surprised that the government does not abide by its own constitution, because the document is "a Jeffersonian-Lockean head on a Confucian body." (John Locke was a Seventeenth Century English philosopher.)

His implication is that government "of the people, by the people, and for the people," as the preamble describes it, is a charade being played by Vietnamese actors with an American script for an American audience.

SAIGON PRODDER BY UNITED STATES TO SETTLE PRISONER CASES
(By Richard Dudman)

SAIGON, July 8.—Under the careful direction of Ambassador Ellsworth Bunker, American officials are using quiet persuasion in hopes that the South Vietnamese government will settle several cases of political imprisonment that have stirred world criticism and concern.

Pressure would be too strong a word, because Bunker hews close to the line that South Vietnam is a sovereign nation. He also preaches gentleness toward what he regards as a young but promising government struggling to gain strength against heavy odds.

These efforts appear to be based partly on considerations of public relations as well as principle. Settlement would mollify American public opinion and remove one embarrassment to the Saigon regime and the United States policy of supporting it.

Among these cases, the best known is that of Truong Dinh Dzu, a peace candidate who was runner-up in the 1967 presidential election and since has been sentenced to five years in prison for advocating coalition with the National Liberation Front.

Foreign demands for Dzu's release have built his case into a major controversy, but few Vietnamese or Americans in South Vietnam has a good word to say for him. A frequent comment is that "he belongs in prison, but he's there for the wrong reason."

Dzu is a vigorous, engaging man. In his campaign, he attacked President Nguyen Van Thieu savagely and called for a political settlement of the war. Many of his votes, however, are attributed to the fact that his symbol, the dove, stands in Vietnam for a good harvest. Many peasants are said to have voted for him for good luck.

But elsewhere in the world his peace platform, plus a continuing campaign by his articulate and attractive son and daughter in the United States and similar appeals here by a younger daughter and his handsome wife, who tearfully begs visitors to intercede for her husband, have stirred much sympathy and have kept the case in the headlines.

The reason that few Americans or Vietnamese here in South Vietnam have rallied to Dzu's support is that he is generally regarded as a crook.

His style of life requires more money than most lawyers can earn here. He has eight housemaids, three chauffeurs, three automobiles and two concubines, each of which is reputed to get \$400 a month for expenses.

Dzu is said to have built his lucrative law practice mainly through high-level influence in recent years, including a connection with a relative of Madame Ngo Dinh Nhu who steered business to him under the Diem regime.

More recently, he has been arrested several times, but never prosecuted, on charges of check kiting, embezzlement and swindling widows and orphans. The Lawyers' Council of Saigon has disbarred him because of his unsavory reputation.

Foreign interest in Dzu's case got a new push recently when Dzu announced that he had lost 10 pounds and had suffered a heart attack when imprisoned on Con Son Island, off the southeast coast. Although he had

been overweight and had had no history of heart trouble, and although few Vietnamese believed his story, President Nguyen Van Thieu took the occasion to transfer him to a more comfortable detention center in Saigon.

Thieu has given no indication, however, that he is prepared to bow to world opinion and release Dzu. When members of an American citizens' committee asked him recently to consider releasing the prisoner, Thieu told them:

"Dzu is talking not only for peace; he says we should have coalition government. This is anticonstitutional. Under Article 4, we never can have coalition government unless the constitution is changed."

Article 4 prohibits "every activity designed to publicize or carry out Communism."

Thieu made no bones about calling Dzu a "political prisoner," but he seemed to be following common Vietnamese usage of so classifying all who give aid and comfort to the Viet Cong, as distinguished from prisoners of war.

"When he attacked us, nobody protested," Thieu said. "He had a right to talk about peace, but he had no right to promote coalition."

The case of Nguyen Lau, publisher and owner of the English-language Saigon Daily News, is more complicated. He was arrested last spring and is being held incommunicado during a prolonged investigation. The government has since closed down his newspaper indefinitely for publishing an editorial blaming Prime Minister Tran Van Huong for a current surge of inflation.

Last week a military tribunal sentenced him to five years in prison on charges of "actions detrimental to the national order," but acquitted him on a charge of rebellion.

American officials consider Lau guilty of treason, although there is only one witness to his alleged crime instead of the two that would be required under U.S. law. They concede, however, that the South Vietnamese government has bungled the case and let Lau obtain the advantage in public opinion.

In the American view, Lau clearly was supplying intelligence information regularly to the enemy, although examples cited thus far consist only of passing along his thoughts as to President Richard M. Nixon's Vietnam policies and the like.

The undisputed facts of the case are that Lau had been meeting with an enemy political agent for discussions of current news developments. The agent was caught, and he implicated Lau. The government presented both men at a press conference last April, together with two other Viet Cong agents and 25 other intellectuals and professional persons who had been arrested on charges of having been in contact with the agents.

Lau and the agent who implicated him, Tran Ngoc Hien, had been childhood friends. Hien had gone to North Vietnam when the country was partitioned. He had come South again in 1964, he said, under instructions to establish close relations with non-Communist dissidents and gather political information from them.

In the press conference, Lau won the sympathy of most observers by acknowledging that the law required him to denounce a man he knew to be a Viet Cong agent but explaining that he had hesitated to turn against a boyhood friend.

More recently, the government sought to strengthen its case by reporting that a captured letter from Hanoi officials mentioned Lau's name (It was not clear whether it named him as an agent or merely as a possible source of information) and producing a South Vietnamese press card that it said Lau had issued to Hien to facilitate his movements while in the South.

A photographic copy of the Press card examined by the Post-Dispatch bore Lau's

signature and identified as a representative of the Saigon Daily News one Ton That Dong, said by police to be a false name given Hien by his intelligence agency in Hanoi.

Lau's friends contend that the letter would have referred to Lau by a pseudonym if he had been, in fact, a Viet Cong agent. They explained the issuance of the presscard as a loose practice widely used in Saigon to give a friend something to show the police at the numerous check points and to serve as a pass after the midnight curfew.

A different view came from Ton That Thien, a widely respected former minister of information, now a professor at Ban Hanh university.

"Lau is a weak man," Thien told the Post-Dispatch. "He had been trying for two years to get out of the country, to escape the squeeze between the Viet Cong and the government. He had applied for a passport shortly before he was arrested. He should not have let a Viet Cong agent come to his house, even if the man was a childhood friend. The proper answer would have been, 'Go away.'"

Neither Lau's wife nor his lawyer were permitted to talk with him after the arrest. The official justification for this was that the investigation was still in progress.

A third major case is that of Le Doan Kim, a longtime promoter of the idea of a neutral Indochina.

Kim had represented the South Vietnamese neutralist movement at a meeting organized in 1965 by Prince Norodom Sihanouk of Cambodia in Phnom Penh. Since then, he has been well enough regarded by the Saigon government to have been sent to Phnom Penh and Paris on missions for the national police directorate and the Vietnamese Confederation of Labor.

When the Paris peace talks turned to the subject of neutralism early this year, Kim called a press conference and, in preparation, sent out copies of his 1965 speech on neutralism. He was arrested on the eve of the scheduled press conference and first was charged with engaging in "subversive activities against the security of the state." The evidence was the four-year-old speech.

Later he was tried on the reduced charge of attempting to hold an illegal press conference, a violation of a 1968 law that requires a police permit for any meeting of more than five persons. He was sentenced to a year in prison.

In part, these arrests are part of Thieu's tough public stance intended to discourage Hanoi from thinking that as long as it continues to fight the Saigon regime will gradually crumble and give ground.

But critics cite these and similar cases as evidence that Thieu is using the power of arrest to suppress any possible opposition and maintain his narrow-based regime in power.

And, rightly or wrongly, Thieu's policy stands in the way of any accommodation with Hanoi and the new provisional revolutionary government of South Vietnam, successor to the National Liberation Front, if that offers a way to end the fighting.

BUDDHISTS SAID TO REGARD MINH EVIDENCE AS FABRICATED

(By Richard Dudman)

SAIGON, July 9.—Of all the political arrests made by the strange mixture of dictatorship and democracy that rules South Vietnam, that of Thich Thien Minh promises to have the most profound repercussions.

When the high ranking Buddhist monk was sentenced last March to 10 years at hard labor, the case recalled all the bitterness of the anti-Buddhist policy that led to the overthrow and assassination of President Ngo Dinh Diem in 1963, the bloody suppression of the Buddhist struggle movement in 1966 and the almost successful attempt to assassinate Thien Minh with a grenade later that year.

Many Buddhists of the powerful militant

faction affiliated with the An Quang pagoda have disregarded entirely the serious charges against him, assuming that they must have been fabricated. They have seen the incident as one more round of persecution, once more with the approval of the Americans.

President Nguyen Van Thieu welcomed the chance to put the powerful monk out of action. He told a group of visiting Americans inquiring into political and religious freedom in South Vietnam that he had been annoyed a long time over "insulting" nightly attacks on him and his regime over a loudspeaker in the sanctuary of the pagoda. But he said he dared not move against the monk on that ground for fear of being accused of suppressing freedom of speech and religion.

High-ranking members of the United States mission believe Thien Minh fully deserved the sentence, although they seemed to approve when Thieu bowed to world opinion and took the monk off hard labor and cut his sentence from 10 years to three years, as "a goodwill measure" on the occasion of Buddha's birthday.

Saigon Chief of Police Trang Si Tan recently gave a long account of the investigation and arrest. He used charts and photographs in an effort to convince skeptics that Thien Minh was guilty as charged.

In a chain of arrests, Tan said, police had picked up an admitted Viet Cong agent at a house in central Saigon last Feb. 22. The guerrilla, named Cao Duy Tuan, gave his residence as the Buddhist Youth Center and said he had Chinese weapons and ammunition in his room there.

The next day, led by Tuan, police raided the youth center and found in the agent's room a Chinese pistol and two pounds of C-4 explosive, useful in sabotage and terror operations.

Some U.S. officials believe incorrectly that Thien Minh just happened to be present and that the police had not expected to seize him in the raid. Actually, the monk was the director of the youth center, lived there regularly, and accompanied police as they searched the place with a warrant.

In other rooms, said Tan, officers found 20 pounds of Communist documents including printed Tet holiday greetings from Ho Chi Minh, apparently for distribution in South Vietnam.

The police chief showed photographs of a closet with a false back that concealed the entrance to a small secret room. Inside, he said, were a bed, a chair and a stack of bricks covering a blue nylon bag containing Viet Cong documents including a mobilization order, instructions to attack Saigon and a letter from the Viet Cong Central Committee asking the youth of Saigon to rise up and join the insurrection. There also were more Chinese weapons and explosives and fake safe conduct passes.

"This showed that a high-ranking Viet Cong cadre lived there, receiving direct orders from the Viet Cong Central Committee," the police chief said.

Eventually the search party came to Thien Minh's room, Tan reported. The door was locked, and the monk said he had lost the key. After some discussion, in which the monk agreed to let the police shoot out the lock, a Chinese locksmith was brought in and the door was opened.

Inside, said Tan, were eight youths—two Viet Cong agents, four draft dodgers and two deserters from the armed forces.

As a result, the specific charges against the monk were harboring traitors, assisting draft dodgers and deserters, and illegal possession of firearms and ammunition. The government also seized control of the youth center, although it was turned back to the Buddhists when Thien Minh's sentence was shortened.

Certain other facts round out the story as told by the police chief. Cao Duy Tuan, the Viet Cong informant who guided the police

in the raid, has been arrested several months earlier, held for a time and released.

It developed, moreover, that Tuan had obtained lodging at the youth center not from Thien Minh but from one of his subordinates. The monk's defense was that he did not know that Tuan and the illegal weapons were in the institution.

These circumstances have led many Vietnamese, who tend to think in terms of plots and counter-plots, to conclude that Tuan was a police spy who planted the evidence on behalf of the police.

Suspicion is fed in most such cases here by the fact that lawyers generally are given only a few hours to prepare for trial and have little or no chance to talk with the defendants or study the charges and evidence.

An alternative explanation believed by some is that the Viet Cong and the other law breakers took advantage of Buddhist religious compassion, which requires a pagoda to feed and shelter all who seek aid, without asking any questions.

Regardless of the facts of this case, it is clear that President Nguyen Cao Ky and more recently President Thieu have regarded the An Quang Buddhists as a hostile political force that had to be put out of action and kept out of action.

Thich Tri Quang, the most prominent leader of the faction through the turmoil of 1966, is under heavy surveillance that amounts to virtual house arrest. He avoids publicity and concentrates for the time being on remodeling his living quarters and installing an air conditioner at the pagoda.

Many leaders of the struggle movement are still in prison or have been drafted into the army. Those who have been released from prison generally avoid politics for fear of getting into new trouble with the government.

At Hue, where Buddhist students burned the American library and the American consulate in 1966 and Buddhist troops refused to obey orders to halt the demonstrations, attitudes have changed remarkably. At first, the great bitterness over the heavy-handed methods that Ky used to crush the Buddhist uprising developed into strong sentiment for coalition with the Communists and some outright sympathy with the Viet Cong.

Some of the bitterness remains, but any thought of making a deal with the Viet Cong vanished when the enemy held the city for 24 days in the Tet offensive last year and murdered hundreds of plain citizens as well as government functionaries. More than 800 bodies have been found in mass graves, and more than 1000 persons are still missing.

From a stronghold of Tri Quang's militant Buddhists, Hue has become the most strongly anti-Communist city in the country.

Ironically, the Buddhist militants began their struggle movement as a demand for early elections and the drafting of a constitution. They hoped to elect a successor to the Thieu-Ky regime, one that would negotiate an early peace and get rid of all foreign troops, American as well as North Vietnamese.

That bit of history is sometimes forgotten, now that Thieu and Ky have conducted the elections, won control under the new constitution and now seem bent on continuing the war in quest of victory.

No hard evidence has ever been produced to show that the struggle movement itself or Thich Thien Minh or Thich Tri Quang were deliberately helping the Viet Cong. Leaders of the movement did, however, lose control of it so that its actions could sometimes be influenced by Viet Cong agents on the one hand and perhaps by government provocateurs on the other.

The American role in the crushing of the movement—U.S. Navy planes carried the South Vietnamese troops to Hue and Da

Nang for a campaign of suppression in which several hundred persons were killed has led some respected South Vietnamese intellectuals to believe that the United States always has opposed the Buddhists, even when it encouraged the overthrow of President Diem. The real reason for the American green light for that coup, so the argument goes, was not Diem's mistreatment of the Buddhists but the fact that he was preparing to end the war by negotiating a settlement with Hanoi.

Whatever the rights and wrongs of the Thien Minh case and the whole struggle movement episode, the fact remains that the movement was once probably the second most powerful political organization in South Vietnam. The most powerful was the Viet Cong, not the Saigon government except for the support of American troops.

The Buddhist militants were at one time and may still be the most promising counterforce to oppose the National Liberation Front if war eventually gives way to political contest. But their movement now has been paralyzed and perhaps permanently crippled.

POLITICAL LIBERTY A DISPENSABLE SAIGON LUXURY

(By Richard Dudman)

SAIGON, July 10.—A long time Western observer of Southeast Asia, one whose judgments have been proved right time after time, quotes Talleyrand in appraising President Nguyen Van Thieu's policy of political arrest and imprisonment: "It is worse than a crime—it is a blunder."

By Asian standards, the semipolice state that Thieu and former Premier Nguyen Cao Ky have been operating for four years with American backing is not particularly brutal or even very efficient.

Considerable criticism of the government is permitted, press censorship is only spotty, and torture is applied only occasionally. The National Assembly, whose members enjoy immunity from government reprisal, rivals the United States Congress as an independent center of power and dissent.

If Thieu has used the police power to neutralize political leaders who threaten his position and policies, it must be said also that political assassination is not the fashion here as it is in some countries.

But critics ask whether this is one situation where normal standards won't do.

South Vietnam's situation is a special case, far different from the problems faced by the government of Thailand, the Philippines, South Korea, Formosa, India and Pakistan, where the practice of throwing political enemies in jail is also well established.

Two sets of circumstances set South Vietnam apart from the rest:

First, the government is beset by a well-organized and deeply rooted revolutionary conspiracy. Operating in secret the Viet Cong have set up a shadow government through most of the country, with functionaries to match all the principal officials of Thieu's government.

Second, as the United States begins to withdraw its forces, Thieu's government begins to approach the moment of truth when the Viet Cong insurgency will turn from war and terror to political competition. Both sides will have to begin trying to win through politics what they could not win through fighting, and that means competing for the voluntary allegiance of the South Vietnamese people.

Thieu has been concentrating on the first at the expense of the second. What is more, his emphasis has the encouragement of the U.S. mission, if not as a matter of American policy at least as the cumulative impact of the thousands of American advisers. In their eagerness to track down and liquidate members of the shadow government, Thieu and

Vice President Ky generally see political liberty as a dispensable luxury.

More specifically, they argue that the Saigon government must not be bound by ordinary rules of evidence and due process of law. After all, they often say, the government cannot afford to take a chance when a politician who advocates a neutralist or coalition policy may actually be a disciplined agent of the Viet Cong.

Leniency toward such talk, moreover, could serve to stiffen the determination of Hanoi and the Viet Cong to continue to fight in the hope of more and more political concessions, it is contended.

At the heart of the pacification effort is Operation Phoenix, an effort to identify, ferret out and dispose of the key members of the Viet Cong "infrastructure."

Phoenix is a largely secret enterprise, operated by the Vietnamese although it was organized by the U.S. Central Intelligence Agency and is guided by American "Phoenix advisers" in the 44 provinces and most of the 242 districts as well as major cities.

All intelligence resources are used to build a blacklist of the supposed key figures in the shadow government and find their whereabouts. When one is found, the final step is to send a military, paramilitary of police detachment to persuade the identified Viet Cong official to defect, to arrest him, or, if necessary, to kill him.

In one of the few public accounts of Operation Phoenix, the U.S. mission reported last winter that 8600 blacklisted suspects had been "captured, killed or welcomed as defectors" in the first nine months of last year. The report said the "bag" was 1459 for October and 2338 for November. The November "bag" included 1563 captured, 409 killed resisting arrest and 366 who defected to the government's side.

Critics say the Phoenix system often is abused. Huong Ho, a member of the National Assembly from Kien Phong Province, says police often pick up someone on the street, order him to denounce a wealthy citizen as a Viet Cong agent, arrest the rich man, and then release him on payment of 25,000 or 50,000 piasters in ransom.

Ngo Cong Duc, a deputy from Vinh Binh Province in the Mekong Delta, says that malicious informants and sometimes actual Viet Cong agents supply names to the Phoenix blacklist, getting around the Phoenix system of cross-checks by reporting a person through several different agencies.

U.S. officials contend that necessary flexibility makes some abuses inevitable. The mission's report says that a person arrested is taken before a military field court "if the evidence and the testimony add up to a legal case." But it notes that "such legally admissible evidence may be impossible to obtain if most of the witnesses and the evidence are beyond the court's reach in enemy territory."

"If the case against the suspect is nevertheless conclusive, he is detained," says the report. "Under Vietnamese law, such a man may be detained without judicial charge up to two years, and that detention period may be extended if the detainee's freedom would constitute a threat to the security of the nation."

American officials consider the present system a great improvement over Gen. William C. Westmoreland's old "county fair" operation, in which a village was cordoned off, all the villagers screened, perhaps hundreds held for investigation and the great majority eventually freed as innocent bystanders.

The Phoenix blacklist was refined three months ago to eliminate mere rank and file and leave only the Viet Cong leaders—members of the newly elected village and hamlet "liberation committees" and such officials as political, finance and security chiefs in the shadow government.

This substitution of "a rifle shot for a

shotgun blast" has reduced the blacklist from more than 90,000 to about 70,000 and doubtless has lessened the number of innocent persons carried on the list. But in some districts the Vietnamese blacklist remains twice or three times the size of the U.S. blacklist, leaving the way open for continued wholesale arrests.

Whether a person is arrested in the Phoenix program or picked up in a military sweep, his case eventually goes before a provincial security council, comprising top law enforcement officials with the recent addition of a judge and the president of the elected provincial council.

Proceeding much as a local draft board in the United States, the security council meets once or twice a week and considers perhaps 20 or 30 cases at each sitting.

It rarely sees the suspect or hears witnesses, acting usually on the basis of a written record of the investigation. The suspect is not permitted to have a lawyer and often may not see his relatives until the investigation is over and the security council has acted.

As a random example, the records of a recent security council meeting for Thua Thien Province showed that, of 30 cases considered, seven suspects were released, 22 were sentenced to two years or less in prison, and one was ordered transferred to Da Nang for trial by a military court. Two years is the longest sentence that may be imposed without trial.

Harsh as this may seem—to be subject to imprisonment for two years without having a lawyer or a trial—attorneys say still worse things happen. They cite numerous cases in which defendants are held for months after acquittal by one of the military courts.

Sometimes the results seem to justify police-state methods. Several cases examined by the Post-Dispatch sounded at first like flagrant use of the police power to settle grudges or extort money from prominent citizens. The victims were pillars of their communities, reputable physicians and merchants, and their families and friends were terrified and outraged. In each case, the police followed the usual practice of holding the "suspect" incommunicado during lengthy investigation.

What the families and friends did not know, however, and do not know even yet, is that police had obtained detailed confessions in which the suspects admitted that they were key officials of the Viet Cong's shadow government. While living ostensibly normal and upright lives in their cities and towns, they said, they had secretly been serving in such capacities as paymaster, supply agent and intelligence co-ordinator in this Viet Cong "infrastructure."

Each of the conspirators told of having served in Ho Chi Minh's guerrilla army against the French and having settled in the South after the country was partitioned in 1954. In each case, a Viet Cong agent, an associate from the old Viet Minh days, eventually appeared. Through threats and persuasion, the solid citizen was drawn into the underground organization. Once there, he was held in constant fear of being exposed if he did not continue to co-operate.

Dossiers of the cases show that when a Vietnamese confesses he really tells all. Some of the confessions list as many as 100 names of others said to have attended meetings and done the work of the Viet Cong conspiracy.

Officials argue that if a suspect had seen his family or lawyer during the investigation, word of his confession could have leaked out. Any secret Viet Cong agent associated with the informant could have gone into hiding before police could act on the information.

A contrary case was a scandal that broke into the open last May in Vinh Binh province when Congressman Duc began receiving complaints from home about widespread arbitrary arrests.

A full congressional investigation determined that there had been several hundred unjustified arrests and that many of the victims had been held for months merely on suspicion that they might have a Viet Cong connection. The minister of the interior blamed low-level officials and ordered rapid processing of the prisoners to release the innocent.

Duc told the Post-Dispatch that most of the victims had been rounded up as part of a province-wide extortion racket in which pay-offs for release from detention went all the way to the province chief. He said a crooked province police chief shared in the pay-offs.

Some of the arrests, Duc said, were because of local grudges. One wealthy man was picked up because his daughter had scorned the advances of a province official. In some cases, he said, Viet Cong agents had given information to the police to punish persons who had refused to co-operate with their underground organization.

At Phu Vinh, the province capital, American military and civilian advisers said they resented the bad publicity and contended that conditions there were no worse than in most other provinces. Most jails are overcrowded, disposition of cases goes slowly, and complaints of crooked police chiefs are common all over South Vietnam, they said.

There were obvious political motives in Duc's charges—he was feuding with the province chief. There were rumors, moreover, that Duc was working for the Viet Cong. An American officer said he found partial confirmation of the rumors in a remark Duc had made after several drinks at a reception in the Tet holidays last winter. This treasonous remark turned out to have been an observation that the Americans had not succeeded very well in Vietnam.

But a U.S. political specialist looked into Duc's charges and found them fully justified. Citizens had, indeed, been rounded up and held merely because they happened to be found in the area of a military operation. Police ignored the advice of the newly elected village chiefs, who vouched for the suspects.

A jail built for 270 inmates held more than 700, some of them there as long as nine months for investigation. Processing of the prisoners was accelerated from five a month to 50 a month only after the congressional investigation.

One result of the police-state methods and Thieu's exclusive emphasis on destroying the Viet Cong is that many of the most promising non-Communist political leaders have been imprisoned, driven into exile, thrown into the army or otherwise put out of action.

Another is the technical point that widespread detention without legal counsel or trial actually interferes with successful police work. Lawyers protect their clients, but they also protect the government against the mistakes and self-delusions that grow out of false accusations, false information and false confessions extorted by third-degree methods.

Most important of all, the South Vietnamese government is hurting its own credibility by employing the methods of a police state. When the authorities do catch a bona fide Viet Cong agent, public doubts arise because of the secrecy that surrounds the investigation and prosecution.

Many Vietnamese and Americans fear that, when a ceasefire eventually comes, the Viet Cong will remain a powerful political force, whereas Thieu will have knocked off any important non-Communist opposition and will have to face the Communists alone.

The prospect is that the South Vietnamese people will continue to regard the Saigon government as an oppressive force seeking only to collect taxes and draft men into the army instead of being a source of support and assistance and protection.

If that happens, self-determination will offer only a poor choice.

ADDRESS BY SENATOR MURPHY AT
NORTH ISLAND NAVAL AIR STA-
TION, SAN DIEGO, CALIF.

Mr. TOWER. Mr. President, my friend, the distinguished Senator from California (Mr. MURPHY), delivered a speech last Saturday at the North Island Naval Air Station, San Diego, Calif. I believe it is extremely thoughtful, and at his request I ask unanimous consent that it be printed in the RECORD.

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

SPEECH PREPARED FOR DELIVERY BY SENATOR
GEORGE MURPHY AT NORTH ISLAND NAVAL
AIR STATION, SAN DIEGO, CALIF., JULY 19,
1969

In a matter of hours, an American civilian will stand on the moon. He will be piloted to his final destination and guarded by American Air Force officers. He will have been placed there by the combined efforts of the American citizens, American industry, the United States Government, and the teams of scientific, investigative research from American universities. One of his first acts will be to plant the American Flag on the surface of the moon. This act, and that flag, will be visible to all of the people of the world. On his return, he will be brought home by the United States Navy on a ship bearing aircraft serviced at this installation.

Today we commemorate, on the eve of this great accomplishment, the 50th anniversary of this facility. The timing could not be more significant. Just a few short years before North Island was dedicated to the service of American Naval Aviation, Orville and Wilbur Wright's flimsy aircraft had sputtered into the sky, linked to its power by a bicycle chain. In its infancy, Billy Mitchell was court-martialed for his outspoken advocacy of air power as an indispensable weapon in our military arsenal. Less than ten years after its founding, adjacent to this base, a local engineer, Claude Ryan, and his associates were readying the aircraft which would drop out of the mist over Ireland, and among other things, prove General Mitchell to be correct.

For fifty years, at this base and in this city, the combined efforts of American civilians and American military men and women have been recognized in the development of the tools of peace and the preservation of American independence and personal liberty. Here we also witnessed our triumphs and our failures. It is to this Port the first casualties of Pearl Harbor, Guadalcanal, Tarawa, and all of the points enroute to peace in World War II returned, and it is here the victors were welcomed home. From here, too, Americans embarked on their way to Korea and Vietnam. It was here a few short months ago, the men of the Pueblo landed. It is therefore fitting and proper that as we look back, we examine the present and consider the future.

Before the founding of the Republic, Patrick Henry observed:

"I have but one lamp by which my feet are guided, and that is the lamp of experience. I know no way of judging of the future but by the past."

As we look back, we should be conscious of the fact that in every instance our purpose was not conquest, but peace.

When this base was founded, however, our defense policy could be embodied in a simple sentence—a historic declaration of an embattled American Ambassador—"millions for defense but not one cent for tribute." Those words were spoken in 1797 by Charles Pinckney, Minister of France when he was told attacks on American shipping would be halted only if this country paid a bribe and made a large loan. However, the world has

become more complex. In 1940 President Roosevelt observed:

"The Soviet Union, as everybody who has the courage to face the fact knows, is run by a dictatorship as absolute as any other dictatorship in the world." (Address to American Youth Congress, February 10, 1940.)

Bear in mind that these words were spoken at a time when Adolf Hitler was at the height of his power in Nazi Germany.

By 1946 Winston Churchill observed:

"... An Iron Curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe."

By 1952 an unbroken chain of broken treaties brought us to an Administration that proceeded on a basic premise, that for eight years kept us at peace. At the conclusion of his term of office, Dwight David Eisenhower restated that premise:

"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."

During the succeeding eight years, Americans watched again as treaties were broken in Laos, in Korea, in Czechoslovakia, and in Berlin. And once again, a Republican President is faced with the problem of extricating American boys from a war nobody wants but the communists.

Yet the voice of the critic of a strong defense is heard at home. The same educational structure that created the brainpower to send a man to the moon is under siege from anarchists who want to tear it down. They say openly that they want to destroy the establishment, and seldom do they say anything about rebuilding it.

The path to peace has always been difficult. In the complex world of intercontinental ballistic missiles and thermonuclear bombs, it is tortuous. No sane person wants war. There can be no doubt that the President of the United States wants peace. He is trying to find it at the conference table, in the diplomatic halls, at the highest levels of world government. In my meetings with the President, he has spoken of his anguish over this perplexing problem. He is literally about to tour the ends of the earth in an effort to find its solution.

There is, however, no simple solution. The carpers use easy slogans as a substitute for difficult thinking. You've all heard them.

"Ban the bomb."

"Make love not war."

The first statement is dangerous in the simple form in which it is stated. The second statement has some interest for most of us—but then it really isn't the answer.

In five years in the United States Senate, I have gained some personal experience with the real problem. I was in Vietnam on a Presidential commission to observe the free elections of Vietnam. I can report firsthand of the efforts of the United States to insure the freedom of that election and of the communists' to prevent it. If I had stayed on my original schedule in visiting polling places, I would not have been here today. The communists exploded a bomb only a few minutes before the United States Inspection Team, of which I was a member, arrived at one hamlet. It was intended to assassinate us. It failed and we stayed. Our purpose in Vietnam is in keeping with the American tradition—the attainment of peace and individual liberty—in this case, for the Vietnamese as well as for our own citizens. The communists' purpose is to use terror and guerrilla warfare to destroy freedom. And to those who, despite the lessons of the past, would have us withdraw our troops and trust Ho Chi Minh, I would repeat the warning of another Irishman—"trust everybody, but cut the cards."

Through this base have passed in the last year over 600 aircraft, more than 2,000 jet

engines, and more than 124,000 aeronautical components. It is the second largest industrial activity in San Diego County and employs over 7,600 persons with an annual payroll in excess of \$76 million. It is a part of the great combination of private citizens, members of the armed services, American industry, government, and scientific research which provides the front line of American defense.

Which brings me to another easy catchword used by those who would destroy what they call the "establishment". They take a phrase out of context from the words of President Eisenhower in a speech to which a few moments ago I made reference. That phrase is the "military-industrial complex," an institution they denounce. I knew and worked with President Eisenhower. I have read his full statement. I suggest you do the same. What you will find is a sensible and reasonable appraisal of the role of the military and the industrial forces in our society.

You will remember he began with the premise I have previously quoted and which I think bears repeating.

"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."

Then he noted the same span of years we have observed in the history of this base.

"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 in scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs 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 allocation, and the power of money is ever present and is gravely to be regarded."

From this phrase the radicals would move to destroy the American university, to remove all governmental research, to shut down the ROTC, to prevent private defense industry from recruiting on the college campus, and to deny the opportunity for young men to interview representatives of the armed services to select their role as volunteer officers in the defense of their country. If it were not so tragic, this attack would be a joke. I haven't noticed any government silencing the battery of college professors employed by the opponents of the ABM. And yet three men in space owe their lives to government-sponsored research in the laboratories of American universities.

The President also in that same speech said:

"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 statehouse, every office of the Federal Government. We recognize the imperative need for this development."

Let me repeat that sentence.

"We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implication. Our toll, resources and livelihood are all involved; so is the very structure of our society."

Now let's stop here and take a careful look at what President Eisenhower said:

1. A vital element in keeping the peace is our military establishment.

2. There is an imperative need for the conjunction of the military establishment and the arms industry.

3. It does, however, embody certain dangers. What are these dangers? President Eisenhower told us. "In the council of gov-

ernment we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the"—and here comes that phrase—"military-industrial complex. The potential"—note he said the potential—"for the disastrous rise of misplaced power exists and will persist."

Let me repeat again, the President did not say that unwarranted influence existed then. He was concerned that we guard against the potential.

Let me say right now, I am prepared to guard against that type of influence today, tomorrow, and as long as I am in the United States Senate. You will recall in 1964, when I first campaigned for the Senate, I warned that defense contracts were being taken from California for purely political reasons.

There can be no question that we must all remain vigilant against any collusion between government and private individuals for personal or political purposes. It would, however, be pure folly to resort to government-owned industry. That's what Nazi Germany did, that's what Communist Russia and Communist China are doing, and that type of operation has no place in the American system. But clearly there is nothing in the language of President Eisenhower which I have quoted to counsel the destruction of either the military or industrial complex which has kept Americans secure and free. What he did counsel is that:

"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."

Now you all know how an alert and knowledgeable citizenry protects itself. It writes to, votes for, elects and/or rejects its Senators and Congressmen. If you believe somebody is getting rich at the expense of the United States Government; if you know of any collusion between private industry and the Pentagon at the expense of the American taxpayer or American liberty; then it is your obligation—your duty—to tell your elected representatives about it. I keep asking some of my colleagues in the Senate for examples of collusion. I haven't heard any yet.

The critics of our defense policy are also using another catchword in their attack upon the President's proposal for the Safeguard Program. This one is an old trick. They call it "compromise". Now you all know that two years ago the Russians put up a ring of antiballistic missiles around Moscow. What did this mean? This meant that they were trying to protect their government from retaliation in the event they attacked the United States with intercontinental ballistic missiles. Now I don't know about you, but I get a little scared when I think the man who can push the button to end the world believes, however wrong he may be, that he will survive. Let me repeat for the third time Ike Eisenhower's words:

"Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

This Fall the President proposes to talk to the Russian leaders. His hope is to persuade them to start disarmament. Now remember, the Russians put up the antiballistic missiles. We didn't, and we haven't yet and will not have at that time. All the President has proposed is that we spend the money and commit the establishment of these missiles in two locations. His proposal provides for a review of the installation of Safeguard Missiles by the United States in one year. To me, that makes sense. Eight years of the Eisenhower Administration taught us that the only thing the Russians understand is action.

They started to move in Lebanon, you will remember in 1958. President Eisenhower did not say, "I'll hold my troops back if you withdraw." He acted, and they withdrew.

The only thing that kept Russian missiles out of Cuba was the fact that the United States actually had warships on the high seas with orders to shoot if necessary. Now many of the same people who believe we should withdraw our troops from Vietnam and trust Ho Chi Minh to do the same are advocating that we compromise. We simply tell the Russians we are going to build an antiballistic missile and hope they believe us. They would have us spend the money on research and development but not put the defense missiles in place. That's not compromise. That's capitulation.

Despite the cries of protest you hear, my friends, about the combination of private citizens, private industry, American universities, and the United States Government in our defense system, bear this simple truth in mind—the United States will not fire the opening shot of the third World War, if it is fired. And we pray to God that it isn't. But we must be capable of answering an attack from any source. As long as any potential aggressor recognizes this, we will be safe—and guarded. That's what Safeguard is all about, and that's what America's defense policy is all about.

We must allow honest dissent. That is an essential part of our democracy. But we must establish the lines between truth and non-truth. The military services and the industrial might of this nation have kept us free and will continue to do so.

The truth is we are closer to peace today than we were six months ago. Because our President stands resolute, last week the Supreme Soviet gave dramatic evidence that it wanted to move toward an accommodation with our country.

The truth is that because we are first in space, our astronaut, Col. Frank Borman, was greeted openly in Moscow, and for the first time, an American military officer visited the onsite Russian rocket installations. You may recall that the requirement of inspection of Russian rocket installations has been a major deterrent to world disarmament.

The truth is that because the Russians know our President is prepared to meet the threat of their antiballistic missiles, they have indicated a new willingness to talk about strategic arms limitations.

When the whole world watches Neil Armstrong place the American Flag on the surface of the moon, it will know the truth. His act is the result of the combined efforts of free men acting in the interest of progress and peace.

These are again the times that try men's souls. More than that, they are times of complex problems no simple slogans can solve. Childish tantrums against the traditions of our democracy do not lead to the path of peace. Resolution, patience, and understanding are required.

A strong nation will be respected. A free nation can only be a peaceful nation for a very simple reason. No one will knowingly vote for war. I believe Premier Kosygin knows this. When he meets with President Nixon this fall, I hope he will also know that the United States is moving as resolutely in the maintenance of its defense as in the search for peace.

BROTHERHOOD IN ACTION

Mr. DODD. Mr. President, in a day when the word "brotherhood" is so often used that its meaning is nearly forgotten, it is encouraging to find an organization whose very existence is based on brotherhood.

It is heartening to realize that, to some, brotherhood is not a word, but a mode of action.

It is a fine example to all America to see an organization composed of Protes-

tants, Catholics, and Jews united in one cooperative effort to improve our society. "Brotherhood in Action," uniting members of the Masonic fraternity, the Knights of Columbia, and B'nai B'rith in Connecticut is just such an organization.

The chairman of Brotherhood in Action, Mr. Gene Valentino, of Watertown, Conn., has recently forwarded a proclamation of this group to me.

This document attests to a sincere belief that the dominant force in America is, and will be, good.

I congratulate Mr. Valentino and all members of Brotherhood in Action upon this fine statement, and 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:

FRATERNAL BROTHERHOOD IN ACTION

The constant attacks being made today on the moral standards of America, call for the enlistment of the high-minded strength of the fraternal organizations of this nation to combat and overcome the forces whose degenerative influence is becoming a crippling menace to the American way of life.

In view of the increasingly close ties of mutual understanding and support today between all the fraternal organizations, it is important that we associate ourselves in a manner suited to our responsibilities towards our God, our country, and our civil duties.

To reach this goal, organizations must educate their members to understand and to act according to their individual ability in the fields of moral, civil and patriotic responsibility.

It is the purpose of our future programming to coordinate and promote activities of our organizations which will help our communities with the complex problems of today, but this development cannot occur unless individual men and their associations cultivate in themselves the moral and social virtues and promote them in society.

This joint effort in Connecticut is our answer to the advocates of non-patriotism, loose morals, obscene literature, pornography and all those who through their actions, have proven that they seek the moral decay of our great country.

The participating organizations will look upon this effort as a crusade believing confidently that the forces of good will overcome those of evil.

On our side we have the 46,000 members of Freemasonry, the 10,000 members of the B'nai-B'rith, the 40,000 members of the Knights of Columbus and the membership of all other God-fearing and patriotic organizations who care to participate in this program which has as its basis the moral purposes of our American way of life and the object of our loving one another, our God, and our country.

Fraternal organizations today face some hard decisions and failure to make these decisions means sure obsolescence. We must not merely state our position in the Lodge rooms for all our members to hear—we must state them in public together and by every means of communication so that everyone will hear that our respective orders have shown steadfast devotion to American principles and American ideals and oppose atheistic communistic doctrines which would destroy religion and undermine the ideals upon which our democratic form of government is founded.

In our proposed radio and TV programs, we as fraternal organizations, will demonstrate that we are not going to drift with the tide and be carried away with the current but that we will try to anticipate the needs of our respective religions, our country, our

youth and our fellowman and create a united fraternal crusade which will show that patriotism, decency, moral responsibility, parental guidance and teacher responsibility can live, and must live, to combat the popular unconcern regarding morals and patriotism that exists today in our modern society.

MILTON N. KADISH.
JOHN J. BEDELL.
WILLIAM CAMPBELL.

THE EAST DALLAS DEMOCRATIC CLUB SUPPORTS S. 4, THE BIG THICKET NATIONAL PARK BILL

Mr. YARBOROUGH. Mr. President, public support for the preservation of a portion of the Big Thicket area in southeast Texas has been growing steadily since I introduced the first Big Thicket bill in Congress in 1966. Many persons, groups, and organizations have endorsed my bill, S. 4, which calls for the establishment of a Big Thicket National Park of not less than 100,000 acres. They have recognized the value of this beautiful and unique land, and are working diligently to preserve the remaining forest lands, river bottoms, and wildlife habitat areas.

Today it is my privilege to add to the growing list of organizations which support and endorse the Big Thicket, the East Dallas Democratic Club.

I have received from this organization a resolution indicating its full support of the preservation of the Big Thicket. 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 OF EAST DALLAS DEMOCRATIC CLUB ON THE BIG THICKET NATIONAL AREA

The East Dallas Democratic Club does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

IORRIS K. BYRD,
President.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include a minimum of the 35,500 acres proposed in the Preliminary Report by the National Park Service study team, with 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. Wherever residences have al-

ready 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 headwaters 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 Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE SURTAX EXTENSION

Mr. BAKER. Mr. President, in an editorial published on July 19 the Washington Post called for the prompt passage of the surtax bill before the withholding extension expires on July 31.

As we all know, this measure has now been reported favorably from the Committee on Finance and has been placed on the Senate calendar. Thus far the majority party leadership has indicated that it will not call up this bill prior to the reporting of a broader tax reform measure by the Committee on Finance. The Washington Post editorial states that there is no reason for withholding the passage of the urgently needed surtax bill merely for the sake of having the less urgent although vitally important reform bill follow it on the legislative agenda. I share the views expressed in the Post editorial and for this reason 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:

TAX COUP IN THE SENATE

It was questionable judgment for the Senate Finance Committee to report out the surtax renewal bill without hearings and in defiance of the wishes of its chairman and the Senate Majority Leader. The measure would probably have gone to the floor with substantially more support if Chairman Long

had been permitted to carry out his plan of holding brief hearings on some additional reforms and of giving the House-passed bill a Senatorial flavor. What the Committee has done, however, is a *fait accompli*. The Senate has now to decide its course in the light of that situation.

Presumably the Finance Committee will proceed with its hearings with the object of passing a comprehensive tax reform bill later in the session. That in itself is a major undertaking. It should be pressed with vigor regardless of when the surtax bill is passed. No doubt it will be a disappointment to many Senators not to have Committee consideration of their proposed reforms for attachment to the surtax bill, and many of these may be offered as amendments to the latter bill on the floor. But action on the floor without adequate Committee study of these complex issues is a very poor way to write a tax law. The cause of sound tax legislation argues strongly for all the reforms not incorporated in the House bill to be saved for the special reform measure.

Apparently Majority Leader Mansfield and some other Democratic leaders are not reconciled to this procedure. In line with the views of the Democratic Policy Committee, Senator Mansfield wants to postpone all tax legislation until after the August recess. The difficulty with this position is that it leaves the continuation of the surtax in a state of uncertainty and that it will force Congress to vote another stop-gap measure to continue the withholding of the surtax beyond July 31. Now that the surtax bill is before the Senate, it would be much easier to enact it in the form the House gave it than to fuss with another withholding authorization, which would have to pass both houses.

It is well to remember that Mr. Mansfield is not insisting that the two tax bills be merged into one, as are some other legislators. He merely wants to hold the surtax bill as hostage until the broader reform measure emerges from the Finance Committee. But this might be October or even later. Many highly complex and controversial items which ought to go into the reform measure have not yet taken definite shape. We can see no excuse for holding the urgent surtax bill merely for the sake of having the less urgent but enormously important reform bill follow it in the legislative channel.

Good management seems to call for passage of the surtax bill before the withholding extension expires on July 31. Senators can reasonably be asked, as a public service, to save their reform proposals for the special reform bill. And if the pledges from tax leaders and the Committees at both ends of the Capitol that meaningful reform legislation will be passed before the end of the year are not considered enough assurance of good faith in this matter, the Senate could accept Senator Javits' proposal for a "sense-of-Congress" resolution committing both houses to act. It would be most unfortunate if consideration of face-saving or politics should obstruct the enactment of either of these essential measures.

THE PESTICIDE PERIL—XXIX

Mr. NELSON. Mr. President, the question of whether or not to ban the use of DDT is currently being debated before many of our State legislatures. Michigan and Arizona have already resolved the question by declaring a ban on the use and sale of that persistent, toxic pesticide in their States, and Wisconsin—after extensive public hearings last winter—is expected to make a decision soon. Of particular interest is the status of the controversy in California, the Nation's leading agricultural State.

Generally, agricultural spokesmen have argued against the ban because they feel that DDT is vital for the protection of the State's crops against pests. Conservationists, including officials in the California Department of Fish and Game, disagree. Since its first use against insects in 1939, DDT has accumulated in the environment to the point where the ecological balance is imperiled. According to George T. Stewart, of the Davis campus of the University of California:

Pesticides are but one threat to wildlife and the so-called "balance" of nature as man's continuing manipulation of the environment, in general, is fast endangering man himself.

In addition, DDT will soon no longer be effective against many insects because over the years of heavy exposure they have developed an immunity to the pesticide. Alternative means of pest control are now being developed that have proven to be both economical as well as effective.

I ask unanimous consent that an article describing the DDT controversy in California, published in Sunday's Washington Post, be printed in the RECORD.

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

HOT BATTLE OVER DDT LOOMS IN CALIFORNIA—CONSERVATIONISTS, FARMERS SET FOR SHOWDOWN

(By John Berthelsen)

SACRAMENTO.—Another of those crisis bills, vastly overshadowed by the tardy passage of California's \$6.2-billion budget, is creeping through the State Legislature here.

This one concerns DDT, the pesticide which has caused a world revolution since it was first used against insects in 1939 and, in 1948, won the Nobel Prize for Swiss chemist Paul H. Mueller, who discovered its insect-killing properties.

Late last week, two San Francisco Bay area Republicans, unmindful of that revolution, pushed their bill out of the Senate Agriculture Committee. If passed by the Legislature, it will prohibit the use of DDT in California after Dec. 31, 1971.

This would force California's giant agriculture community to come up with an alternative to what is the only pesticide guaranteed to protect 17 of the State's crops against pests.

The issue has evolved into a toe-to-toe brouhaha between such conservationist groups as the Sierra Club and farmers, who annually spray between 1½-million and 3-million acres with DDT.

It also has started a minor feud between the Department of Fish and Game, which regulates the State's wildlife, and the mammoth Department of Agriculture, which regulates and protects California's biggest industry. The wildlife people say DDT must be dropped. Agriculture says the farmers cannot be without it.

In a way, the dispute is ironic, because DDT probably will only be in use in California for a half-dozen more years. It will no longer be effective. Like most pesticides, it is creating strains of bugs which are impervious to its effects.

It already has been abandoned in public health, says Eldrige P. Hunt, research biologist for the Department of Fish and Game, because mosquitoes and flies have built up a resistance to it.

"It can still be used against body lice," he adds, "but body lice don't occur in large numbers in California. At least, we hope they don't."

Biologists and chemists say the same thing

will happen soon to such pests as the cotton bollworm. After the pesticide has killed all of the DDT-susceptible bollworms, the farmers will be left with a super-insect and new pesticides, resistant plant strains or other measures will have to be developed.

But at the moment there seems to be nothing to take the place of DDT.

"You need five to eight years to develop an alternative," says State Sen. Fred Marler Jr., a Northern California opponent of the bill.

"If an alternative hasn't been developed by 1971, you would have to pass a bill to extend the use of DDT and a bill like that would be very hard to pass indeed."

Marler says that such highly touted methods of insect control as sterilization are not practical. "With bugs which breed more than once," he says, "you need something like 50 times the normal insect population, so the fertile ones can be sure of breeding with sterile insects throughout their lifetimes. This isn't practical in many insect populations—it is impossible."

He adds that the removal of DDT from the market, and the lack of such other control methods, will pave the way for the use of poorly tested substitutes which could do much greater damage to the State's ecological balance.

The farmers, moreover, feel that dropping DDT from the market would be tantamount to disaster. The State is third overall in the Nation in cotton production, first in agriculture. Most farmers feel this is due to the chemical revolution.

"Parathion, if you will, has produced more foods than any chemical but DDT," says David Zollinger, general manager of a central California growers' association. He is not interested in seeing the revolution slowed.

But, say ecologists such as George F. Stewart of the Davis Campus of the University of California, the revolution has to slow because the State's ecology cannot take it.

"Pesticides are but one threat to wildlife and the so-called 'balance' of nature as man's continuing manipulation of the environment, in general, is fast endangering man himself," Stewart wrote in a report on DDT.

"The resulting pollution of this unchecked manipulation has already resulted in the claimed mounting extinction of numerous species of birds and mammals native to the United States as well as numbers of reptiles, fish and amphibians."

The trouble with DDT, says Stewart, is that it is persistent and omnipresent.

Evidence of DDT is being found on every continent in the world, including Antarctica, and the substance is not breaking down. Chlorinated hydrocarbons diminish by half only every ten years, ecologists say. It is not because the other half breaks down into nontoxic elements, they feel, but because it soaks into the soil and is eventually carried out to sea, where it is found in increasing amounts in fish and other marine life.

Or, say authorities like Dr. Thomas H. Jukes of the Berkeley Campus of UC, it is ingested on berries or insects by birds, causing disastrous effects.

Stewart, in his UC-Davis report, writes: "Scientists have found that DDT entering the food chain of aquatic animal forms undergoes magnification which is affecting certain marine birds' reproductive ability."

He also says eggs from birds which have swallowed DDT are calcium-deficient and fail to hatch. Other scientists, he says, have discovered that DDT "is extremely toxic to many" aquatic invertebrates, such as crabs and oysters, and is posing a serious threat to the shellfish industry in certain parts of the world.

Stewart cites an attempt to save Dutch elm trees from a disease carried by bark beetles as one "classic and celebrated example" of chemical misapplication.

Important urban shade trees, the Dutch elms were planted too close together, Stewart

says, which allowed the bark beetles to pass from tree to tree, making the spread of the disease easy.

Then, he said, city maintenance crews sprayed too much DDT on the trees in attempts to save them. Third, he says, residues of DDT accumulated in the soils under the trees. These passed into the food chain.

Then birds began to die when they ate earthworms under the trees.

Why has DDT affected birds this way, while man remains healthy? Stewart feels it is because birds eat 100 times their weight each year, mainly insects—which now are dusted with DDT.

Man eats only eight times his own weight in the same period—so his ingestion rate of DDT is much slower. Will man eventually begin to wither from the effects of DDT? Stewart does not know.

Republican State Sen. John R. Nejedly, the co-author of the Senate bill, is more positive—or negative:

"Man may be in danger," he says, "for who can predict the final effect of a human who sits down to a seafood dinner?" Nejedly claims water drained from the San Joaquin Valley into the bay may be to blame for recent declines in crab catches, and he quotes a Department of Fish and Game report which concludes that crab exposed to insecticides because of their susceptibility and the possibility of "disastrous results."

Will his bill pass? Co-author Lewis F. Sherman answers that it has a "good chance of getting through the Legislature."

This is contingent on California politics, however. After passing through the State Senate it must go to the Assembly.

There, new House Speaker Robert A. Monagan, who replaced Jess Unruh last November, has the choice of sending it to the Assembly Agriculture Committee or to a Wildlife Committee.

If it is directed to the Agriculture Committee, its chances of ever being reported out are slim, says an observer. If it goes to the Wildlife Committee, it will sail on through.

After that, it must come back to the Assembly floor and finally will go to Gov. Ronald Reagan's desk.

It is not known if the Governor will sign it. He normally has been aligned with the agricultural interests, observers also point out that the chief opponent of the bill during hearings is California Director of Agriculture Jerry W. Fleider—a Reagan appointee.

In the meantime, the controversy goes on. Despite the publicity, no one can really say DDT is a threat to human beings.

Its advocates point out that DDT prevented a typhus epidemic during World War II, thus, they say, winning the war for the allies. Its detractors point out fish and wildlife are disastrously affected, and that DDT residues even fall from the sky in rain and snow. What its future effects will be, they add, no one knows.

APOLLO, PA.

Mr. SCOTT. Mr. President, the citizens of Apollo, in Armstrong County, feel a special kinship to the astronauts of the Apollo space program, and have made the men of Apollo 11 honorary citizens of Apollo, Pa.

The following resolution was sent to President Nixon:

Whereas Apollo 11 set forth from the Planet Earth on the sixteenth day of July 1969 on the most historical event ever to be envisioned by man and dedicated to the science and knowledge of the world; and whereas on the twenty-first day of July 1969 the brave and dedicated crew of the Apollo 11 set foot on the Earth satellite Moon, accomplishing the greatest single feat in the re-

corded history of mankind; and whereas his excellency President Richard M. Nixon has declared Monday, twenty-first day of July, in the Earth year one thousand nine hundred and sixty nine to be a day of national participation to honor the flight of Apollo 11; and whereas Apollo, Armstrong County, Pennsylvania has diligently followed the Apollo space program from the beginning and honored all Apollo astronauts as Honorary Citizens of Apollo Pennsylvania; therefore I, Duane S. Guthrie, Mayor of Apollo do hereby declare the astronauts of Apollo 11, Mr. Neil A. Armstrong, Col. Edwin E. Aldrin, Lt. Col. Michael Collins to be henceforth and forever Honorary Citizens of Apollo, Armstrong County, Pennsylvania; and be it further resolved that the Boro of Apollo, Pennsylvania forever hold this date in remembrance of this occasion.

DUANE E. GUTHRIE,
Mayor, Apollo, Armstrong Co., Pa.
EVERETT A. BECK,
President, Apollo Boro Council.

CAPTIVE NATIONS WEEK

Mr. DODD. Mr. President, at this time, recalling Captive Nations Week is singularly appropriate. For if we forget, we forget ourselves.

On Wednesday, July 16, it was my privilege to attend the dinner in Washington, D.C., commemorating the 10th anniversary of the proclamation of Captive Nations Week. The dinner was organized under the auspices of the National Captive Nations Week Committee, the head of which from its inception has been Prof. Lev. Dobriansky, of Georgetown University. Professor Dobriansky is the man who was originally responsible for the concept of Captive Nations Week. The overwhelming merit of the proposal was so persuasive that the resolution was unanimously endorsed by both the Senate and the House.

The 10th anniversary dinner was a distinguished and dignified affair, which reflects the highest credit on Professor Dobriansky and the dedicated group of volunteers who worked with him in organizing the affairs.

Professor Dobriansky opened the proceedings by reading the proclamation issued by President Nixon designating the week beginning July 13, 1969, as Captive Nations Week. In this proclamation the President urged the American people "to renew their devotion to the high ideals on which our Nation was founded and has prospered and to sustain with understanding and sympathy the just aspirations of the peoples of all nations for independence and human freedom."

Professor Dobriansky also pointed out that parallel proclamations had been issued by the Governors of most of our States and by the mayors of numerous cities across the country. Mr. Philip J. Rutledge, representing Mayor Walter E. Washington, read the proclamation which Mayor Washington issued locally.

The Eisenhower Award of the National Captive Nations Week Committee was presented to Mr. Ku Cheng-kang of the Republic of China, in recognition of the great contribution he has made as chairman of the World Anti-Communist League.

Secretary of Transportation Volpe, who was the main speaker of the evening, reminded the audience of Presi-

dent Eisenhower's eloquent statement, committing the United States to work unremittingly for the liberation of the captive nations by every peaceful means.

House minority leader, GERALD R. FORD, who was introduced by Representative Ed DERWINSKI, also made an eloquent and forceful address. He expressed his confidence that Communist tyranny would ultimately crumble and that the peoples of the captive nations would again know the blessings of personal liberty and national independence.

And it was on this note that the 10th anniversary captive nations dinner ended.

STUDENT DEMONSTRATIONS

Mr. MURPHY. Mr. President, a letter printed in the Sacramento Bee from a graduate of San Francisco State College, where, as Senators know, there have been serious student demonstrations and disruptions, has been called to my attention. Specialist Fourth Class Elliott discusses both the war in Vietnam and the trouble on our campuses. Because of the importance of both of these issues, Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

FROM VIETNAM: "YOUNG MEN OVER HERE ARE TRYING TO END THE WAR"

(NOTE.—Sp4 Michael R. Elliott, a graduate of San Francisco State College, wrote this letter to the Bee from Vietnam.)

I am now in my fourth month in Vietnam and I find my greatest concern is with two subjects: Peace at home and war abroad. Or is it war at home and peace abroad?

Try as I may, I cannot see what the young men and women on our campuses and in our schools are trying to prove or hoping to achieve. If it is their desire to prove they have no respect for the republic in which they live, they are doing an excellent job. Freedom of speech is clearly guaranteed on the face of our Constitution in the Bill of Rights, but that freedom is relative, relative to a society founded on a respect for order.

We in Vietnam read daily of the youth of our nation, the hope of America's future, protesting for "better" educational institutions, demanding schools conform to standards which they establish. Our nation has never respected such demands, nor shall it do so now. Dr. S. I. Hayakawa, for one, has voiced that opinion most straightforwardly and decisively.

I sympathize with student desire to take part in administrative problems but cannot convince myself their means are correct. Change for the better is one of the most trying and difficult accomplishments which has ever confronted mankind. And there is a tested method for achieving such change.

In civilian life, more so than in military, there is a chain of command, the following of which is mandatory for effective change. The outline of this chain is far more difficult to see than that of the military but is just the same very much present and necessary.

If today's students are sincerely interested in change for the better, they must start at the beginning. They must start, not with demands, but with requests submitted in an orderly manner to the personnel charged with the responsibility of our schools: The administration, the legislature, the courts and any other orderly means open to them. A slow, tiresome and sometimes fruitless

road? Yes, it is, but it is the method which has been proved to work and work best.

Before graduating from San Francisco State College, I was involved in the initiation of an innovation in college administration. Students were invited to meet and elect representatives from the various departments to take part in the formulation of administrative policy with a voice, a vote the same as the professors within the departments.

The students were so eager to take their place in the administration they did not even take enough initiative to meet and elect representatives. They sluffed off a real beginning by saying "nothing would come of it anyway." And now those same students, perhaps with different faces, want to run the whole show. As we say in Vietnam, "there ain't no way."

A college president once said the colleges should be a moulding place for ideas, not a cementing place. We are now confronted with the reverse of his philosophy and the result is not a pleasant one.

The reaction to the war in Vietnam is the other issue which perplexes me. I see young men I have called friend die here, and then read in the papers where our "knowledgeable" young students in America demand a stop be put to American aggression in Vietnam, and I am very angered. They know so little to be speaking so authoritatively, and their demands are met properly with stringent disgust.

The young men over here are doing everything within their power to bring this war to a close. There is not a man over here who enjoys fighting this war, but they all realize the issues are real and complex and cannot be solved by demands, most of all demands from an unknowing group of students.

I say thanks that men in Vietnam must mature rapidly, for they soon become equipped to deal with the rather confusing cries of their counterparts back home. They are capable of laughing off the war protester's cries for they know the idiocy of a person who would sit serenely on the hillside far away from the maddening guns of death and dare to end the dying by jumping up and down and waving his hands.

The place for those who want to stop the war is here in Vietnam, (I invite all of you), not sitting in the classroom studying cognitive dissonance or the problems with interpersonal relationships.

If our concerned young students have the guts, here is where they can help, but I doubt they would want to help. They would probably refuse to fight with Charlie even if he were overrunning their position unless they could run the operation their way.

I am truly tired of hearing the pitiful cries of little boys and girls playing the game of life without having to pay the price. May I soon see you in Vietnam?

Sp4c. MICHAEL R. ELLIOTT.
APO SAN FRANCISCO.

BOYS' NATION BUILDS YOUNG, PRODUCTIVE CITIZENS; TWO OUTSTANDING YOUNG TEXANS ELECTED

Mr. YARBOROUGH. Mr. President, on July 18, 1969, two young men from each of the 50 States arrived in Washington, D.C., to participate in the American Legion's Boys' Nation. I am pleased to recognize the two delegates from Texas, Mr. Edwin Collins, of Austin, and Mr. Lynn Cauley, of Big Spring. They earned the privilege to come by being elected governor and party chairman, respectively, of the Texas Boys' State this June.

These two fine young Texans will par-

participate in a multitude of activities ranging from lectures, forums, and tours of our national shrines to organizing their own senate and conducting a session complete with bills, committees, and, no doubt, difference of view. They will not only see how our Federal Government operates, but will have the opportunity to appreciate the efficacy of our democratic system by participating in the actual mechanics of government. I am sure that after their short but very productive 1 week in Boys' Nation, they will return to Texas with an enthusiastic, practical, and realistic view of American Government.

I commend them on the initiative and diligence they have shown by being chosen for the honor of participating in this experiment in government, and I congratulate the American Legion for the success it has enjoyed in this most worthwhile and salutary undertaking.

PARTICIPATION BY OTHER NATIONS IN U.S. SPACE PROGRAM

Mr. GRAVEL. Mr. President, all Americans share a great pride in the magnificent achievement of the Apollo 11 flight crew. No greater frontier has ever been crossed. In a century of phenomenal technological expansion the moon landing stands out as the highest adventure, the furthest reach of man's indomitable genius and spirit. It was American technology that put Neil Armstrong on the moon. But it was human aspiration to see the unknown that drove the dedicated men at Houston and Cape Kennedy and in laboratories and stations around the world to put together a precise technology, a faultless venture. We Americans are justifiably proud of an American achievement, but we must not forget the universal nature of this mission. On a planet so rife with struggle and war as ours, the Congress should do all in its power to emphasize the universal human aspirations, the spirit that brings men together into creative labor rather than those which rip them apart.

Therefore, I offer today for the consideration by the Senate a resolution which will encourage the participation of other nations in our space program. The fact that not all men are Americans does not mean that all men do not have a great lust for discovery. Americans can be leaders in the space effort without declaring a self-imposed monopoly on the drive for adventure and creative labor. There are talented, intelligent men and women throughout our planet which have much to give to any space program. Let them lend their hand to the great progress Americans have already made. Let us bring men a little closer by a common effort in this, the highest adventure of any age. Space exploration is at heart nonpolitical; the political quarreling and warring so prevalent today need not prevent men of all nations from working together on a project which commands the energies and contributions of all mankind. It is time to find more things on which men can work together. I urge the Senate to take the first step toward permitting citizens of

other nations to participate in our astronaut program. I propose that we begin specifically with citizens of Mexico and Canada, our contiguous neighbors. Let us make the sense of the Senate clear on this, and make the first courageous move toward an international space effort.

THE PRESIDENT'S TRIP—FOR A BETTER PERSPECTIVE

Mr. SCOTT. Mr. President, President Nixon's trip to the Pacific, to South Asia, and to Eastern Europe next week will mark the second time this month that Americans can share through the miracle of communications in a great and historic journey.

On the Asian leg of his trip, the President will visit five countries, bringing to the people of that continent the warm greetings and best wishes of our people. As an American, I am proud and happy that he is giving this attention to Asia. For, after all, there are almost two billion people in Asia—more than one-half of the world's population. As many people are living in Asia today as there were in the whole world in the 1920's. Four of the six most populous nations in the world are in Asia. It is extremely important that our country understand this part of the world better than we do at present and that we develop bonds of friendship which will produce a lasting peace.

From his last Asian stop in Pakistan, the President will go on to Bucharest for a very important visit. This will be the President's second trip to Romania, I might note, and the first visit to any Communist country by an American Chief of State since the immediate aftermath of the Second World War. The trip symbolizes, I believe, the changes which have occurred in international relations in the last two decades. It demonstrates that while people may have different systems of government and different philosophies about many matters, they can still live at peace with one another and can work together on matters of mutual self-interest. By demonstrating that truth, the President's trip to Romania helps to make our world a safer place to live and hastens the day when our planet will know the lasting peace we all long for.

One of the important features of this trip will lie in the message which the President brings to the leaders he meets and to their peoples; a message of peace and friendship and good will. But another value will lie in the listening which he does as he stops in each city. He will have an opportunity, first of all, to listen to the views of allied governments, nations which have been closely aligned with our position for many years and are even now fighting beside us in Vietnam. Second, he will also have an opportunity to talk with nonaligned nations, countries which have steered clear of affiliations with either the East or the West. Finally, he will have a chance to listen to the views of a Communist government in the country of Romania, to find out how the world situation looks from their distinctive point of view. Certainly, all of these conversations will provide valuable perspectives for the Presi-

dent and for all of us. Certainly American foreign policy will be better informed as a result of this trip, and certainly it will be better understood by other nations.

The President told the astronauts last week that all men were with them on their trip, sharing their adventure and supporting them with prayers. I am sure that all Americans feel the very same way about this important trip around the world by their President.

OIL DEPLETION ALLOWANCE

Mr. ALLEN. Mr. President, the Gadsden Times is a highly respected and influential daily newspaper in Alabama. It enjoys a much deserved reputation for the fairness and general excellence of its editorial opinions.

On Saturday, July 5, 1969, the Gadsden Times published an editorial on questions relating to the oil depletion allowance. In characteristic fashion the editorial fairly and objectively presents "The Other Side of the Story" in a manner which commends itself to the thoughtful consideration of all who earnestly seek answers which, in the words of the editorial, will be "the greatest benefit over the longest range for the Nation." I ask unanimous consent that the editorial be printed in the RECORD.

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

OIL INDUSTRY REVEALS OTHER SIDE OF STORY

It seems to be open season for giant-killing in Congress. But satisfying as it may be to see the hitherto inviolable Defense Department on the carpet or the powerful oil industry being threatened with the loss of some of its tax privileges and other protection, in both cases the situation is one of perplexity for the average citizen—and probably for many congressmen themselves.

The person who tries to keep an open mind is buffeted on both sides by opposing experts. Some tell him that the proposed Safeguard antiballistic missile system is absolutely vital for the nation's defense. Others, equally distinguished, warn that it is a vast boondoggle which could actually increase the likelihood of war.

In the matter of oil, it is charged that the 27½ per cent depletion allowance which gives oil producers (and mineral producers also) tax compensation for the natural depletion of the resources they take out of the ground, costs the government \$1 billion in lost taxes a year. Sen. Edward Kennedy recently claimed that controls on the import of foreign oil were costing consumers between \$4 billion and \$7 billion a year.

The oil industry marshals its own figures to show that it pays its fair share of taxes and that both depletion and import controls have helped maintain a strong domestic industry, which is as vital to the nation's security as a strong military establishment.

The public sees a few highly visible oil millionaires; it does not see the many others who have lost their shirts in the game. Of 8,879 exploratory wells drilled last year, 84 per cent were dry holes. Some 1,600 fewer wells were completed in 1968 than in 1967. The total figure of 30,599 wells was 46 per cent below the number completed in 1956.

In 1958, the United States had enough proved oil reserves to last for 13 years, based on production in that year. Today, because of increased consumption and lagging exploration, the figure is down to 10 years.

Since depletion allowance was enacted in

1926, the retail price of regular-grade gasoline (excluding taxes) has increased only about three cents a gallon. Since import controls were imposed by President Eisenhower in 1959, gasoline prices have increased about 14 per cent, but retail prices generally have jumped 24 per cent.

The wisdom of the import system, which holds imports to 21 per cent of domestic production, was dramatically illustrated during the Arab-Israeli war in 1967 when oil shipments from the Middle East to the United States and much of Europe were abruptly halted.

Foreign oil is presently cheaper than domestic oil, especially with the advent of supertankers which have impressively cut shipping costs. But it would be foolish, the industry argues, to make ourselves too dependent upon oil supplies by foreign powers in order to lower prices or to conserve our own resources. Oil production facilities and highly trained personnel are not things that can be moth-balled for use at a later date.

Each side accuses the other of taking extreme positions, yet it is only between extremes that a sensible middle ground can be staked out.

Likeliest prospect is that the depletion allowance can be modified somewhat, perhaps by limiting it to fixed periods rather than over the entire lifetime of a well, but not eliminating it entirely or reducing it so drastically as to discourage continued exploration. And a modest easing of import quotas may not be incompatible with a strong domestic industry and national security.

In oil, as in ABMs, the determining factor must be what promises the greatest benefit over the longest range for the nation.

The rule is easy to state, of course, but exceedingly difficult to put into practice.

ANTI-DDT VICTORY IN WISCONSIN

Mr. NELSON. Mr. President, on Friday the Wisconsin State Assembly passed unanimously a bill to ban the sale and distribution of the pesticide DDT in Wisconsin. The bill will now be considered by the State senate.

The action of the Wisconsin Assembly is one of the final steps to victory for the scientists, conservationists, and concerned public who have contested the use of DDT in our State. Many of them recently testified during public hearings before the State department of natural resources on a citizens petition also to ban DDT. The Wisconsin hearings stimulated the first major confrontation between the pesticide industry and concerned citizens and scientists and focused both national and international attention on the dangers of DDT to our environment and to man.

I ask unanimous consent that an article reporting on the assembly's action, published in *The Capital Times*, be printed in the RECORD.

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

A 99-0 ASSEMBLY VOTE OK'S BILL BANNING SALE OF DDT IN STATE
(By John Patrick Hunter)

The State Assembly today, by a 99 to nothing vote, passed and sent to the Senate a bill that would ban the sale and distribution of the pesticide DDT in Wisconsin.

Before taking final action, the Assembly amended the measure to permit a "DDT emergency board" to authorize use of the chemical in cases where "a significant por-

tion" of a crop is affected by epidemic plant diseases.

The emergency board would also be authorized to permit the use of the pesticide in the case of an epidemic disease of humans or animals.

Today's Assembly action represents a victory for Assemblyman Norman C. Anderson (D-Madison), whose stronger substitute was adopted in place of milder version supported by the Wisconsin Farm Bureau Federation.

An attempt by opponents of the DDT control bill to lay the measure aside, in hopes that it would get lost during the maneuvers over adoption of a state budget, failed.

The Assembly refused to table the bill by a substantial 60 to 37 margin.

Under Anderson's substitute, the three-man emergency board would consist of the secretary of agriculture, the state health officer, and the secretary of natural resources.

The bill would take effect Dec. 31, 1969.

Assemblyman Norbert Nuttelman (R-West Salem) spoke in opposition to Anderson's substitute.

So did Assemblyman Joseph Tregoning (R-Shullsburg). Tregoning pleaded with the Assembly to "give us a little leeway. We need some leeway time to work out more details."

Anderson, who described DDT as "a deeply dangerous compound," added that the state has "a unique opportunity to say once and for all, at least in this state, we realize the danger of this compound."

Assemblyman Russel Weisenel (R-Sun Prairie) managed to amend Anderson's bill to allow the emergency board to permit use of the pesticide when a local crop was threatened.

Supporters of the bill charge the Weisenel amendment "weakened" the measure, but Anderson accepted the amendment because he said the emergency board would not indiscriminately permit the use of the compound.

PHILADELPHIA COMMISSION ON HIGHER EDUCATION ENDORSES THE COMPREHENSIVE COMMUNITY COLLEGE ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, the Philadelphia, Pa., Commission on Higher Education has announced its support for the Comprehensive Community College Act of 1969. This endorsement is significant because it is the first support the bill has received from an institution which represents all levels of higher education. The Philadelphia commission recognizes this bill for what it is—not a bill of competition with 4-year institutions, but an effort to strengthen the growth of community-junior colleges in this country. This endorsement goes a long way in breaking down the arbitrary walls separating institutions of higher learning and it is certainly welcomed as we gear up for consideration of this important legislation. I commend the commission on their leadership.

Mr. President, I ask unanimous consent that the details and statement of the announcement be printed in the RECORD.

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

COMMISSION ON HIGHER EDUCATION SUPPORTS COMPREHENSIVE COMMUNITY COLLEGE BILL

Charles G. Simpson, Chairman of the Philadelphia Commission on Higher Education today announced the Commission's decision to support the federally proposed Comprehensive Community College bill. The

measure, introduced by Senator Harrison Williams, Jr. of New Jersey, has gained bipartisan endorsement in the Senate.

According to Mr. Simpson, the bill is designed to assist the states in providing expanded post-secondary educational opportunities to all persons through a program of Federal grants. These grants would enable the states to strengthen, improve, and develop comprehensive community colleges. They would also ensure that the education provided by such colleges is suited to the needs, interests, and benefits of the total community. The grants would further assist colleges in providing educational programs especially suited to the needs of educationally and/or economically disadvantaged persons.

The states would submit a master plan for post-secondary education to the United States Commissioner of Education. This plan would be developed jointly at the state level with all post-secondary education agencies within that state. Although "Individualized" to fit the needs of the particular state, the plans would be required to meet certain national criteria. Institutions would be obligated to establish comprehensive curriculum plans, including occupational-technical programs, adult continuing education, community service programs, remedial education, counseling-guidance services, and lower division university parallel courses. Plans would also be drawn up to move the institutions toward a tuition-free policy, or evidence would be given that adequate scholarship and grant-in-aid assistance was available to provide educational opportunity to those who need it. In addition, teacher-training and personnel development programs would be designed as a component of the master plan.

The Williams' bill provides for a one year \$10 million preliminary planning phase to be followed by a three-year program of Federal assistance. Funds would be made available, through the state coordinating agency, for improvement of existing schools, construction and development of new institutions, and expansion and modernization of instructional and counseling techniques and facilities. The three year appropriation would total six billion dollars.

In speaking of support for this legislation, Mr. Simpson said that a new community college program is needed to give to two-year schools a more equitable share of Federal assistance for post-secondary education. He noted that out of 24 current Federal assistance programs for higher education, two-year colleges take part in only six. Even more significant, he added, is the low percentage of junior-college students who take part in individual-assistance programs. Community college students have access to only 4% of the National Student Defense Loans, 6% of Educational Opportunity Grants, and 15% of Work-Study Funds.

Concluding, Mr. Simpson indicated that he expected that support for this measure would be generated by Senatorial and Congressional representatives from the Philadelphia area and by the presidents of the colleges and universities which comprise the Commission's constituency.

J. EDGAR HOOVER

Mr. MURPHY. Mr. President, no man in our country has rendered a longer or more dedicated service to this Nation than that of Mr. J. Edgar Hoover, who has completed 45 years of outstanding service to the United States.

The California Peace Officers' Association on May 28, 1969, passed a resolution extending their gratitude to Mr. Hoover and wishing him the best for the future.

Mr. President, 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

Whereas J. Edgar Hoover has completed 45 years of unselfish and dedicated service to law enforcement and its goals as Director of the F.B.I., and

Whereas J. Edgar Hoover and the F.B.I. has been the bulwark of defense against those forces which try to undermine and subvert cherished American principles, and

Whereas J. Edgar Hoover has always been the guiding force in raising law enforcement to the high professional standards it has attained; Therefore be it

Resolved, That the California Peace Officers' Association at their 49th Annual Conference assembled at Stockton, California, on May 25 through May 28, 1969, extend their gratitude to J. Edgar Hoover and extend their best wishes for continued tenure as Director of the F.B.I., and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Attorney General of the United States, the two California Senators, and J. Edgar Hoover so that they may be apprised of the sentiments of this Association.

RATIFICATION OF THE GENEVA PROTOCOL OF 1925 NECESSARY TO CONTROL CHEMICAL AND BIOLOGICAL WARFARE

Mr. PROXMIER. Mr. President, during the last two sessions of Congress, I have daily taken the floor to urge the Senate to ratify the international Conventions on Forced Labor, the Political Rights of Women, and Genocide. Today, rather than speaking of these, I would like to deal with a matter of equal if not greater importance to the future of world peace.

In 1925, in the wake of a war that saw thousands of men maimed or killed in gas attacks by both sides, an arms limitation conference created an international agreement—the Geneva Protocol of 1925—banning the aggressive use of chemical and biological weapons. Though the United States initiated this action and signed the protocol, and though our policy in this area has since run directly parallel to it, the U.S. Senate has never ratified the protocol. After languishing in this body for over 20 years, the protocol was removed from Senate consideration by the Truman administration.

It is precisely this contradiction, Mr. President that warrants grouping the Geneva protocol with the three human rights conventions. The protocol deals—as do the conventions—with longstanding and important policies of our Government, policies that are inevitably compromised by our failure to affirm them internationally.

I need not labor the point that chemical and biological weapons must be controlled if we are to attain any semblance of world peace. The unspeakable horrors of their use have been cataloged often enough. We stand on the brink of a headlong proliferation of these weapons that will only aggravate the already tense and chaotic arms race and make vast destruction infinitely more difficult to prevent.

Equally true is the fact that our ratification of the Geneva protocol would be a major step toward controlling chemical and biological weaponry. The protocol does not require that we give up research and sacrifice these weapons as retaliatory deterrents. It only prohibits their use as first strike weapons. But in so doing it contributes greatly to their control. If all nations specifically state that they will not use these weapons first, their agreement achieves the legitimacy and force of international law. Though a first strike with these weapons is impossible to prevent entirely, the perceived likelihood of attack will decrease greatly under such an agreement, and nations will feel less need to expand their defensive CBW capabilities. And if the major nations can thus limit the development of these weapons, the likelihood of their rapid spread to smaller nations will also decline sharply.

Such weapons are, moreover, not substitutes for nuclear weapons, since they destroy only enemy lives and not enemy military hardware. Thus, their nearly prohibitive costs must be added to those of nuclear systems, and any method of limiting their development can only save vast quantities of time and resources.

I intend to deal with these and other arguments in more detail later, but they lose none of their force by being stated simply. The United States has no rational strategic interest—much less the intention—of using chemical and biological devices as first-strike weapons. Yet it has every conceivable interest in limiting their development and use for this purpose by other nations. I urge the administration therefore, to refer the Geneva Protocol of 1925 to the Senate for its ratification, not only as a long-overdue affirmation of a basic tenet of our foreign policy, but as a major step toward control of the arms race and achievement of world peace.

AD HOC COMMITTEE ON COMMUNITY COLLEGES IS FORMED AND READY TO SERVE

Mr. WILLIAMS of New Jersey. Mr. President, the emergence of the 2-year college is rapidly becoming one of the most important developments in American education. Unfortunately, Federal support for these community junior colleges has not kept pace with the increasing demand for services and personnel. This point was documented on February 17, 1969, when the Comprehensive Community College Act of 1969 was introduced. With more than a third of the support of the Senate, this legislation is designed to provide accelerated Federal participation in this new level of education.

On July 16, I announced the formation of a national advisory committee on community colleges. This ad hoc committee is made up of private and public community college presidents, executive officers of private and State community college systems and associations, university experts in postsecondary education, research and teaching specialists, and others who are closely associated with community colleges. The committee

is broad-based and national in scope, reflecting all facets and points of view. These men offer tremendous insight and profound knowledge of the affairs of community colleges. As nationally known educators, they bring incisive comment and productive suggestions to our discussions on the community college program.

I am proud that they have accepted my invitation to serve on this committee. Their willingness to participate in this fashion is yet another indication of the importance educators are placing on the 2-year schools—and it points up the widespread support for community colleges which has developed throughout the country.

Mr. President, I ask unanimous consent that the names of the members of the ad hoc Committee on Community Colleges be printed in the RECORD.

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

Milton Bassin, President, New York City Community College, Brooklyn, New York (212-643-8612).

Louis W. Bender, Associate Commissioner, Department of Public Instruction, Bureau of Community Colleges, Harrisburg, Pennsylvania 17126 (717-787-4368).

James Borman, Executive Director, Illinois Association of Community and Junior Colleges, Chicago, Illinois 60606 (312-372-0544).

James A. Colston, President, Bronx Community College, Bronx, New York (212-WE3-7000).

Joseph Cosand, President, Junior College, District of St. Louis, Clayton, Missouri (314-726-4686).

Patrick J. Distasio, Director, Center for Community Development, Miami-Dade Junior College, Miami, Florida 33156 (305-238-4632).

Paul A. Elsner, Director, Division of Community Colleges, Denver, Colorado 80203 (303-892-3061).

Ed K. Erickson, President, Seattle Community College, Seattle, Washington 98122 (206-EA4-3500).

William F. Flanagan, President, Rhode Island Junior College, Providence, Rhode Island 02908 (401-831-6600).

Richard Gott, Director of OEO Demonstration Projects AAJC, Washington, D.C. (AC 415-845-1015) (Ofc 202-462-4031).

Richard K. Greenfield, President, Mercer County Community College, Trenton, New Jersey 08608 (609-396-9241).

Ervin L. Harlacher, President, Brookdale Community College, Lincroft, New Jersey 07738 (201-842-1811).

Norman C. Harris, Professor of Vocational Education, Department of Higher Education, University of Michigan, Ann Arbor, Michigan (303-764-9472).

Ellis F. Hartford, Dean, Community College System, University of Kentucky, Lexington, Kentucky 40506 (606-258-9000).

Carl L. Heinrich, Director, College Accreditation, Kansas State Department of Education, Topeka, Kansas 66612 (913-296-3047).

B. Lamar Johnson, Professor of Higher Education, Department of Education, University of California, Los Angeles, California 90024 (213-825-3101).

Francis Keppel, President and Chairman of the Board of Directors, General Learning Corporation, New York, New York 10022 (212-421-9850).

S. V. Martorana, Vice Chancellor, State University of New York, Thurlow Terrace, Albany, New York 12201 (518-457-3300).

Lloyd E. Messersmith, Executive Director, California Junior College Association, Sacramento, California 95814 (916-444-8641).

Harry Miller, President, Keystone College, LaPlume, Pennsylvania (717-945-5141).

Bill J. Priest, Chancellor, Dallas County Junior College District, Texas Building, Dallas, Texas 75202 (214-RI-2-1411).

Peter Scarth, President, Education Systems Corporation, 1211 Connecticut Avenue, N.W., Washington, D.C. 20036 (202-332-5292).

Oscar E. Shabat, Chancellor, Chicago City College, Chicago, Illinois 60601 (312-782-6288).

Walter Sindlinger, Department of Adult and Higher Education, Columbia University Teachers' College, New York, New York (212-870-4891).

Dale Tillery, Center for Research and Development in Higher Education, University of California, Berkeley, California (415-642-7500).

James L. Wattenbarger, Director, Institute of Higher Education, University of Florida, Gainesville, Florida 32601 (904-392-3261).

Everett M. Woodman, President, Colby Junior College, New London, New Hampshire 03257 (603-526-2010).

Mr. WILLIAMS of New Jersey. Mr. President, the ad hoc committee has been formed, and is ready to serve. I invite those Senators who have joined me in sponsoring the Comprehensive Community College Act of 1969, and any other Senators who are interested in our objective, to make use of these experts in their work on this bill and other related issues.

AIR AND WATER POLLUTION

Mr. MURPHY. Mr. President, one of the great problems confronting us as a country is pollution, both air and water.

Only recently the Secretary of Health, Education, and Welfare granted to the State of California a waiver from the Federal preemption provision with respect to the establishment and enforcement of automobile emission standards. This means that California may set standards higher than the rest of the Nation. Naturally, as the author of this amendment, I am very much pleased with this favorable decision. As a result, California has been able to implement its Pure Air Act of 1968. Recently, the Oakland Tribune carried a series of articles once again underscoring the seriousness of the pollution problem and because of its importance, not only to the State of California, but to the Nation as well, I ask unanimous consent that these excellent articles, written by Mr. Ernie Cox, the Oakland Tribune staff writer, be printed in the RECORD.

The battle against pollution must be won, and I for one am determined to do everything that I can to see to it that the people of the Nation have the air quality that they rightfully demand and deserve.

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

[From the Oakland (Calif.) Tribune, June 29, 1969]

BAY'S AIR POLLUTION UNABATED—SMOG STAYS DESPITE REGULATIONS

(By Ernie Cox)

When President Nixon on May 29 announced creation of a cabinet-level council on environmental quality, he said: "We have become victims of our technological genius."

The President's move, with air pollution as one of its primary targets, is only the

latest in a series of governmental actions at various levels to do something about the air we breathe.

For the past two decades the State of California has had what it euphemistically calls "a program for air resources management." In the battle against smog, Los Angeles and the San Francisco Bay Area are far ahead of most of the nation. It was—and is—a matter of survival.

To the average eye-smarting Californian it is small comfort to know that the problem existed as far back as the year 1215. In that year of the Magna Carta King John of England decreed a ban against foul smelling wood-burning carts that local food vendors pushed through London's murky streets. It was the world's first known air pollution control regulation.

The word smog was coined by a London physician in 1905 to describe a combination of smoke and fog.

To the Los Angeles area went the dubious honor of introducing to the world a new-type pollutant—called photo-chemical smog. The major source: the gasoline-burning motor vehicle.

This brownish haze is the result of nitrogen oxides and hydrocarbons reacting with sunlight to form new compounds which reduce visibility; irritate the eyes, nose and throat; damage plants, craze rubber products, peel paint from buildings, aggravate asthma and possibly is linked with cancer.

In virtually all California cities of 50,000 population or more, an air pollution problem exists. More than half the state's 58 counties have experienced plant damage.

The U.S. Public Health Service says Americans pour 142 million tons of waste into the air every year—more than 1,400 pounds for every man, woman and child.

In the Bay area a total of 9,473 tons of pollutants per day were emitted into the air last year, according to local air pollution officials, who claim their "tonnage" figures are 85 per cent accurate.

Last year's pollutant figure represents a decrease of 2.7 per cent in total pollution in the Bay Area over 1967 despite a big increase in the number of automobiles.

The Bay Area Air Pollution Control District has been in operation 13 years and has put into force a series of stiff regulations, with more to come.

Despite these efforts, the district's own figures show that stationary sources such as factories and backyard burning still account for 29 per cent of the Bay Area's air pollution. Stationary sources are under jurisdiction of the local district.

The six county Bay Area's 2.3 million automobiles account for 71 per cent of the total pollution problem. Automobile pollution is controlled by the state, not by the local district.

Local air pollution officials state unequivocally that if the Bay Area had 4.4 million automobiles and 8 million people—as in Los Angeles—we would have as serious a smog problem as Los Angeles.

The local district has regulations controlling open industrial or agricultural burning, industrial smoke such as that from factories and ships, and the organic gases given off by inks and paints and by gasoline in uses other than car fuel.

A brand new regulation which goes into effect next January 1 will regulate backyard burning in one and two-family dwellings, considered one of the major sources of smoke and haze.

District officials are satisfied with the regulations as far as they go, but they also know population growth will call for more stringent controls. These are under constant study.

By the year 2000, according to Milton Feldstein, director of technical services for the Bay Area district, this part of California from Sacramento to Santa Cruz will be one

vast megalopolis with additional millions of population and at least two cars in every garage.

The state has new control standards on evaporative losses for 1970 model cars; control of oxides of nitrogen will not begin until the 1971 cars are produced. Both controls will be limited to new cars.

Many experts agree that current regulations, state and local, are only buying a little more time—time for something dramatic to happen in the auto industry, probably an alternative to the internal combustion engine; time for the public to become truly concerned; for the planting of more green belts to help purify the air; to develop mass transit facilities, better planning and zoning.

[From the Oakland (Calif.) Tribune, June 30, 1969]

A STRATEGY UNFOLDS TO CUT SMOG LEVEL IN BAY REGION

(By Ernie Cox)

On a clear day you can see—not forever—but at least 50 beautiful miles around the Bay Area.

On other days—and they are coming more often—the haze is so heavy you can barely make out the Eastbay end of the Bay Bridge from downtown Oakland.

The average man in the street, if he bothers to look up at all, shrugs and tells himself it's just another one of those gray days. Wedded to the unfetter use of his private automobile, he figures air pollution is somebody else's problem.

Overcoming that attitude is one of the biggest problems of air pollution officialdom. Lending a hand in a public awareness effort is a newly formed group of concerned scientists and laymen calling themselves the Northern California Committee for Environmental Information.

This Berkeley-based group formed just six months ago, has just completed a draft of its first report. It has not been released, but The Tribune obtained an advance copy of the 20-page document for this series.

The group is an affiliate of the Scientists Institute for Public Information in New York. Its report was prepared by a subcommittee on air pollution headed by Jim Huntziker, a research physicist at University of California, Berkeley. Others on the subcommittee included Cruz Venstrom of Berkeley, a retired agricultural economist; and Laurence Caretto, assistant professor of mechanical engineering, U.C., Berkeley.

Some of the major points made in the report include the following:

1. Electrical, steam or gas turbine powered automobiles are possible alternatives to the internal combustion engine.
2. Inspection of private autos is needed in order to insure that pollution devices, once installed, remain effective.
3. Coordination of both planning and funds for highways and rapid transit would help reduce congestion and pollution.
4. Fast train transportation for short runs—with airplane competition prohibited on such—would help reduce auto usage.
5. Progressively higher registration fees, based on pollution emissions, could be used to phase out uncontrolled cars.
6. Two lanes on the Golden Gate and Bay Bridges could be assigned to buses only to encourage more public use.
7. Differential bridge tolls at peak traffic hours and higher tolls for singly occupied cars would encourage mass transit.
8. Maximum piggybacking of trucks by railroads would reduce air pollution, traffic congestion, and highway construction and maintenance costs.
9. As the population in the "poorly ventilated" Central Valley increases, a forward-looking rapid rail transit system could encourage both land and air conservation. Such plans should be begun soon.

"Effective citizen action to help clean our

air involves a personal action in two ways," says the report. These are:

Less frequent and more efficient use of personal cars.

Encouragement of effective legislation and controls.

"The population of the United States is still increasing," states the committee, "but even when it stabilizes there would still be the probability of continued migration to the Bay Area—a highly desirable place in which to live. More people imply more cars and consequently more sources of pollution."

The report points out that present laws applying to automobile emissions will have their maximum effect about 1985 but it adds, "there is also room for further reductions in industrial emissions in the Bay District."

The committee cites figures issued in 1968 by the California Air Resources Board predicting impressive reductions in emissions for the Bay Area up to 1985, and adds this comment:

"This would be better air than we now see and breathe. But there are some big 'ifs' which are recognized in the report. One is that the research has not yet been done to design a production car to meet California 1974 emission standards.

"A bigger question is that the initial effectiveness of control devices decreases with age and there is currently no check on the operation of a control device once the car is sold."

What happens when the cool off-shore breeze comes in through the Golden Gate on a typical summer day? The air splits against the Berkeley hills, with one portion flowing east over Carquinez Strait to the Central Valley. The other portion is deflected southeastward to Dublin, Livermore and the San Jose area.

Pollutants from the Richmond area normally move east through Contra Costa County with some southward drift into the Livermore area. However, in the course of a season there will be all kinds of variations from the typical pattern.

[From the Oakland (Calif.) Tribune,
July 1, 1969]

MASSIVE STATE SMOG STUDY
(By Ernie Cox)

There's a rabbit in a cage out in Berkeley undergoing tests that would take your breath away.

They're pumping smog into his cage to test its effects on his tissues and organs.

Doctors already know a great deal about the poisonous effects of smog on the senses and the human lungs. But the rabbit is part of the State Health Department's continuous search for more knowledge about this public enemy of our environment.

Says Dr. Louis F. Saylor, director of the State Health Department, "Health is no longer narrowly defined as only the absence of disease. Our goal in public health is to provide the means to robust good living."

Dr. Saylor adds that this ideal is modified by the quality of our environment.

The department's Bureau of Air Sanitation was established in 1955 to bring the resources of state government to bear on the growing problems of air pollution. Under contract with the State Air Resources Board, the department is conducting a massive inventory of pollutant emission sources in each of California's 11 air basins.

Dr. John R. Goldsmith, head of the department's Environmental Epidemiology Unit, says four separate annual surveys in California showed that 3 out of 4 persons are bothered by air pollution and 90 per cent of these had eye irritation. One out of 16 in Los Angeles and Orange counties reported air pollution affected his breathing. Dr. Goldsmith also said many local physi-

cians have reported that asthma is aggravated by smog.

The department's own surveys, according to Dr. Goldsmith, found that next to eye irritations, asthma was the most frequently reported chronic condition made worse by air pollution. He added, "The evidence for lung cancer so far is negative."

However, Dr. John Rosen, an Oakland physician, recently told a news conference in Sacramento he considers smog as dangerous to health as cigarette smoking. Rosen was in Sacramento to support a bill by Sen. Nicholas C. Petris, D-Oakland, to phase out gasoline-powered autos in California.

"There is a definite correlation," said Rosen, "between smog and lung cancer . . . a very high correlation."

Dr. Peter K. Mueller, chief of the Air and Industrial Hygiene Laboratory, State Health Department, is convinced smog causes impairment of pulmonary functions in humans and increases susceptibility to respiratory infection.

In a paper presented at the 62nd annual meeting of the Air Pollution Control Association in New York City last week, Mueller notes that laboratory experiments with animals causes him to suspect the aging process may be accelerated by repeated exposure to smog. He also says long-term exposure to smog irritants can produce emphysematous conditions in the lungs of rats and mice.

"Both ozone and oxides of nitrogen (smog ingredients) are deep lung irritants," says Mueller. "They exert an inflammatory reaction mainly in the lower region of the respiratory tract."

He added that a number of experimental studies in animals have demonstrated "the capacity of photochemical pollution to produce changes in lung tissue and lung function at oxidant concentrations compatible with those found in Los Angeles."

At a conference on "Man and His Environment" held May 28-29 at San Jose State College, Dr. H. V. Thomas, a research specialist under Dr. Mueller, noted a national increase of 400 per cent in chronic respiratory disease over the last decade.

"The trends for deaths from chronic respiratory diseases observed during the past two decades," he said, "constitute a chronic disease epidemic."

While there is still no concrete evidence to prove the point, Dr. Thomas said "one can only wonder" whether the upward trend in respiratory disease is caused by a weakening of the lung's defense mechanism from breathing smog.

"Might it not be prudent," he asked, "to try to live in harmony with our environment than to adopt an attitude of hostility towards it?"

Independent studies made in recent years in Great Britain, Nashville, Tenn., and Buffalo, N.Y. showed a strong association between the rate of deaths from stomach cancer and the existence of air pollution. The Buffalo study found the death rate among white men and women, 50 to 69 years of age, was almost twice as high in areas of high pollution as in those of low smog levels.

Another study, looking for the prevalence of emphysema, compared heavily industrialized St. Louis, Mo., and Winnipeg, Canada, a prairie-agricultural city, in neither city were causes of severe emphysema observed in non-smokers. But the incidence of severe emphysema in comparable groups of cigarette smokers was four times higher in smoggy St. Louis than in Winnipeg.

The never-ending research goes on at a relentless pace—not only in California, but throughout the nation—indeed, throughout the world.

At least the scientists and doctors—if not the general public and most politicians—

know man must find a way soon to avoid befouling the only planet we have.

[From the Oakland (Calif.) Tribune,
July 2, 1969]

POLLUTION CONTROL "A HOLDING ACTION"
(By Ernie Cox)

Industrial smokestacks, open burning of garbage dumps, agricultural burning, ships in port and fumes from paints and other solvents—all are controlled in six Bay Area counties.

Starting next Jan. 1, burning of rubbish in backyards of one and two-family dwellings will also be regulated.

It is all the work of the 13-year-old Bay Area Air Pollution Control District.

The regulations have made substantial inroads against many types of air pollution but the overall Bay Area effort is a losing battle—or at best a holding action—against automobiles and trucks, over which the local district has no jurisdiction.

The district operates from its new six-story office building at 939 Ellis St., San Francisco. What goes on inside its walls more closely touches the man in the street than do many other better-known agencies of government.

Ninety district employees will be operating in the upcoming fiscal year under a \$1.8 million budget financed mainly from property taxes in the counties of San Francisco, Alameda, Contra Costa, Marin, San Mateo and Santa Clara.

The budget provides for the operation of the district's 10 air monitoring stations and another soon to be opened in the smog-plagued Livermore Valley.

The 1955 legislation setting up the district also contemplated the inclusion of Napa, Sonoma and Solano counties but it contained a loophole requiring affirmative action of each board of supervisors before the counties to the north could be included in the district.

After 13 long years the three counties are still holdouts and it is becoming increasingly an irritant to the local district—almost as smarting as smog itself.

D. J. Callaghan, the district's \$27,500-a-year chief administrative officer, says the three north bay counties are producing 1,800 tons of pollutants per day, some of which is carried down into the air of the six counties where residents are taxing themselves to fight smog.

The district is governed by a 12-man board of directors composed of a city councilman and supervisor from each of the six counties. A 20-man advisory council, appointed from a cross section of industry, commerce and business, recommends policy decisions to the board.

A three-man hearing board sits as a quasi-judicial body to consider individual cases. On the hearing board are J. Joseph Sullivan, San Francisco attorney; E. Spencer Bodine of Marin County, a retired engineer for Shell Oil Co., and Joseph G. Hunter of San Francisco, a retired chemical engineer.

Severest criticism of the district setup has come from a four-year-old San Jose-based group called Citizens Against Air Pollution, Inc. It is headed by Peter B. Venuto, assistant professor in the School of Business, San Jose State College. Others on the board of directors are A. Beprestis, a San Jose chemist; attorney Walter V. Hays of San Jose, and John H. Bloomer, a Palo Alto engineer.

Venuto said his main criticism of the district is that Callaghan is an administrator and not a technician in air pollution, and that Callaghan is appointed by a "politically oriented" board of directors rather than being elected by the voters of the district.

"Air pollution is a technical problem," said Venuto, "and our smog chief should be technically qualified. There also are no

checks and balances under the present setup. The voters have no say as to which councilman or supervisor is to serve on the pollution district board.

"We do not need a board of directors. The smog chief should be directly elected by the district and given full responsibility and authority."

Venuto said he also feels the advisory council is "loaded in favor of industry" and that certain members have a direct conflict of interest because their employers are some of the major air polluters in the area. The advisory council and hearing board are both appointed by the district directors.

Venuto charged also that district officials have refused to make public the names of major polluters, and won't identify the polluters coming from individual sources.

"There are so many loopholes in the present law," he said, "that the district is able to grant repeated continuances and variances which actually allow an industry to pollute the air legally."

District officials say what Venuto has asked for is the name and address of the "25 biggest polluters" even though the industries may be meeting all current legal requirements of the district. They say also that pollution would have to be defined in order to pinpoint individual sources, because pollution is made up of numerous ingredients and the ingredients vary widely from one industry to another.

The district also refuses to divulge the component breakdown of emissions from individual industries. This information is supplied by the industries and, said a district spokesman, it is "privileged" information because it might be used by a competitive industry to learn of a plant's processes.

Out in Martinez, 88 residents became so impatient with their own board of supervisors and the pollution district they filed a suit in U.S. District Court in San Francisco seeking an injunction and \$13.2 million from Shell Oil Co. which operates a new \$80 million refinery in the Contra Costa County seat. The suit was filed last August and is still pending.

Thomas Fuller of Martinez, a retired teacher and long time spokesman for the citizens group, said the court action finally came after months of hearings before the Contra Costa County supervisors and the smog district board.

Fuller said as far as he is concerned the Shell refinery in Martinez has still not improved its operation to any great extent.

"My personal feeling," he stated, "is that the smog board has got too many political strings attached to it."

District officials disagree sharply. They say Shell is tearing down its 12 plants within the refinery "brick by brick" to get to the cause of breakdowns which produce smoke and smog.

The refinery still has an "occasional breakdown," said a spokesman, but he contended the Shell operation has improved greatly in the past year. The district advisory council currently is looking into the possibility of strengthening the "breakdown" provisions of the present regulations, he said.

Another citizens group, called Clean Air Now, was founded by Mrs. Sarah Feldner, a Palo Alto housewife.

She said 120 Bay Area families belong to the group which has lobbied for legislation in Sacramento and frequently compares notes with citizen groups in Los Angeles.

Mrs. Feldner, who regularly attends smog district meetings, said the meetings are poorly attended by the public and added, "it is hard for the directors to get much feedback from the public when the public doesn't attend any of the board meetings."

Air pollution, she said, has been thought of as the "concern of the middle class" but she added, "this must change. Air pollution is everybody's business."

[From the Oakland (Calif.) Tribune, July 3, 1969]

CALIFORNIA PASSED FIRST SMOG LAWS (By Ernie Cox)

The first laws in this nation requiring smog controls on cars were passed in California.

The old Motor Vehicle Pollution Control Board, a state agency in operation about two decades, was the first of its kind in the United States.

California's regulations were so far ahead of the rest of the states, the Federal Government adapted many of them in the Federal Air Quality Act of 1967.

The Legislature passed the Mulford-Carrell Air Resources Act of 1967 which revamped the statewide smog control setup. The state's Pure Air Act of 1968 set new and more stringent standards for cars.

Despite all the laws and controls to date, there has been no significant reduction in total air pollution shrouding California cities each day.

As more people move into the state, as they buy and use more cars, the increase in smog is running ahead of the controls.

More stringent controls are planned for the future but many scientists and others are not optimistic that the problem is anywhere near to being solved.

The battle is being carried on statewide by the Air Resources Board, which was created in 1967 to replace the old Motor Vehicle Pollution Control Board. The new board, headquartered in Sacramento, has been given broad powers over non-vehicular pollution as well as that from cars.

The board is presently considering air quality standards for the entire state, which has been divided into 11 so-called air basins. The standards, if adopted, will be higher in many cases than those now followed by the Bay Area Air Pollution Control District under its own six-county regulations.

California's Pure Air Act of 1968 went into effect last November and test procedures were adopted by the Air Resources Board on November 20. The standards spell out a five-year program of increasing stringent standards for 1970 to 1974 model cars.

The act will prohibit the sale in California of new vehicles which cannot meet the state requirements.

Scientists and public health officials agree the automobile is the main culprit in the smog problem.

They do not all agree with some of the state's own rather optimistic predictions for the future.

In its 1968 annual report the board says regarding new cars, "control of evaporative losses will not begin until 1970 . . . control of oxides of nitrogen will not begin until the 1971 models . . . strictest standards for exhaust hydrocarbons do not go into effect until 1972 . . . those for oxides of nitrogen, not until 1974."

The board says this "timetable . . . will progressively reduce the emissions of all three pollutants to a minimum point by about 1985."

At least one group, the Berkeley-based Northern California Committee for Environmental Information, does not share the optimism of the State Resources Board. The committee, which includes scientists and engineers, says the state board's predictions for 1985 "rest on potentials in law, but not in fact; on administrative problems of inspection and joint jurisdictions, and on a combustion technology not yet available."

In simpler terms, the Berkeley committee says "research has not yet been done to design a production car to meet California 1974 emission standards."

The state board is well aware of that fact. It acknowledges its predictions for Los Angeles and San Francisco cleaner air by 1985 are "based on the projected growth in these areas, together with the assumptions that

vehicle emissions will comply with the standards . . ." It adds that "research and development will be required of the automobile industry and others to produce vehicles that will meet these standards."

Chairman of the Air Resources Board is Dr. A. J. Haagen-Smit, professor of bio-chemistry at California Institute of Technology, Pasadena. The board operated in fiscal 1968-69 with a \$2,470,000 state budget and Federal grants totaling \$533,800. These funds support a staff of 56 technical and administrative personnel and a \$968,500 contract with the State Department of Public Health for technical services.

A statewide air monitoring network of 50 sampling stations is concentrated mainly in Los Angeles and the Bay Area. Little is known of the pollution concentrations in the state's huge agricultural areas. Federal grants over the next three years are expected to help establish more monitoring stations.

The board works closely with the National Air Pollution Control Administration, a Federal agency with offices in San Francisco, and with local control districts such as the Bay Area Air Pollution Control District.

Twenty-four of the state's 58 counties are now in local control districts. This embraces only 50 per cent of the land area but about 90 per cent of the population. The state hopes to encourage the formation of more districts.

A number of the new districts are small and confined to single counties, although smog is no respecter of political boundaries. Problems are expected in these cases in achieving a coordinated air pollution program and in finding trained technical personnel.

The new federal law provides that a state may enforce its own controls on new auto emissions—provided it first obtains a waiver from the Department of Health, Education and Welfare. The procedure is complicated and time consuming. Unless the federal government simplifies the procedure, said the State Board, California will "continually be in the process of seeking these waivers."

SMOG WARNING PROGRAM FOR LOS ANGELES SCHOOLCHILDREN

LOS ANGELES.—When air pollution reaches a certain level, Los Angeles school children will not be required to run, jump, or play football, basketball or baseball.

The new school smog warning program was announced yesterday by the Air Pollution Control District.

Students will be warned against taking strenuous exercise when the forecast is for a count of .35 or more parts of ozone per million parts of air.

The warning system was approved by the Los Angeles County Board of Supervisors in April after the County Medical Association recommended the program in a resolution that warned "smog is an increasing health hazard which may seriously affect the lungs of young people."

[From the Oakland (Calif.) Tribune, July 4, 1969]

UNCERTAIN EFFECTS IN SMOG CONTROLS (By Ernie Cox)

A spokesman for Bay Area industrialists says industry has spent \$100 million on air pollution control equipment since industry controls were adopted in 1960.

An official of the Bay Area Air Pollution Control District placed the industry cost at between \$30 million and \$50 million.

Whatever the actual figure, it is evident that most Bay Area industries have gone a long way toward eliminating many objectionable features of their plants. Total elimination of industrial air pollution probably is a Utopian goal which never will be achieved.

Critics of the local air pollution control district say current regulations contain too many loopholes for variances and continuances for violators.

Industry spokesmen, however, contend that pollution control regulations must take into account both the technological and economic feasibility of control devices—and these factors may vary widely from one industry to another.

Principal spokesman for Bay Area industry is Eveleth E. Hayden, executive vice president of the Bay Area League of Industrial Associations, Inc., with offices at 3124 E. 14th St., Oakland.

To put the problem of industrial air pollution into perspective, one must keep in mind figures released recently by the Bay Area Air Pollution Control District. These showed that automobiles and trucks contribute 71 per cent of the Bay Area's air pollution; backyard burning, 11 per cent, and industries the remaining 18 per cent.

Hayden says local industry leaders originally supported the formation of the Bay Area control district, formed in 1955, for several reasons.

They wanted to avoid a critical problem which they could see developing; they wanted to avoid some of the problems of the Los Angeles Air Pollution Control District, and they preferred a locally controlled district rather than a state agency.

The League and its forerunner organization, the Alameda County Industries, Inc., has been closely associated with the writing of Bay Area air pollution regulations No. 2, which controls industrial smoke, and regulation No. 3, controlling fumes and other pollutants from solvents, inks and paints.

Its lobbying efforts with the smog control board and its 20-man advisory council have been both vigorous and effective when the industrialists felt proposed regulations would be too expensive or impractical.

Hayden says Bay Area industry favors, for instance, the broad "performance standards" used by the local district instead of so-called "specification standards" applied to industry in Los Angeles. The difference is important to industry.

The Bay Area pollution board simply sets a standard of performance required of industry and says in effect, "This is what is expected of you—how you accomplish it is your problem."

The Los Angeles district, on the other hand, sets up much more detailed specifications for individual industries, allowing for little flexibility or adaptation. Hayden says the latter method causes unnecessary technical problems, while adding nothing to the final result.

Bay Area industry was instrumental in writing the original formation law as well as subsequent regulations.

In the key provision for enforcement the Los Angeles and Bay Area districts are poles apart.

In Los Angeles, a suspected violating industry is given a misdemeanor citation, haled into court and required to defend itself against possible fines.

The Bay Area district follows an "injunctive procedure" whereby suspected violators may either correct the conditions or apply to the district's three-man hearing board for a variance. Repeated violations can result in court injunctions or fines, but the process is a slow one.

Hayden and local pollution district officials both say they prefer the local setup because, while it is slower, it has resulted in far greater voluntary cooperation from industry—which they consider one of the keys to an effective control program.

In justifying industry's prominent role in writing regulations applicable to itself, Hayden explains, "We feel we have been helpful to the nontechnical members of the (Bay district) advisory council. Air quality is a

technical matter—not a political problem."

He added somewhat ruefully, "There is a tendency on the part of uninformed members of the public to brand industry as the bad guys. We are the guys with the black hats."

In Contra Costa County oil refineries have been one of the biggest problems. One of them, Shell at Martinez, is still embroiled in controversy with neighbors who have filed a federal court action for damages.

Bob Crothers, whose title was recently changed from air sanitation director to industrial health director in the Contra Costa County Health Department, says he receives more complaints against sulphur compounds than any other. These are caused by refineries or related industries making sulphuric acid.

"The public is demanding increased controls," said Crothers. "A few years ago they might have put up with something objectionable. Now they demand it be eliminated. This creates a never-ending task for industry."

Crothers called the Antioch plant of E. I. du Pont de Nemours & Co. the "best setup in the country." The plant, he pointed out is surrounded by farm land owned and controlled by du Pont; the plant is at least one-half mile from its nearest neighbor.

While such an ideal setup is not always possible, it seems clear that industry's annoyances will no longer be tolerated by the public as a necessary evil.

The California Air Resources Board currently has under study a set of new and stiffer air quality standards recommended by the State Department of Public Health.

These standards, if adopted, would be higher in many cases than standards currently in effect for the Bay Area. The state standards would have to be met in the local district.

[From the Oakland (Calif.) Tribune,
July 5, 1969]

HOPES DIM FOR CLEAN AIR (By Ernie Cox)

Can residents of the Bay Area ever expect to breathe the really clean air again?

Probably not—if you're thinking of our pre-World War II environment.

Air pollution officials are sorry about that, because it's their job to clean up the air.

A simple fact of life is this: people cause pollution. More people cause more pollution. As certain as night follows day the Bay Area can expect thousands, perhaps millions, more people in the years ahead.

They will drive more cars, work in more factories, burn more private rubbish, light more furnaces and fireplaces, operate more diesel trucks, fly more jet airplanes.

A genuine concern for the future came recently from A. E. Schuck, professor at the Air Pollution Research Center, University of California at Riverside, where research is being done on the effects of air pollution on plants.

Professor Schuck believes man's use of fossil fuels such as gasoline and diesel fuel will result in the creation of 25 per cent more carbon dioxide in the earth's atmosphere in the next 30 years. This, he says, will cause a greenhouse effect, resulting in a rise in world temperatures, warming the oceans and melting the polar ice cap. The combined effect, he says, could raise the levels of the oceans by 400 feet. High on his list for smog reduction is the replacement of the internal combustion engine.

The State Air Resources Board has adopted standards calling for successively tougher controls of auto emissions to 1974. But the attainment of such goals may not be technically or economically feasible. The auto industry has not yet indicated it will be able to meet the 1972 standards, much less those for 1974.

There is strong feeling on the part of some experts that the internal combustion engine

has been made about as "clean" as is technically and economically feasible and that some radical new breakthrough is needed.

Alternatives suggested have included the steam engine, battery powered cars, and even the use of compressed natural gas. The state is currently involved officially in programs to test all three types of vehicles. Successful tests could have far-reaching effects on the future of motor transportation.

One of the first to go—assuming impressive test results—may be the diesel driven urban bus. If you've ever been caught behind one of these belching behemoths, trailing its black and stinking cloud, the news will be welcome.

There are about 57,000 diesel-powered vehicles in California. Ninety per cent are trucks and 10 per cent are buses. The Air Resources Board says the California Highway Patrol has authority to issue citations to any vehicle smoking excessively—and that in 1968 the CHP issued 8,686 citations and made 7,846 arrests.

Smoke from jet aircraft, increasing significant as more and more planes come into use, is not now regulated by the Air Resources Board, nor does the Federal Aviation Agency have any regulation governing emission into the atmosphere. The National Air Pollution Control Administration has been directed by the Congress to study the problem and report its findings.

The United States Public Health Service has estimated that the annual cost of air pollution is about \$65 per person. In the Bay Area the cost of pollution control equipment to industry, alone, is estimated at upwards of \$100 million, plus incalculable additional costs of maintenance and operation.

In addition, Bay Area motorists have spent an estimated \$12 million for exhaust controls on their cars and another \$15 million for crankcase devices required by tough new laws.

In the Bay Area there are 2,250,000 automobiles and about 10,000 industrial operations—all potential air polluters—such as auto body shops, refineries, foundries, paint shops, food processing plants, metal grinders, rock crushers, cement plants, chemical products, house painters—the list is almost endless.

A great deal is being done to abate air pollution but some local officials feel we are only "buying a little more time" with all the regulations. They expect the air pollution to reach a plateau, level off for a few years, then begin to climb again—unless something dramatic happens to eliminate the overwhelming pall of smog from the automobile.

While you cough and sneeze, wipe your eyes and worry and wait for "progress," there are several things the experts suggest you might do:

—Learn as much as possible about smog, its sources, effects and control.

—Keep your own car properly maintained and serviced through regular checkups of smog control equipment, ignition and carburetor.

—Be prepared to foot the bill and support legislation for better smog control.

—Make up your mind that everyone is a potential air polluter and decide to do what you can to lessen the problem.

The results could be like a breath of fresh air.

A LAWYER VIEWS THE GATHERING STORM

Mr. ERVIN, Mr. President, on June 14, 1969, the Cleveland-Marshall Law School, of Cleveland, Ohio, awarded the degree of doctor of laws to a distinguished member of the District of Columbia bar, the Honorable Frederick Bernays Wiener, who delivered the commencement address on that occasion. The

commencement address, which bears the title "A Lawyer Views the Gathering Storm," contains many trenchant remarks of permanent value and merits wide dissemination. For this reason, I ask unanimous consent that it be printed in the RECORD.

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

A LAWYER VIEWS THE GATHERING STORM

(By Frederick Bernays Wiener)

In the first volume of his history of The Second World War, Sir Winston Churchill related the sorry account of the foolishness and the fearfulness of the English leaders in the seven-year period preceding that tragic conflict. Step by step they yielded to the threat of force, step by step they weakened their ability to resist, step by step they sought to buy peace by throwing smaller nations to the wolves. To no avail. They lacked alike the wisdom and the courage to understand either that permissiveness is no counter to wickedness, or that appeasement in the face of promised violence simply feeds the appetite for plunder and dominion. The men of Munich, seeking "peace in our time," found that, instead, their actions only guaranteed the holocaust that came so very near to ending civilization.

Churchill entitled that first volume "The Gathering Storm."

Today, a generation later, it is not Britain but the United States that faces the gathering storm, and today in this country we are not threatened nearly as much by the barbarians outside our borders as by the savages within them.

Everywhere around us we see starkly the signs of erosion, of the tearing apart of institutions, of the loosening of what may be comprehensively called the obligations of society, of the weakening and indeed the rending of the social fabric. These are not future visions vouchsafed to prophets of doom, they are actual events recorded daily before our eyes. And, tragically, the decay and dissolution have been most manifest in our universities, in the very centers where one would have supposed the collective wisdom of the nation had been assembled and nurtured.

Our campuses have been invaded by violence, our colleges have been subjected to the dictates of armed barbarians with bandoliers. With all too few exceptions, faculties and administrators have supinely surrendered, accepting demands backed by duress, and, where outside assistance has been invoked, lamely apologizing for having done so. For the most part it has been a step by step surrender, recalling all too accurately the pusillanimous pilgrimage to Munich that was so tragically led by the cowardly Chamberlain.

It is said that such a view reflects a generation gap on the part of one presenting it. But the current strident revolt is rather an intelligence gap—and that this is not an epithet is amply proved by the illiteracy of the rebels. If Charlie Brown and his Peanuts companions were to misspell "Support Boycot" it would be found amusing; but college students actually doing so all too starkly proclaim their lack of even elementary education. Yet these are the people who would "restructure" the universities—and with whom some administrators and many professors are willing to talk, even at the point of a gun.

If we disregard labels and concentrate on realities, it becomes crystal clear that the student rebels do not seek democracy, but instead despise it; for democracy is inescapably the rule of the majority, while these rebels insist that their minority views prevail.

They do not seek free speech; to the contrary, they will not listen to any speakers not in agreement with them, and they regularly disrupt meetings where such speakers seek to appear. They grant no right to anyone to dissent from their views, not even a right of rebuttal. They are wholly insensitive to the force of argument, preferring to rely entirely upon the argument of force. By insisting that they will obey only the laws that are pleasing to them and disobey all others, they plainly demonstrate that they are, in the dictionary sense, anarchists.

Interestingly enough, a recurrent feature of almost all the campus disruptions has been the insistent demand of the disturbers that they be granted amnesty, that they go unpunished for the excesses that they have committed, and that the universities refrain from taking either academic or criminal action against them for the harm that they have done. Plainly, this is another aspect of that selective law observance which is the essence of anarchy.

But whereas earlier anarchists welcomed martyrdom with ecstatic elation, today's seek only to be martyrs without suffering. Yet, shamefully if predictably, it is amnesty that many institutions have given them.

What can the community thing of educators who so plainly encourage irresponsibility, who thus underwrite the commission of crimes immune from punishment.

It is all too obvious that the objectives of the student rebels are purely emotional, and that, far from weighing their desires in the light of human experience, even of recent experience, they apply to any attempt to question the validity of their demands their ultimate term of denunciation, the word "irrelevant." Their spiritual companions are thus the elder Henry Ford, who once proclaimed that "History is bunk," plus the everpresent man of positive views, who brushes away all facts once he has made up his mind, and so falls within the Ambrose Bierce definition of "positive" as "wrong in a loud tone of voice."

Why have our universities been so ineffective, so fearful, indeed so craven, in dealing with their student rebels? Surely the students do not know as much as their teachers, else why should they bother to attend? Surely the teachers are aware of the manifold lessons of the past, all of which show the students to be wrong.

In all conscience, it must be admitted that the prerequisite for membership in academe, the possession of a Ph.D. degree, is but poor preparation for defensive operations at the barricades. But there is no reason why the professors must themselves repel the savages on the pattern of the pioneer wives who helped defend their homes against the Indians.

For well nigh two centuries it has not been necessary for individuals to go armed in self-defense. That function has long since been delegated to an organization maintained by the community for just that purpose, so that if a man's own home is about to be invaded by ruffians, he calls the police, and relies on them to do the necessary.

Surely an institution has the same right of self-defense as any individual, with the same right to the use of whatever force is necessary to repel unlawful force. Yet some universities have refused to call the police when their buildings were invaded and their operations halted, and in others belated invocation of police assistance has been loudly criticized because, in current libertarian jargon, it "polarized the moderates."

In his recent Law Day address, Assistant Attorney General William H. Rehnquist put an unerring finger on the fallacy of such silly semantics, recalling the beginning of our Civil War. After seven States had been permitted quietly to secede, the hotheads in one of them fired on Fort Sumter. President Lincoln was asked to sit supinely by, lest by

taking affirmative action in self-defense he "polarize the moderates." Well, he called for troops—and, sure enough, four more States seceded.

Should he have refrained from seeking to put down what in the Official Records is still called "The War of the Rebellion"? If he had, we should now be two nations instead of one, and, more significantly, the institution of chattel slavery would surely have endured for decades more—and might indeed still exist.

One cannot expect schoolboys, lacking background, inflated with rhetoric and mouthing platitudes, to know of this. But is it unreasonable to ask that mature, educated and indeed learned men brush aside such an obvious lesson of indigenous history in order to rationalize and actually justify the destruction of a university by unkempt thugs? Yet when the President recently exhorted educators to show some backbone, when the Attorney General and his assistants called for an end to campus violence, the American Association of University Professors labeled such an attitude to a threat to academic freedom. It somehow never occurred to them that academic freedom had already been stifled by the actual shutting down of so many universities, and that it was the proposal to preclude such interference in the future that would restore academic freedom.

As one reviews the turmoil on American campuses over the last several years, as one reads the incredible nonsense spewed forth by doctrinaire libertarians, as one contemplates the recent public confession of articulated cowardice by a law professor at the one institution that most obviously yielded to force with a kind of masochistic satisfaction, it is difficult to resist the conclusion that, with the shining exceptions of Father Hesburgh and Dr. Hayakawa, too many American educators have failed their universities—and betrayed their country.

It was Talleyrand rather than Clemenceau who remarked that war was far too important to be left to the generals. But unless presidents and professors begin very soon to demonstrate in the future more wisdom and far more fortitude than they have displayed recently, we shall have to paraphrase the French remark with the observation that our universities are far too vital to the nation to be entrusted to their faculties.

But before we move off campus, it seems appropriate to say a few words about the Reserve Officers Training Corps—the ROTC—which currently has become the favorite target of the student militants and of their faculty sympathizers.

Again, I expect no rationality from ignorant nihilists. I also recognize that, over recent centuries, pacifism has been the intellectuals' Achilles heels—so much so that, after Munich and just four months before the outbreak of World War II, the Labour Party in Parliament voted solidly against conscription. But, once more, I submit that mature teachers at the highest academic level should be sufficiently awake to the facts of recent history to be able to place ROTC in its setting.

No one except utter idiots would seriously contend that the United States disarm completely and stay unprepared. The Axis has been laid, but the second invasion of Czechoslovakia last summer, just thirty years after the first, should serve to convince the unaligned that aggression still stalks the world. Truly, as the philosopher Santayana wrote, those who ignore history are condemned to repeat it.

So the question is no whether the United States shall maintain armed forces but rather what kind of forces. And up to now the American answer has been that the country will keep a core of full-time professionals, to be fleshed out by citizen soldiers in time of need, and that the United States does not propose to follow down the path of na-

tional dissolution the Roman example of hired mercenaries and Praetorian guards.

And if we are to provide a citizen army, we need citizen leaders, persons who are properly educated and who are imbued with our civilian traditions. There, essentially, is the justification for ROTC.

It would be easy to expand and document the foregoing. But perhaps it will suffice on this occasion simply to add the ultimate contention for the retention of the ROTC, the argument of survival: Let us keep it so that in at least one department on a college campus there will still be taught and practiced discipline—and courage.

The philosopher Erasmus described the lawyers of Henry the Eighth's day as an exceedingly learned group of extremely ignorant men. The same characterization is surely applicable to many, far too many, of today's professors. They lash out in a union of emotional frenzy at "the military-industrial complex," a phrase coined by one of theirs and accepted by the amiable Eisenhower. They fall utterly to realize that this is simply a derogatory synonym for what a far abler and a far more perceptive President, Franklin Roosevelt, called rather "the arsenal of democracy." Ironically enough, tragically enough, the loudest and most articulate of today's faculty anti-militarists are precisely those who would themselves have been the first victims of Nazi terror if America's arsenal of democracy had not succeeded in first stemming and then conquering the Axis tyranny.

The shame and folly of Munich took place thirty-one years ago, and to read of it in detail even today evokes a mounting sense of nausea. So when the cream of our intellectuals today so far take leave of their intellects that they urge us down an identical path to disaster, one is forced to conclude that, unless somehow this national lunacy can be arrested, the word "professor" may well become a name of obloquy along with boycott and with quising.

A second frightening aspect of today's increasing social disintegration is the rise of crime and the visibly accelerating decline in law enforcement. In Washington, during a recent span of less than 70 days, there were 799 recorded holdups. It is common in libertarian circles to attribute such a jungle-like condition to poverty and to discrimination. But in Washington, as I know of my own knowledge, the facts belie the attribution.

Back in 1933, when I first came there, the Nation's capital was still deep in the depths of the depression; and it was so rigidly segregated that when Secretary Ickes directed that the Interior's Negro employees could sit anywhere in the Department's cafeteria instead of being limited to their traditional corner table, his order was hailed as a great step forward. Yet in 1933 the streets of Washington were safe. Today its per capita income is close to the highest of any American city's, and the fullest integration prevails. But today the streets of Washington even in daylight are far from safe, and at night they are affirmatively dangerous; for months now, bus drivers have carried no cash, only paper scrip. None the less, the Mayor's recent call for extra Washington police was opposed by the libertarians, who, after howling down last year all who called for law and order, are now labeling efforts at improved law enforcement with a designedly nasty word: "repression."

Law graduates today must help restore sanity and proportion to public thinking. They will need to do so as individuals, drawing on the rules and outlook they have learned and on the powers of analysis they have acquired to urge a return to reason upon friends and acquaintances.

Today's law graduates will not find many allies in that task in the media of communication; television is, inescapably, show business and not journalism, while many

publications have become infected by the same disease that has already so seriously weakened the universities.

Nor will today's law graduates find aid or comfort in the organized bar. It is true that the organized bar has never been actively antisocial, as indeed organized medicine was in its long and virulent campaign against medicare. But after forty years' close observation of many bar associations, I must in all candor say to you that you cannot fairly or usefully rely upon them to do anything worthwhile. The bar in its collective capacity is too timorous to stand against the tide, and most of its indorsements simply add a "me-too" to what would have been adopted without such approval. Characteristically, when the recent judicial scandal came to public notice, the President of the American Bar Association shrank from comment, saying it was not the business of the bar to discipline the bench. And, equally in character, five days after the individual concerned had resigned under fire, the Association's committee on ethics adjudged his conduct to have been unethical. Assuredly, it takes a unique variety of courage to kick a corpse.

Inescapably, therefore, as we view the legal scene, we are bound to return to what Charles Evans Hughes said in 1907: "We are under a Constitution, but the Constitution is what the judges say it is, and the judiciary is the safeguard of our liberty and of our property under the Constitution." Passing the obvious question of the ancients, *Quis custodiet ipsos custodes?*—who shall guard the guardians themselves?—we must first ask ourselves what kind of Constitution we want—and need.

Should it follow the admonition of the Old Testament: "Remove not the ancient landmark, which thy fathers have not"? Should it exemplify the observation of Maitland, that "every age should be the mistress of its own law"? Or should it rather pursue a middle course, reflecting the classic paradox posed by Roscoe Pound, that "Law must be stable and yet it cannot stand still"?

Surely, as Holdsworth pointed out a generation ago, the greatest judges of all ages have been those who have summed up the law, restated it, adapted it, and passed it on, making it serve the demands of the present, yet preserving its continuity with the past and its capacity for growth in the future. Such a process must necessarily be gradual, one that will always pour the new wine into the old flagons. On that footing, American constitutional law in the last few years has been far too unstable. Indeed, there have been so many overrulings in the immediate past as to require a calculus of retroactivity, to determine which of the novel decisions may cast their newly revealed light backward as well as forward.

In a democracy constant deflection of the fundamental law by a body wholly insulated from popular control cannot be healthy. After all, the very concept of law implies a set of fixed and hence predictable rules. Those of us who recall the constitutional struggle of the 1930's see once again around us the same essential factors that evoked the earlier contest. Indeed, its recurrence was predictable. As Mr. Justice Jackson wrote, half-way between the dissatisfaction of the 1930's and the dissatisfactions that are becoming ever more voluble today, "not one of the basic power conflicts which precipitated the Roosevelt conflict against the judiciary has been eliminated or settled, and the old conflict between the branches of the Government remains, ready to break out again whenever the provocation becomes sufficient."

Even the tones of the dissents are keyed to the same tune. Let me just quote two passages, one written a few months ago, the other taken from an opinion of the 1930's,

and ask you whether from their tenor you can allocate them accurately as to time.

"The power of courts to declare a statute unconstitutional is subject to two guiding principles of decision which ought never to be absent from judicial consciousness. One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that while unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government."

"Today's decision, it seems to me, reflects to an unusual degree the current notion that this Court possesses a peculiar wisdom all its own whose capacity to lead this Nation out of its present troubles is contained only by the limits of judicial ingenuity in contriving new constitutional principles to meet each problem as it arises. For anyone who, like myself, believes that it is an essential function of this Court to maintain the constitutional divisions between state and federal authority and among the three branches of the Federal Government, today's decision is a step in the wrong direction."

Many recent decisions, of course, do not evoke extended popular outcry; they outrage only the dissenters, plus other minority groups such as lawyer students of the judicial process.

But the seeds of the conflict that Justice Jackson presciently envisaged may today lie in the recent line of Supreme Court decisions that have enlarged, step by step, the rights available to persons accused of crime. It is fashionable in libertarian circles to speak comprehensively of "the constitutional rights of an accused." But that formulation really begs the question, for at least two reasons.

First, those recent decisions did not spring from any inescapable or inexorable constitutional command; if they had, discovery of what the Founders had so plainly ordained could hardly have been delayed for 170 years and more. Indeed, to revert to the language of patent law, one can pinpoint in these newly formulated constitutional imperatives the very moment of invention.

And, second, the purpose of the criminal law is not to insure the liberty of the accused criminal, it is to enforce the sanctions that society has decreed through the orderly processes of representative government. Consequently, when one examines the recent decisions, it is necessary to ask whether they assist the innocent person wrongfully accused to establish his innocence, whether they add appreciably to the fact-finders' ability to distinguish between guilt or innocence, or whether they simply make it more difficult to persecute the plainly guilty. I have not undertaken such a study in detail, nor could I now discuss my results with you if I had. Still, to recall Justice Holmes' ultimate test of faith, I should be willing to make a substantial bet that the sum total of what has been called the criminal law revolution perceptibly weights the scale against the prosecutor without much countervailing help to the truly innocent or, except in the right-to-counsel cases, without perceptible improvement in the fact-finding process.

Let me call to mind another prophetic remark of Justice Jackson, taken from a dissenting opinion that he wrote just twenty years ago:

"This Court has gone far toward accepting the doctrine that civil liberty means the removal of all restraints from these crowds and that all local attempts to maintain order are impairments of the liberty of the citizen. The choice is not between order and liberty. It is between liberty with order

and anarchy without either. There is danger that, if the Court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact."

That this view was more than the conjuring up of imaginary horrors that is occasionally to be found in dissenting opinions was dramatically and even frighteningly underscored by some recent preliminary proceedings in the courts of the District of Columbia.

There a Park Service regulation had limited to 200 persons the size of demonstrations taking place on the sidewalk in front of the White House. A United States District Judge held that regulation unconstitutional and enjoined its enforcement; a divided Court of Appeals denied a stay; and it took action by the Circuit Justice, who for the District of Columbia Circuit is the Chief Justice of the United States, to maintain in force during the pendency of the litigation a regulation so obviously designed to protect not only the rights of pedestrians to free passage, but, more importantly, the right of the President of the United States to be physically protected from a potential mob.

Fortunately, however, just as the heroine of the traditional melodrama is at the last moment rescued from the proliferation of perils seen to be bearing down upon her, so that good fortune which protects little children—among others—has not passed by the United States. The new President has just been blessed with two Supreme Court vacancies, one of which he has already filled with a judge of character and of sturdy good sense. I say "good fortune," because it is entirely conceivable that, if President Franklin Roosevelt had similarly been able to fill two vacancies on the Supreme Court in his first Term, the decisions that gave rise to his 1937 Court Plan, decisions that surely were not required by anything in the Constitution or in the lines of its growth, would never have been handed down—and then there would have been no need even to formulate a court plan.

It was, as we know, rejected, and although Franklin Roosevelt lost all the battles, he won the war when the new Court, decision by decision, overruled the old stumbling blocks, and, one by one, enacted into law the dissents of Justices Holmes, Brandeis, and Stone, that were so greatly admired—and that articulated sounder constitutional doctrine.

More recently, we have seen the dissents of the 1940's and 1950's written by Justices Black and Douglas become law; and, in the years ahead, insofar as it is possible to predict the course of constitutional adjudication, I venture the observation that today's law graduates will be seeing the current dissents of Justices Harlan and Stewart similarly transformed into opinions of a future Court.

Let me close with an anecdote, even at the risk of being thought to have reached my anecdote.

In my last year at law school, I was writing for Professor Felix Frankfurter's seminar in Federal Jurisdiction a biography of Mr. Justice Moody. I had selected that subject because of what I deemed two very cogent reasons. First, he was one of the instructor's judicial heroes, so that anything I might write would be well received. Second, and perhaps more importantly, Justice Moody had served on the Court for only three terms, which meant that he had not written many opinions that needed to be read.

In the course of working on the paper, I called on one who had been a college classmate of Justice Moody, Professor Eugene Wambaugh, who was then retired after many years of teaching constitutional law. Mr. Wambaugh gave me many illuminating sidelights, and then I put a question to him.

Examination of the newspapers and pe-

radicals at the time of Justice Moody's appointment, in 1906 when he had been Attorney General of the United States, disclosed considerable criticism over the translation of the country's highest law officer to the country's highest court. So I asked Mr. Wambaugh what he thought of the charge that President Roosevelt had packed the Court by doing so.

To put my inquiry into context, I must point out that this conversation took place in the spring of 1930, when the only President Roosevelt was Theodore; that Franklin Roosevelt was then in his first term as Governor of New York; and that if anyone, anywhere, had talked out loud about a court plan such as was later proposed in 1937, he would have been immediately committed for psychiatric examination.

So I will ask you, at the risk of repetition, to bear the date of the colloquy forcefully in mind: It was early in 1930 that I requested Mr. Wambaugh to comment on the remark that President Theodore Roosevelt had packed the Supreme Court by placing his Attorney General on it.

Here was Mr. Wambaugh's reply:

"All Presidents have packed the Supreme Court. Only some have packed it with able men—and others with men not so able."

THE CHEMICAL AND BIOLOGICAL WEAPONS MENACE

Mr. GOODELL. Mr. President, the controversy concerning chemical and biological weapons gained a new dimension with the disclosure of an accidental release of deadly nerve gas at the U.S. base on Okinawa. Fortunately, injuries were minor, but the ramifications of this incident are likely to loom large in our present concern over CBW and United States-Japan relations.

I ask unanimous consent to have printed in the RECORD an article dealing with repercussions from this accident and published in the New York Times of July 20, 1969.

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

OKINAWA REPORT ON GAS PROVIDES WINDFALL FOR OPPOSITION IN JAPAN

(By Takashi Oka)

TOKYO, July 19.—Opposition parties in Japan are reaping an unexpected windfall from the disclosure that 24 Americans on Okinawa were briefly hospitalized because of a mishap that apparently involved nerve gas.

The conservative pro-American Government of Premier Eisaku Sato has been severely embarrassed by the incident, a source close to the Premier admitted. "It's a nasty problem," the official said, "and the Government is agonizing over the possibility that it will be used to fan anti-base feeling anti-American feeling."

Mr. Sato himself was said to be deeply concerned over the affair.

INVESTIGATION DEMANDED

Spokesmen for the opposition parties—the Socialists, the Communists, the Democratic Socialists and the Buddhist-affiliated Komelto—which have been in a bitter parliamentary dispute over domestic legislation with the governing Liberal-Democratic party, have issued statements condemning the reported stockpiling of poison gas on Okinawa. They have demanded an investigation and the immediate removal of the gas if its presence is proved.

Some members of the Liberal-Democratic party, which enjoys a majority of close to two-thirds in the Parliament, seem to be moving toward making common cause with

the opposition on this issue. Susumu Nika, deputy secretary general of the Liberal-Democrats, said today that the reported incident posed an issue affecting human welfare. He called on the Government to disclose the truth to the people.

Foreign Ministry officials met today to investigate the possibility of making poison gas a subject of prior consultations between the United States and Japan under the two nations' security treaty. Such a demand, if accepted, would mean the United States could not introduce poison gas into Japan without Tokyo's consent. Okinawa would come under the same restrictions, once it returned to Japanese rule. At present only nuclear warheads and intermediate and long-range missiles are subject to Japan's veto.

"We used to say, 'No nukes on Okinawa,'" a source close to Premier Sato said wryly. "Now we will have to say, 'No nukes and no gas.' It's going to become a national demand."

So far, the Pentagon has refused to say whether the accident July 8 had anything to do with a gas leak but informed sources say that originally the Defense Department's prepared statement on the incident included the phrase "toxic chemical munitions."

American officials here are relieved that no Okinawans were directly affected by the incident and that no lives were lost. But they and Japanese officials agree that the long-term effects of this affair are incalculable.

The Government is handling the situation gingerly, lest by some misstep it provoke the very reaction it fears. Its first test will come when the Parliament resumes early next week. Opposition parties intend to press the Government with questions about the incident and about the possible presence of poison gas in Japan itself.

The Sato Government's official position is that it has asked the United States for an explanation of the incident and hoped that Washington would not cause "uneasiness" to the one million inhabitants of the Ryukyu Islands, who consider themselves Japanese by language, ethnic origin and culture. Okinawa, the main island of the American-ruled Ryukyus, is the site of the chief American base in the Far East.

PUBLIC OUTCRY INTENSIFIES

NAHA, OKINAWA, July 19.—A public outcry about the nerve gas incident intensified here today as the Okinawans learned more about the deadly agent and realized once again their powerlessness in the military affairs on the United States-ruled island.

The local newspapers devoted a major part of their front pages to reporting the accident and to chemical and biological warfare weapons. Details of the accident could not be learned.

United States military officials would not comment on either the accident or chemical and biological weapons.

Reports by witnesses, however, indicate that there are two chemical and biological warfare installations here: the 137th Special Ordnance Company in northern Okinawa and the 267th Chemical Company in central Okinawa. Both are under the Army's Second Logistical Command.

According to Okinawan construction contractors, who have been building ammunition storage facilities for the United States forces on the island, there are several hundred sod-covered, concrete "igloos" at the 267th Chemical Company. These igloo complexes, situated in a pine forest one or two miles from the nearest village and Kadena Air Base are surrounded by three fences, probably electrified, sources said.

The contractors also report having seen some goats near the igloos. Rabbits, goats and some other animals have been used in the United States for testing chemical and biological weapons, and biological agents are usually stored in igloos.

Near the 267th Chemical Company are the

Misato ammunition depot and a sentry dog platoon. Some pine trees in the area are blighted, but the cause is not known. The 137th Special Ordnance Company is situated near the northeastern coast of the island. It, too, has igloos enclosed by fences, but there have been no reports of goats or rabbits there. About 200 Okinawan children suffered skin burns in July last year while swimming at a beach about 12 miles south of the 137th Ordnance Company and many Okinawans suspect some connection between the burns and the American installation.

FLORIDA CURED HAM TO BE SERVED SENATORS ON WEDNESDAY, JULY 23

Mr. HOLLAND. Mr. President, claims have been made heretofore by the distinguished Senators from Tennessee, Virginia, and Kentucky as to the unsurpassed excellence of the hams produced in their respective States.

Undaunted by these extravagant claims, my colleague from Florida (Mr. GURNEY) and I have arranged for Senators, in the several Senate dining rooms, to partake of Florida cured ham tomorrow, Wednesday, July 23, and thus prove beyond doubt the superior quality of Sunshine State pork products.

To insure against any untoward event, including "Ham-napping," Mr. Cliff B. Gosney, Jr., Daytona Beach attorney, and Mrs. Gosney have personally cured and cooked the hams and are accompanying them to Washington to provide their tastiest treat, for all Senators and their guests to enjoy.

Senator GURNEY and I extend a cordial invitation to all our colleagues to sample some Gosney-produced Florida cured ham. We will delight in observing the looks on the diners' faces, as we know their pleased expressions will attest to the superior quality of Florida cured ham.

A MEMORIAL DAY ESSAY

Mr. GOODELL. Mr. President, many persons have contended that American policies, both foreign and domestic, are not consistent with American principles as put forth in our great national documents. Proponents of this idea have further asserted that our society is highly materialistic and not concerned with human suffering. Such viewpoints are often highly exaggerated but they should serve as cause for deep thought. "The Day to Remember," an essay written by Bruno Andrews, is an eloquent plea for humanity. I ask unanimous consent that it be printed in the RECORD.

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

THE DAY TO REMEMBER (By Bruno Andrews)

Memorial day is all the more poignant in time of war. It is not a day to celebrate or glamorize man's immoral mass slaughter of humanity, but a day to remember. In all the wars that involved our great nation, Americans have fought and died for independence, for freedom, for ideals.

In the countless cemeteries and unseen ocean graves repose the remains of men whose supreme sacrifice was made to the drum beat of high platitudes of morality. Yet Political leaders of nations agree to re-

spect the laws of the Geneva Convention governing the conduct of warfare, but fail to outlaw war. Who will answer?

A deafening silence of sacrilege presides over our national legislature while sixty one congressmen report a financial interest in companies ranked among the top defense contractors. Three house members on the joint committee on defense expenditures own stock in nine corporations awarded contracts to build major components of Sentinel anti ballistic system. Seven who serve on committees with possible defense responsibilities own stock in the parent company of the prime contractor for the ABM program. Who will answer?

Who, has conferred upon mortal man the power of the frozen finger of god, to decree who shall kill and who shall be killed? The military directs men to ascend the bloody slopes of Hamburger Hill, while the garbage pails of affluent America overflow with undevoured steaks, the world's millions go undernourished and dying from lack of food. Who will answer?

What kind of morality grants the license to place a higher value on material things than on the value of human life.

With all our vast accumulation of intellect, knowledge and advanced technology we have spawned a world where nations have in reserve thirty thousand pounds of T.N.T. for every man, woman and child in the world.

Violence simmers and flares in the Ghetto where people have felt its curse for years and now pay it back in kind. It mows down our men and theirs in Vietnam, it erupts on the Campus of the nation, where some of our young people have turned against their own proclaimed abhorrence of violence and have disfigured not just their universities but their own lives. It stalks our cities and subways. Who will answer? There is no point in restoring sanity and balance to life in America if the human race is going to be incinerated in a flash of nuclear violence.

It rams its way into our homes on the T.V. screen that brings instant brutality and savagery, instructing children in the ease with which life can be tormented and twisted until the need to respect the preciousness of life is blotted out, by this tube feeding of children. Who will answer?

We can no longer make rigid distinctions between the degeneration of law and order in the nation and the break down of law and order in the world. Violence among nations cannot be separated from violence within nations. Who will answer? When will the tragic cost in human wreckage and misery shake the foundations of morality as the tax and financial cost has shaken the stability and financial soundness of nations?

While men die in battle and the worlds millions starve, 381 incomes over \$100,000 and 21 incomes over one million dollars went completely tax free. They paid no tax in support of the government or the war. Other huge incomes paid minimal levies, the low and middle income burden became heavier and more impoverished each day. Who will answer?

It's time we understood that war simply defined is a continuation of politics in a more forceful or military manner. It's time to recognize that peace has a mind of its own and does not automatically follow the cessation of hostilities.

The mortal words, "No man is an island unto himself, any mans death diminishes me for I am involved in mankind", is a constant reminder, we cannot live alone, in peace. Our well being is dependent upon other nations and all humanity.

When will we learn to become citizens of the world, and member of the human community? When will we learn as a nation to live as men of dignity and not as ostriches nor as dogs in the manger?

There can be no lasting peace if we approach it with suspicion, mistrust and fear.

A lasting peace can be gained only by proceeding with understanding, confidence and courage that flows from conviction.

Our hand must become steadier for the work that must be done, we should move more firmly into the task, knowing that the millions of teaming humanity—are joined with us in the resolve to make the work endure.

The work is peace, more than an end to this war—an end to the beginning of all wars, and end forever, to the impractical, unrealistic, settlement of differences between governments by the mass killing and maiming of people.

It's time to move against the terrible scourge of war, and go forward to the greatest contribution this generation of human endeavor can make in the world—a lasting universal peace, based on social justice and brotherhood. Who will answer?

Dangers lie ahead—a new war need not happen, nor will ever happen, if we use the powers given to us for life not for deaths. The destroyer must never have another chance. The Four Horsemen will not ride out again, if we have a wider comradeship with the people of other nations—stricken like ourselves, bewildered like ourselves, searching like ourselves for a way of escape out of this ruin. There is no need to see great cities smashed by high explosives, or to smell the pungent odor of burnt and rotting human flesh, if the best intelligence among us will give a lead to the world. Who will answer?

We must love life and laughter and tolerance and good fellowship. Let us hate cruelty. Let us dedicate ourselves to the children of the world, so that they may get a decent chance of happiness. Let us have courage above all to face this life, this strange adventure whether it brings hardship or peril.

Throughout all the struggles and strivings of the human race, all its blunderings and conflicts, all its stupidities and failures, those ideals lived in many simple and noble minds—before and after Socrates and Plato—and that faith helped them through. Only by faith reawakening and strengthened by new knowledge, reaching out across the world, controlling the machines and instruments of power, distributing more fairly the fruits of toil, working for peace, and raising the standard of charity—will we go forward to meet the future unafraid.

When we look back in the process of history, when we survey the genesis of America, we see written on every page; that nations are renewed from the bottom, not from the top; that the genius which springs up from the ranks of unknown men is the genius which renews the youth and energies of the people. Everything we know about history, every bit of experience and observation that has contributed to our thought, confirms to us the conviction that the real wisdom of human life is compounded out of the experience of ordinary men.

The utility, the vitality, the fruitage of life does not flow from the top to the bottom; it comes like the natural growth of a great tree, from the soil, up through the trunk into the branches of the foliage and the fruit. The great struggling masses of men who are the base of everything are the dynamic force that lifts the level of society. A nation is as great and only as great as its people.

The hope of America is the same as it has always been; the hope and the confidence that out of unknown homes, will come men who will constitute themselves the masters of industry and politics.

It behooves us to remember that a people will be saved by the power that slumbers deep in our nation's bosom, or by none, will be renewed in hope, in conscience, in strength, by waters welling up from its own sweet perennial springs. Not from above; nor by patronage of its aristocrats.

The flower does not bear the root, but the root the flower. Everything that blooms in beauty draws its fairness, its vigor, from its roots. Nothing living can blossom into fruitage unless through nourishing stalks deep-planted in the common soil.

The rose is merely evidence of the vitality of the root; the real source of its beauty, the very blush it wears upon its tender cheek, comes from the silent sources of life that lie hidden in the chemistry of the soil.

Up from the soil, up from the silent bosom of the earth, rise the currents of life and energy. Up from the common soil, up from the quiet heart of the people rise today's streams of hope and determination, bound to renew the hope of humanity in its labor for peace.

We know from experience no bureaucratic government monopoly, no unitarian social institution can reform itself. Reform comes only from competitive outsiders who force efficient adjustment to changing situations.

What can we do? We can strike the lost chord in modern men and women. We can construct a widespread web of communications, to political leaders, legislators, educators, the clergy and most important, the people. Imagine the impact of writing 200 million letters each week to people all over the world, getting to know and understand each other a little better.

We can organize a kaleidoscope of human action, it can take a thousand forms and work in a million ways. We can weld the public into an island of strength in a sea of moral chaos, hypocrisy and corruption.

The hallowed dead, who a short time ago lived, felt dawn, saw sunset glow, must not have died in vain. We the doers and dreamers can stir the social conscience. We will live for the ideals they died for. We will give substance to a new dream for humanity.

We will keep faith with those who died, nothing less is at stake than the ultimate survival of world civilization. The only limit to our realization of tomorrow will be our doubts of today. This is the day to remember, the greatest power of all for good is the power of the people, no force can stand against it. Let us move forward with a strong and active faith. Who will answer?

THE NEW WORLD OF SPACE EXPLORED

Mr. YARBOROUGH. Mr. President, the voyage of Astronauts Neil Armstrong, Edwin "Buzz" Aldrin, and Michael Collins was no mere adventure. It was no mere lark. It was no mere stunt, such as going over Niagara Falls in a barrel, or walking over it on a tightrope, or making a parachute jump from a high flying plane into the water. This was a scientific journey of exploration to expand the borders of human achievement and human knowledge. The tens of thousands of people who worked on this project all had a hand in it. A failure at any point from the newest apprentice workman to the most experienced scientist would have doomed the expedition to failure. As chairman of the Committee on Labor and Public Welfare, I am proud of the high educational achievements and the high labor standards that made this exploration possible.

For thousands of years, man has looked at the moon, dreamed of the moon, wondered if he could go there, wanted to go there, hoped to go there; now man has gone.

This voyage has answered the yearning of the human spirit for the unknown, for "that other island." Now these three

brave, perfectly self-disciplined, able, extremely well balanced, mentally self-possessed young Americans have landed on that distant shore. They have touched the rim of our earthly universe; they have walked among the stars. Their achievement is the epitome to this point in man's experience in the world—of man's total experience. We honor them for journeying into the unknown and for bringing back to us some of the experiences of man's feeling when he walks on another planet.

On July 15, 1969, I placed in the CONGRESSIONAL RECORD at page 19565 a petition from my constituents in Texas asking that the day man walked on the moon be declared a holiday. On July 16, President Nixon declared Monday, July 21, 1969, a day of participation for all the people of this Nation, in man's first landing on another celestial body. Not only did this Nation participate; virtually all of mankind with access to broadcast news media participated. Never in the history of mankind have so many people of so many different nations participated with such elation at one event in the history of man.

The victory of Armstrong, Aldrin, and Collins was no military victory; it was no conquering of people; it was no laudation of man over his fellow beings. It was an exploration in space for all mankind, a conquering of space, a conquering of the realm of the unknown, in the hope that man might find there benefits to humanity.

Some writers say that man seeks another Eden. I think that he seeks whatever is unknown. It is the intellectual curiosity of man to unlock the secrets of nature and the secrets of the universe and to apply those secrets, not selfishly to his own use, but unselfishly for the progress of the human race. It is in this spirit that I commend Neil Armstrong, Edwin "Buzz" Aldrin, and Michael Collins, and congratulate NASA and all those who participated, for this great achievement in the history of the human race.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for the purpose of a short quorum call, with the understanding that he will not lose his right to the floor?

Mr. GORE. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

ABM, DEFENSE AND SECURITY

Mr. GORE. Mr. President, the destructiveness of nuclear war today makes the avoidance of war between the nuclear powers the only measure of their mutual security.

Never before have two great nations had such a mutuality of interest as now exists between the United States and the Soviet Union. It is the mutuality of self-preservation—the first law of nature and man.

This places a very high value on deterrents—deterrents to the initiation of nuclear war. This equation of deterrence has particular application today between the United States and the Soviet Union.

When the proposed deployment of an anti-ballistic-missile weapon system is considered in its broad context, it is my opinion that it would endanger rather than enhance our security. It would likely make an armaments limitation agreement more difficult, if not impossible, to attain, and thus ultimately could degrade our deterrence.

We foresaw years ago that our strategic bombers were becoming vulnerable. We decided to build the Minuteman.

We foresaw the possible vulnerability of the Minuteman, so despite the great cost, we built a fleet of nuclear missile submarines. Rightly or wrongly, our offensive capability in this regard is now being augmented by replacing the Polaris missile with Poseidon missiles.

Now, in spite of the fact that each of our 41 nuclear submarines may soon have the capability of destroying 150 cities, an addition to all other destructive power, it is urged that we must now deploy an anti-ballistic-missile system around two missile sites in Montana and North Dakota.

This ABM system is a weapons system in search of a mission. We have heard every possible kind of argument for it, and many of these are contradictory. We were told at first that we had to have an ABM because of the Chinese threat. The Chinese do not even have an ICBM.

Next it was said that we had to have an ABM because the Russians had an ABM of their own around Moscow. But now it is clear that this system is mostly of the kind that we considered obsolete years ago, and that it has only 64 interceptors to stop our thousands of warheads, in the event they were used.

We were told next that we must have

an ABM system because the Russians were building a missile defense throughout Russia. But now it is clear that this Tallinn system has no significant capability against missiles.

Until a few months ago, were told by the Joint Chiefs of Staff that our security required deployment of ABMs around 25 or 50 cities to protect our people. Then all of a sudden we were told that defense of the people in our cities is impractical and impossible. Apparently because of a commotion in Boston and Seattle, it is no longer necessary to the security of this country that we protect the people of our cities.

We are told that we must begin to deploy the ABM so that we can test its operational capability, something that can better be done at Kwajalein, where our test facilities are located.

Finally, we are told that we have to protect our deterrents. Even if this were necessary, the proposal would at the very best, or very most, involve only a small fraction of our nuclear weapons and, according to many experts, ill-suited to the purpose.

So, this weapons system, though eagerly searching for a mission, surely has not yet found it.

Former Secretary of Defense Clark Clifford, in a recent speech, said:

The hard fact is that we may never again expect to be in as favorable a position as we now enjoy for entry into talks about a freeze in strategic nuclear armaments. Technological developments may well make any arms limitation agreement more difficult to develop and enforce a year from now, or 6 months from now, than it is today.

The Senate has ratified a treaty, the Nuclear Nonproliferation Treaty, which obligates us to enter into good faith negotiations for a limitation of the nuclear armaments race. The conference, we hope, is soon to begin. The 18-nation Disarmament Conference is underway in Geneva. Yet another escalation in the nuclear armaments race is now proposed.

Our real security rests in stopping the nuclear armaments race, not in promoting it.

The Constitution assigns to the President the responsibility of being Commander in Chief of the Army and Navy of the United States. But it assigns to the Congress the broad responsibility to "provide for the common defense and general welfare of the United States" and the specific powers "to raise and support armies" and "to provide and maintain a navy."

The responsibility of the Congress to provide, through legislation, for the common defense is not optional but obligatory and carries with it, pursuant to the principle of the separation of powers, the duty to reach independent judgments. The powers of the national government were deliberately divided because, as Madison wrote in the *Federalist*:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

There are other definitions of tyranny—and other forms. The strong can be tyrannical—but so can the weak. Pride often tyrannizes—and so does fear. William Pitt once said:

Necessity is the argument of tyrants, it is the creed of slaves.

Tyranny has been called the antithesis of law; it might also be called the enemy of choice.

We in the Congress are now facing a choice. We must choose wisely and not under the compulsion of pride or fear.

The Congress is now in the process of discharging its responsibility through its annual review of the request of the President for authority and funds to be allocated to the Department of Defense.

The use of nuclear weapons at Hiroshima and Nagasaki—the only times they have ever been used in warfare—ushered in a new age in the development of arms and armaments. But compared to the destructive power of the nuclear weapons now in the arsenals of the United States and the Soviet Union, the atomic bombs of Hiroshima vintage are as but mere toys. The awesome destructive power of modern weapons employing the principles of hydrogen explosion, and the capacity of both ourselves and the Soviets to produce and deliver them has led to the kind of arms stalemate that has aptly been called "a balance of terror." The sophisticated nuclear devices deployed today in silos and in submarines, as well as in long-range bombers, are perhaps the first weapons of which it might accurately be said that they were produced, not for use in war, but as a means of avoiding war. Rational men of whatever persuasion are bound to understand that there can be no winner in a nuclear exchange. Surely the leaders in the Kremlin, our major nuclear adversaries, understand this, and I daresay that the leaders in Peking will understand it as their nuclear capability becomes more sophisticated and as they join the still limited club composed of major nuclear powers.

All this is but another way of saying that we do not produce and deploy nuclear weapons to further any desire on our part to destroy the Soviet Union, or anyone else. We produce and deploy nuclear weapons primarily for the purpose of convincing any potential enemy that a nuclear attack upon the United States will bring sure and sudden destruction upon the attacker.

Today both the United States and the Soviets have what can properly be called a credible deterrent. We have the capacity, even though struck a mighty first blow, to retaliate sufficiently to destroy any attacker—and our leaders would have, I believe, the will to retaliate. On the other hand, the Soviets could likewise inflict upon us so much damage in the way of lives and destruction as to make meaningless any discussion of who might be the winner of a nuclear conflict.

Thus, the basic underlying issue in the debate on the Safeguard ABM system is whether deployment of this system, as proposed by the President and the Department of Defense, would enhance or damage our chances of avoiding nuclear

war and the devastation that nuclear war would bring. This was the theme that underlay the arguments for and against the system as presented to the Disarmament Subcommittee, and this is why I stated to Secretary Laird when he appeared before the subcommittee that I wished to "join issue" with him on this, his principal argument.

Although proponents of ABM deployment still from time to time pay lip service to the mission of defending against a Chinese attack in the 1970 time period and to defense against accidental launches, neither of these alleged missions for Safeguard is seriously advanced as justification for deployment. Militarily, proponents rely almost entirely upon the mission of defending Minuteman missiles from possible attack by the Soviet Union as justification for ABM deployment.

And so, Mr. President, let us examine this proposal in the light of the only true measure of whether it will enhance the security of the people of the United States—will the proposed ABM deployment aid our efforts to avoid the outbreak of nuclear war? Will Safeguard make more credible our capacity and our will to retaliate and thus deter a would-be attacker from launching an attack he might otherwise launch?

It is my considered opinion that an ABM system is not needed to establish or preserve a credible nuclear deterrent and that it would not effectively contribute to our deterrent if a need could be established. Further, it is my view that deployment of Safeguard at this time would intensify the arms race, make more difficult if not impossible the attainment of an arms limitation agreement, and thus imperil, rather than enhance, the security of the people of the United States.

The characteristics of a credible deterrent include both the capacity to retaliate and the will to do so. It is not sufficient that we possess the capability and the will to use it—it is also necessary that potential adversaries know that we have the capability and that they believe we would employ it. Thus, in order to analyze the effect of Safeguard deployment it is necessary that we consider not only what it is and what it might be capable of doing, but also how it might be regarded by the Soviets and what would be their reaction to it.

In fact, granted all the assumptions of ABM proponents concerning the threat, a strong case can be made that deployment of any kind of defensive missile system would actually degrade the credibility of our deterrents. As I pointed out earlier, the effectiveness of our deterrents is a function of both our capability and our will. No matter how many weapons might survive an attack, their existence will not effectively deter a would-be aggressor unless he believes we would use them to retaliate. If we possess only offensive missiles, then the only means we would have with which to respond to an attack would be the counterattack. If an aggressor should conclude that we might delay launching missiles at him until we learned the results of our efforts to shoot down the missiles he had launched at us, he might more readily

conclude that he could attack without unacceptable risk of damage to himself. Many military tacticians have relied on the adage that "the best defense is a good offense," and, until recently, this has been the approved concept of our nuclear defense posture. Now, apparently, the administration professes to believe we can no longer rely on this concept because it presumably believes that our offense is not good enough. I do not agree. If any aggressor knows that the only way we can react is to send death and destruction his way, he is more likely to use restraint than if he is permitted to think we may have a choice between defense and offense.

Mr. President, it seems clear to me on the basis of the facts as they appear from evidence submitted to the Disarmament Subcommittee that this Nation does not need the Safeguard system to preserve the credibility of our retaliatory capability; that the proposed plan would, at best, be only marginally effective and quite expensive; and that its deployment well might degrade credibility of our determination to retaliate. On this basis, some might argue that we should go ahead because we just might be wrong about our nuclear strength vis-a-vis the Soviets and that no harm could come from adding defensive capability to our offensive capability.

But much more than just the expenditure of enormous sums of money is involved. Continued escalation of the nuclear arms race constitutes inherent danger of the greatest magnitude. The action-reaction phenomenon that has characterized the arms race for the past two decades has already resulted in the production and deployment by both ourselves and the Soviets of sufficient weapons to destroy each other many times over.

If this madness continues, it may well be, as Dr. Herbert York puts it, that we shall have to rely upon machines to determine whether doomsday has arrived.

The Disarmament Subcommittee, which I have the honor to chair, held a series of hearings on how to protect and defend the United States, at which arguments for and against the Safeguard system were heard. Secretary of Defense Laird, Deputy Secretary of Defense Packard, and Gerard Smith, Director of the Arms Control and Disarmament Agency, and others presented the administration's case before the subcommittee. Secretary of State Rogers did so before the full Foreign Relations Committee. And Secretary Laird and CIA Director Richard Helms discussed various questions relating to the ABM before the full committee in a classified executive hearing, a sanitized transcript of which is on each Senator's desk. The outside experts who testified before the subcommittee, in the order of their appearance, were:

Dr. Hans Bethe of Cornell University, former director of the Theoretical Physics Division at Los Alamos, member of President Eisenhower's Science Advisory Committee, winner of the Nobel Prize for physics in 1967.

Dr. Donald G. Brennan, of the Hudson Institute, a past president of the institute.

Dr. Daniel J. Fink, of General Electric, former Deputy Director of Defense Research and Engineering in the Department of Defense.

Dr. Carl Kaysen, director of the Institute for Advanced Study, Princeton University, Deputy Special Assistant to President Kennedy for National Security Affairs.

Dr. James R. Killian, chairman of the board of MIT, Special Assistant to President Eisenhower for Science and Technology.

Dr. George B. Kistiakowsky, of Harvard University, President Eisenhower's Special Assistant for Science and Technology and member of the President's Science Advisory Committee in both the Eisenhower and Kennedy administrations.

Dr. Wolfgang Panofsky, director, Stanford Linear Accelerator Center, Stanford University, member of President Kennedy's Science Advisory Committee.

Dr. George W. J. Rathjens of MIT, Director of Weapons Systems Evaluation Division of the Institute for Defense Analyses, former Chief Scientist for the Advanced Research Projects Agency, Department of Defense and also former Special Assistant to the Director of the Arms Control and Disarmament Agency.

Dr. J. P. Ruina of MIT, former Director of the Advanced Research Projects Agency and former president of the Institute for Defense Analyses.

Dr. Marshall D. Shulman, director of the Russian Institute, Columbia University.

Dr. Allen S. Whiting, Center for Chinese Studies, University of Michigan.

Dr. Herbert York, of the University of California at San Diego, former Director of Defense Research and Engineering in the Department of Defense and member of President Eisenhower's Scientific Advisory Committee.

Dr. Jerome B. Wiesner, provost of MIT, Special Assistant to President Kennedy for Science and Technology.

Dr. Edward Teller, associate director of the Lawrence Radiation Laboratory, University of California and former director of the Livermore Laboratory.

Dr. Donald F. Hornig, vice president, Eastman Kodak Co., Special Assistant to President Johnson for Science and Technology and presently a consultant at large to the President's Science Advisory Committee.

Dr. Gordon J. F. MacDonald, vice chancellor, University of California, Santa Barbara, former executive vice president of the Institute for Defense Analyses and a member of the President's Science Advisory Committee.

Dr. Eugene P. Wigner, professor of mathematical physics, Princeton University, recipient of the Nobel Prize for Physics in 1963.

Collectively, these men represent great wisdom and experience in scientific and foreign policy matters. All of them have held high government positions. All are recognized and acknowledged leaders in their fields. Not all of them were opposed to the deployment of the Safeguard system but most of them were, as will be clear from my remarks today, and among

those opposed were all four former Presidential Science Advisers—Drs. Kistiakowsky, Killian, Wiesner, and Hornig.

In his testimony before the subcommittee on March 21, the Secretary of Defense listed five objectives of the so-called Safeguard system. For the sake of orderly examination, I will discuss them in the order in which he listed them, not in the order of their importance.

The first objective was described by Secretary Laird as follows: He told the subcommittee.

It clearly rejects a provocative expansion into a heavy defense of our cities against a Soviet attack.

Secretary Laird then went on to observe that, first, the original Sentinel system could have been construed as a provocative deployment because it would have been deployed around cities. The Soviets could thus have concluded that it was aimed at making it possible for us to strike first because we would be able to defend against a retaliatory attack. The Safeguard system, on the other hand, cannot be construed as provocative because it protects missile sites which shows that we are interested only in insuring that a Soviet first strike could not destroy our capacity to retaliate; and second, thus, the Safeguard system's "direction is away from arms escalation" because it will "require no reaction at all from the Soviet Union—provided the Soviet Union has a responsible deterrent nuclear war policy, as we do here in the United States."

The subcommittee hearings brought out the following points regarding this first objective listed by the Secretary of Defense.

While the Department of Defense has declared that the decision to deploy Safeguard "rejects a provocative expansion into a heavy defense of our cities," merely declaring that a decision is not provocative obviously does not insure that others will agree with that declaratory judgment. Despite the fact that we are ahead of the Soviet Union in the number of nuclear warheads we can deliver, and the further fact that we have more than enough nuclear warheads to destroy the 50 largest cities in the Soviet Union many times over, we regard their ability to deploy about the same number of ICBM's as we have deployed, and their construction of a primitive and ineffective ABM system around one of their cities, as provocative. At least, the administration has been provoked into recommending the deployment of an ABM system, justifying it on many grounds, as will be clear in my remarks, but principally on the ground that the Soviets are deploying a number of missiles with large megaton warheads similar, it should be noted, to the Titan II missiles that we decided years ago were not as effective as Minuteman missiles with smaller warheads. We have a tendency to regard the deployment of almost any Soviet weapon or weapons system as provocative. Why should they not regard as provocative our deployment of an ABM system which is more effective than theirs and will have many times more interceptors?

Was the Sentinel system rejected, or to put it more accurately, amended, because the Soviets considered it provocative—or because the Americans it was designed to protect considered it provocative? The Secretary of Defense told the subcommittee that the fact the decision to amend the Sentinel system was announced soon after public protests against the construction of certain sites was "coincidental" as far as he was concerned. The coincidence, I must admit, strains my credulity.

I also find it difficult to understand why the Soviets should agree with Secretary Laird that we have a "responsible" deterrent policy and that therefore deployment of the Safeguard system will not "require" them to react. As a number of eminent witnesses before the committee pointed out, we first developed multiple reentry vehicles, or nuclear warheads, and then multiple independently-targeted reentry vehicles, or MIRV's, as well as Poseidon missiles on our submarines in response to their development of an ABM system. Secretary Laird was the sole witness to deny that our MIRV was a response to their ABM. He claimed that MIRV was "not related to Galosh"—the ABM system partially deployed around Moscow—"because we started appropriating funds for the development of this program prior to the time we knew Galosh was in being." But his own deputy, Mr. Packard, does not agree, for when talking about the Soviet installation of "an ABM system around Moscow" he commented that "we had a proper counter to the Soviet moves and possible intentions for we were developing multiple guided warheads that could be installed on strategic missiles," and he made it plain that in his mind there was "no question that the appropriate response to the ABM defense of cities is a large number of small multiple warheads." Dr. Kistiakowsky said flatly that the development of MIRV's was undertaken "upon learning of the start of the deployment of the Soviet ABM." And both General Wheeler and Secretary of the Navy Chafee, in their testimony before the Armed Services Committee, said that the development of Poseidon was necessary because of the Soviet ABM system. I quote General Wheeler's statement:

Poseidon is necessary to assure the continued effectiveness of our fleet ballistic missile system against Soviet targets as they become defended by anti-ballistic missiles.

I now quote Secretary Chafee:

Therefore, we must continue our efforts to insure that we anticipate Soviet technological advances and avoid the loss of our deterrent effectiveness. Such a development is the Navy's Poseidon missile, designed to maintain the effectiveness of our sea-based strategic weapons despite the introduction of Soviet anti-ballistic missile systems. The Poseidon weapon system will be ready to meet this threat and to continue the sea-based deterrent strength that has been so important to our security in the sixties.

Thus, anticipating an effective Soviet missile defense—anticipating a fact that is not yet a fact—we began to deploy weapons to neutralize that defense. Faced with part of an ABM system around only one Soviet city, Moscow—the so-called Galosh system of 64 de-

fensive missiles, to use the figure provided by Secretary Laird, which would be ineffective against an American missile attack of more than 64 missiles or a smaller number of American missiles using sophisticated penetration aids—we began the steps which could increase the number of our targetable missile warheads by fitting land- and sea-based missiles with between three and 10 or more multiple independently targeted warheads. And now, anticipating a future Soviet threat to our land-based missiles—again anticipating a fact that is not yet a fact—we propose to deploy Safeguard to defend against that unrealized capability. Given our reaction to anticipated Soviet developments in the weapons field, how can we expect them not to react in anticipation of the continued growth of ours?

Dr. Herbert York told the subcommittee:

No one today can outline in detail what kind of a chain reaction a Sentinel or a hard-point defense deployment would lead to.

Dr. York termed the view that the deployment of the Safeguard system would mark the end of the chain reaction the "fallacy of the last move"—the assumption that we could make a move in the nuclear weapons field and expect that our nuclear adversary would not react. And proceeding with phase I of the Safeguard system—the deployment of defensive missiles around two complexes of offensive missile sites—is, of course, not one last move but two, for there is little reason for the Soviets to assume that we will not proceed to phase II and the deployment of defensive missiles in 12 sites throughout the country and around the Nation's Capital.

In explaining the "option" to move to a second phase, Mr. Packard showed the subcommittee a chart which called for constructing the full number of 12 sites if there were a "greater" Soviet submarine threat to the SAC bomber force or if the "Chinese ICBM threat continues to increase." Surely we cannot expect the Soviet Union to stop their production of Polaris-type submarines when they have only eight and we have 41 and when we are in the process of replacing Polaris with Poseidon, which will multiply the number of our submarine-launched missiles by a factor of 10 or more. And as the Chinese are still testing missiles, but do not yet have an ICBM, it seems likely that the "Chinese ICBM threat" will continue to increase. Thus, if the "option" to complete the 12-site system is conditioned on either a Soviet attempt to narrow the gap between their nuclear missile submarine capability and ours, or on a Chinese attempt to deploy ICBM's, there is no "option" at all, as far as moving to phase II is concerned. That "option" is, rather, a foregone conclusion.

Expecting the Soviets not to react to our deployment of an ABM system, implies—it seems to me—a faith in Soviet restraint completely at variance with the administration's view of other aspects of Soviet behavior. I will discuss at a further point Secretary Laird's comments on the increasing Soviet military threat, a development that he considers to be the very denial of restraint. How

can the administration expect the Soviets to be so restrained as not to react to our deployment of the Safeguard system when the administration rests its case for Safeguard deployment on the lack of Soviet restraint in military spending and in the development and deployment of nuclear missiles? Is this selective restraint a verifiable and predictable characteristic of Soviet behavior and, if so, how has it been verified and on what assurance can it be predicted? Or is it a combination of wishful thinking, self-deception, and artful—but fallacious—argumentation? Which is it? It cannot be both.

So much for Secretary Laird's first stated objective. I turn now to the second objective which is the principal ground on which the administration's argument for Safeguard rests. Secretary Laird said about the Safeguard:

It offers more protection, as needed, to our deterrent forces.

In his statement before the committee he restated this objective by saying that the chief value of the Safeguard system was that it "protected the credibility of our deterrent." The Secretary and the Deputy Secretary explained that:

First. The credibility of our deterrent depends on how many of our offensive Minuteman missiles can survive a first-strike nuclear attack, for in order to deter a potential attacker that attacker must be positive that enough missiles or bombers will survive to destroy him.

Second. The Soviet Union has decided to develop a first-strike capability. There is no other explanation for the recent increase above 200 in the number of Soviet SS-9 missiles, a missile able to carry up to a 25-megaton warhead, which is a larger megatonnage than that required to destroy cities but is of the size required to destroy hardened missile sites. There had been a "feeling," as Mr. Packard put it:

The (number of) SS-9 was going to level off at a number somewhere below 200.

Furthermore, the Soviets are testing multiple warheads on the SS-9. To quote the Secretary directly:

With the large tonnage the Soviets have they are going for our missiles and they are going for a first-strike capability. There is no question about that.

Third. Our Polaris submarines by themselves will not be a "sufficient and credible deterrent" from 1972 on.

Fourth. Our bombers are vulnerable to missile attack on the ground unless they receive sufficient advance warning. The long-range perimeter acquisition radars, which are part of the Safeguard system, would give our bombers "greater warning time" against long-range missile attacks. Furthermore, the Soviets have launched eight or nine nuclear missile submarines and can now build "one a month," as the Secretary of Defense told the subcommittee on March 21, or eight per year, as he told the House Appropriations Subcommittee on May 22. If large numbers of Soviet submarines carrying missiles are stationed close to our shores, the short flight time of these missiles to our bomber bases would reduce the takeoff time available to our

bombers. These missile-carrying submarines thus limit the potential effectiveness of our bomber force. The Soviets are outspending us in both strategic offensive and defensive forces by a ratio of 2 to 1—4 to 1 in proportion to GNP—and, as of today, “have in being and under construction more ICBM launchers than the 1,054 possessed by the United States.”

Fifth. If we do not deploy an ABM system, but merely continue research and development, we would be left, in the words of Secretary Laird, “with no option to provide defense for our deterrent on the schedule that might be required by the Soviet threat if we do not reach an agreement with the Soviets on limiting strategic forces.” If we build only a prototype ABM installation at this point, and hold up deployment until the prototype had been tested, we would delay any kind of an ABM system by “3 or more years,” to quote Secretary Laird.

Sixth. For all of the above reasons, the decision to deploy cannot be delayed beyond the budget for fiscal year 1970.

Testimony before the committee revealed that:

First. The Safeguard system will, in phase I, protect, as Secretary Laird stated the case, “30 percent of our Minutemen.” But even assuming that this statement is correct—which I assume only for purposes of argument—why is it so important to protect 30 percent of our Minutemen? The implication is that the Soviets could destroy the remaining 70 percent of our 1,000 Minutemen; our 41 Polaris submarines each of which now carries 16 missiles but which will, in the near future, carry at least 160 warheads; and our 650 intercontinental bombers.

Second. But are we protecting even 30 percent of our Minutemen? Testifying before the Armed Services Committee, Dr. Panofsky pointed out that the protection offered by the Safeguard system in phase I could be offset by an increase in Soviet offensive forces of only a small percentage. Even in phase II, according to Dr. Panofsky, given the limited number of Spartan and Sprint defensive missiles in the Safeguard system, our Safeguard could be offset by a Soviet offensive increase “on the order of 10 percent.”

Third. The administration contends, and I agree, that the credibility of our deterrent depends on a potential adversary's sure knowledge that a sufficient number of our deliverable nuclear weapons will survive an attack to be able to inflict unacceptable damage on the attacking country. That being so, it is obvious that a nuclear attack on the United States would have to be massive and synchronized for it to succeed in destroying our deterrent whether or not we have an ABM defense system. Most, if not all, of our Minuteman missiles, Polaris submarines on station, and strategic bombers would have to be destroyed—enough of them destroyed at any rate, to render retaliation ineffective.

Dr. Panofsky expressed “considerable skepticism” to the subcommittee that “an attack of the kind envisaged by the Department of Defense witnesses could be mounted by the Soviets with any confidence of success.” Testifying before

the Armed Services Committee, he went further. He called a first strike threat an “extremely implausible projection of our available intelligence, including that concerning the SS-9,” said that he knew of “no technical prospects or of any current intelligence” indicating a threat to Polaris and argued that destruction of both bombers and land-based missiles together was itself “extremely implausible.” Dr. Wiesner pointed out that the Soviets would also need “large numbers of high-accuracy multitude warheads, a much better air defense system, an effective ASW capability and a truly effective nationwide ABM system.” He added:

Clearly the Soviet Union is far from having these combined capabilities now, and there is essentially no reason to believe that they will move into such a position by 1975 or even later.

Finally, there is the question of whether the Safeguard system would work at all, given the highly complicated technology involved in what Dr. Wiesner has called the most sophisticated and intricate system that man has attempted to build. Now I do not make any pretense at being a physicist, a mathematician, or an engineer. Yet at the same time I am going to be faced with the responsibility of having to vote on the question of providing funds for a system which I have no way of knowing personally will or will not work. It would certainly seem to me that I would be acting irresponsibly if I were to ignore expert scientific opinion. Yet a number of scientists—among the most eminent in our country—told the subcommittee that they had grave doubts about the system from a purely technical point of view. Dr. York, a former Director of Defense Research and Engineering, spoke of the possibility of a “catastrophic failure” in which no interceptors at all might fire. Dr. Kistiakowsky, a former Presidential science adviser, agreed with Dr. York that—

Massive failure cannot be excluded for a system that must function the very first time it is tried out as a whole.

Some scientists who appeared before the subcommittee argued that further research and development was necessary to develop a more efficient system. Dr. Panofsky called the Safeguard a poor engineering decision because it took the components from the Sentinel system, which had been designed to defend cities, which are soft targets, and used them for the different purpose of a hard point defense system. While it is necessary to intercept at high altitudes to protect cities, he pointed out, missiles attacking hard point targets can be intercepted at low altitudes, which means that the system designed for hard point defense—including the radar components—can be simpler and less expensive than the system designed to defend cities or soft targets. Summing up his argument, he said that “did not make sense” to take a city defense system and give it a dual capability of hard point defense and bomber defense, and that if we needed a hard point defense system, one should be specifically designed for that purpose.

Dr. Hornig remarked:

But the uneasy feeling persists in my mind that, although Presidents may change, Secretaries of Defense may come and go, and the philosophies enunciated by our political leaders may change, the design of our ABM system hardly changes at all. It includes the same radars, the same rockets and largely the same deployment which was contemplated for the “heavy” defense.

Safeguard continues to look like a first step toward a much bigger, much more expensive and still ineffective system.

A number of witnesses commented on one particularly ill-designed component of the Safeguard, ill-designed given the declared objective of the system: the missile site radar. It was pointed out that the radar was badly matched to a defense of missile silos because it was far more vulnerable than the silos themselves. It cannot be hardened; it has far less resistance to shock wave or nuclear blast than a missile; and there is only one per Safeguard site. Thus, it would be a prime target for the attacker because if the radars were destroyed the whole system would collapse. The radars are thus a useful target for the smaller Soviet SS-11 missiles, and there are far more SS-11 missiles than SS-9 missiles in the Soviet inventory. Hence, the SS-11's could knock out the Safeguard system by blinding it so that Safeguard would not be able to neutralize a single SS-9 missile.

It was also pointed out that the system will go into production before the components have even been assembled and before some have even been built—the Par radar being a case in point—that there are no working examples of computer programs of the scale required by the Safeguard system, and that furthermore the computer will never be able to be tested in its operational environment because of the impossibility of simulating nuclear attack. Even Dr. Teller, an advocate of deployment, explained that he favored deployment because of the value of the experience that a “pilot operation” would provide. Admitting that “we do not know whether defense or additional offensive force will be cheaper and more effective,” he concluded that “we shall never find out unless we make an actual attempt” by deploying. Dr. Teller subsequently defined the difference between his position and that of Dr. Wiesner in two sentences:

He says research and development. I say pilot operation.

To which Dr. Wiesner replied that testing could be done more effectively at Kwajalein.

I will turn now to the assertion that I have said I regard as the principal ground on which the administration's case must stand or fall: the statement by the Secretary of Defense:

With the large tonnage the Soviets have they are going for our missiles and they are going for a first-strike capability. There is no question about that.

The Secretary is quite wrong in at least one respect, for there is a question about whether the Soviets are going for a first-strike capability. That judgment is not supported by intelligence authorities, for example. The U.S. Intelligence Board, our top intelligence body, has never so found. Nor is that

statement supported by the Secretary of State. Only some 2 weeks after Secretary Laird's statement, the Secretary of State said in a press conference:

I have difficulty in believing that the Soviet Union could initiate a first strike . . . Certainly it is difficult to understand why the Soviet Union is deploying SS-9s . . . And I think when we enter the SALT (Strategic Arms Limitation) talks, one of the first questions we want to raise with them is why. Why would you have a 25-megaton missile? But insofar as whether they are doing it with the intention of actually having a first strike, I don't believe that.

If there were "no question" about the Soviets "going for a first-strike capability," the Secretary of State would hardly have spoken as he did. And if there is a question in his mind, is there any reason why the rest of us should not wonder?

But there are questions not only in the executive branch, but also in the mind of the Secretary of Defense. In a closed meeting of the full Committee on Foreign Relations on June 23, Secretary Laird suddenly changed his definition of first strike—changed it from the generally understood concept of a knockout blow to the more limited meaning of ability to attack our hardened missile sites. In my opinion, he thereby destroyed his own principal justification for requesting immediate deployment of the Safeguard system.

Fourth. The third argument of Secretary Laird's with respect to the need to protect our deterrent by protecting our missile sites was that our Polaris submarines would not be "sufficient and credible deterrent from 1972 on." The Secretary made it plain that he was referring to a growing Soviet capability to locate and destroy our nuclear submarines while on station but he offered no explanation of how this might be accomplished.

The Secretary's assertion would be disquieting if true but can we accept it with confidence? Only a year ago, in hearings before the Senate Armed Services Committee, the Chief of Naval Operations, Adm. Thomas H. Moorer, was asked:

Admiral, we have put a great many of our chips on the invulnerability of the Polaris submarines. Do you have a high degree of confidence that this invulnerability will be maintained, and what operations do you foresee in the event of a technological breakthrough on the part of the Soviets that would reduce or eliminate the invulnerability.

Admiral Moorer replied:

I have a very high confidence that this will be maintained for several reasons.

Present for a brief time at our subcommittee hearings was Representative ANDERSON of Tennessee, formerly captain, U.S. Navy, who commanded the first nuclear submarine to transit the Polar Cap. I asked him at the hearing what he thought about the Polaris submarines as a deterrent force. He replied, and his statement appears in the hearing record:

There have been statements made recently, leaving the implication that when we get to 1972, 1973, 1974, some of the technology that the Soviets are working on will be adequate to neutralize our Polaris submarines. I checked around some and I find no evidence whatsoever to support such a statement.

Finally, to clear up any possible uncertainty on this point, I wrote Secretary of the Navy Chafee, on May 28, and asked him for a specific statement "on the vulnerability of Polaris submarines in the period 1970 through 1980." The Secretary replied in a letter dated June 12, which I had printed in the CONGRESSIONAL RECORD and which also appears on page 604 of the subcommittee hearings, and said that his views were in accord with those Mr. Packard had expressed before the House Armed Services Committee on April 14 at which time Mr. Packard had said:

We expect the Polaris to remain highly survivable until at least the late 1970's.

Secretary Chafee added, incidentally:

I have strong confidence in the continued effectiveness of Polaris-Poseidon submarines. To the best of our knowledge the Soviets have not been able to detect or track any of these submarines while on station. This is the principal reason for my confidence.

Fifth. The next point made by Secretary Laird and Mr. Packard related to the vulnerability of our strategic bombers to attack from land or submarine-launched missiles, the greater warning time the Safeguard system would provide and the relatively greater importance that must be attached to Minuteman as a second-strike weapon because of the vulnerability of bombers to submarine launched missiles.

I would like to make several observations on this point. First, Dr. Panofsky pointed out to the subcommittee that there would be sufficient time in the case of an ICBM attack on missile sites to get bombers in the air—and sufficient time in the case of a submarine attack on bombers to launch missiles. The extra warning time of a few minutes provided by the Safeguard long-range radar was thus not necessary, in his view. Second, the vulnerability of bombers on airfields can be countered by dispersing bomber bases—especially by moving them inland—and by keeping a number of bombers in the air on alert, as Dr. Wiesner, and several other witnesses suggested. Third, it has occurred to me that since our strategic bombers are stationed not only in the United States but on airfields abroad as well, a Soviet first strike would not only have to knock out all missile sites and airbases in the United States, and all of our Polaris submarines on station, but a considerable number of airfields in other countries as well. Finally, while Secretary Laird regards the growing Polaris-type Soviet submarine fleet as a potential threat to our bombers, our Poseidon submarine missile fleet is "designed to maintain the effectiveness of our sea based strategic weapons despite the introduction of Soviet anti-ballistic-missile systems," to quote again Secretary of the Navy Chafee's statement to the Armed Services Committee. How can it be that we and the Soviets have such different objectives for the same weapons system?

Sixth. Regarding Mr. Laird's statement that the Soviets are outspending us in offensive and defensive forces and have more ICBM launchers in being or under construction than we do, I must

say that it would surprise me if the Soviets were not spending proportionately more than we are. The fact is, though, that while they may be devoting a greater percentage of their GNP to defense, our defense budget is running at about a third higher than theirs, and their spending on offensive and defensive weapons has remained relatively constant for the past decade. And while the Soviets have a few more ICBM launchers deployed and under construction than we do, they still have fewer land-based ICBM's, around 1,000 compared to 1,054; fewer long-range strategic bombers, 150 compared to 650; and fewer nuclear ballistic missile submarines, eight or so compared to 41.

The further fact is that we are phasing out older missiles and replacing them at a more rapid rate than they are and that we are far nearer to having a MIRV capability than are they.

We have already had the experience of living through an illusory missile gap. I hope that we are not going to be presented now with a prospective delusory missile gap, the product of presenting only some of the relevant information; that relating to the number of ICBM launchers, in this case; without presenting all of the relevant information; that relating to strategic bombers and submarine launched ballistic missiles; and presenting, too, theoretical extrapolations of Soviet weapons development as though they were confident predictions.

Of course, there is a point beyond which offensive capability becomes unnecessary overkill. The United States presently has enough nuclear weapons to attack about 2,400 different targets in the Soviet Union; the Soviet can now attack about 1,100 different targets in the United States. Assuming that 250 warheads could devastate the 50 largest cities in either country, and that the capability of destroying the 50 largest cities in either country constitutes a credible deterrent, the United States has 2,100 more nuclear warheads than it needs to destroy these 50 cities and the Soviet Union has 845 more nuclear warheads than it needs to destroy the 50 largest cities in America.

This is one way of measuring overkill. A second way of measuring is to compare the number of separately targetable strategic warheads per city for the 50 largest cities in the United States and the Soviet Union. Dividing the number of warheads possessed by each country by 50, the United States has about 48 warheads per city and the Soviet Union 22. Yet one hit is sufficient for the awful task.

I am, therefore, not alarmed by Soviet defense spending and the prospect of parity with the Soviet Union in the number of land-based intercontinental missiles. We are still far ahead of the Soviets in the number of nuclear warheads. Both we and the Soviets have more than enough warheads to destroy each other. I am alarmed only at the senseless drive in both countries for more weapons when these additional weapons are not necessary. I am dispirited only at the lack of interest in taking advantage of a situation in which the Soviets are approaching parity in land-based intercontinental missiles to negotiate mutual controls in-

stead of regarding the situation as requiring new weapons systems which not only do not add to our security but threaten to begin a new cycle of action and reaction in this expensive and dangerous area.

Seventh. A number of witnesses before the subcommittee disagreed flatly with the assertion made by Secretary Laird and Mr. Packard that if we do not set in motion immediately steps to deploy an ABM system, but merely continue research and development, we will be left without the option of a ballistic missile defense for our deterrent by the time such a defense will be necessary. Most expressed the view that we could afford to wait for up to a year to see whether negotiations with the Soviet Union would be fruitful.

Furthermore, if we must have an "option" to defend against a threat of a Soviet first-strike capability, there are other methods of defending our deterrent which are more reliable, less expensive and involve shorter lead time. Putting more concrete around missile sites—superhardening—is one way. Building more nuclear missile submarines and more intercontinental missiles is another. But instead of considering these steps we have chosen a method which is extremely costly, which is of questionable reliability and which requires the longest leadtime of all.

The third objective stated by Secretary Laird was his claim that the Safeguard system "offers protection, as needed, of the entire country from a small attack, such as the kind of attack that could possibly be delivered by the Chinese Communists during the decade of the 1970's or from an accidental launch." Let me first discuss the Safeguard as protection from a Chinese attack.

As we all know, the Chinese do not now have ICBM's, and Mr. Packard told the subcommittee that the Chinese were "no further along" in developing a missile than they were 3 years ago. But the Cultural Revolution and other political disruptions notwithstanding, we must obviously assume that there may be Chinese missiles operational in the 1970's. Secretary Laird estimates that this will be in the "1972-73 time period" and "in the time period of 1975 and beyond that the Red Chinese could have the capacity and the capability to have 15 or more missiles," a statement he amended before the House Appropriations Subcommittee on May 22 to "10 to 25 operational ICBM's" assuming an initial operational capability in late 1972 which the Secretary implied he did not think would be achieved but was more likely to be delayed "perhaps as much as 2 or 3 years later." Nevertheless, to be prudent we must assume not only that the Chinese will have an ICBM capability in the mid-1970's but that this capability will grow and that the Chinese will also develop a full range of sophisticated accessories, such as decoys and other penetration aids. We must thus consider a theoretical system of defense against a Chinese nuclear missile attack in two stages: when China's ICBM capability is very limited, and when that capability is far greater.

When the Chinese missile force is

small, we would not need a defense system which would preserve a percentage of our offensive missiles. A small Chinese force would, by definition, not be large enough to destroy more than a minute percentage of our missile force. What is needed when China's missile force is small, then, is not a system which would defend a few missile sites but a system which would provide "some protection over the entire country," as Dr. Fink pointed out to the subcommittee.

In phase I of the Safeguard system, of course, there will be protection of only a "footprint" area around the two defense missile sites. The rest of the country will be unprotected. Furthermore, the Par radars in Phase I "will have faces only to the north because that is the direction from which the Soviet threat would be expected," to quote Mr. Packard. Thus, protection against a Chinese attack requires going to phase II.

The Safeguard system, when fully deployed in phase II, will, its supporters claim, provide some protection for the entire country, but only some protection. Full effectiveness is not claimed. Some Chinese missiles would get through, especially if equipped with penetration aids. Dr. Bethe told the subcommittee that it was "entirely logical that the Chinese might develop such aids "at the same time" as they develop the ICBM itself. The result would be some destruction in the United States, but in China the result of our retaliatory strike would be massive destruction ranging all the way to the verge of total annihilation. The sole effect of Safeguard, and this would be true only of the fully developed system, would be perhaps to reduce somewhat the destruction in the United States. Safeguard would not affect the credibility of our deterrent as far as the Chinese are concerned for it is thoroughly credible now, and will continue to be thoroughly credible, in the face of the projected limited Chinese ICBM capability.

When we talk about a Chinese attack during the period when China has only a limited ICBM capability we are talking about the possibility of an "irrational" Chinese action, for a limited Chinese attack which would surely result in a devastating attack on China could only be irrational. In his testimony before the subcommittee, Secretary Laird implied that the Chinese were "different" from the Soviets, as far as the area of rational action is concerned. Yet what arguments can be cited for assuming that the Chinese will act irrationally to the point of suicide? We have never argued that the Soviets might act irrationally in the matter of a nuclear attack. The Chinese have not acted irrationally as far as their foreign policy is concerned. Their words have been irrational but their actions have not been. Dr. Alan Whiting told the subcommittee:

I see no basis in fact or theory for attributing a significantly higher likelihood of irrationality to Chinese as compared with Russian decision makers.

Before the House Appropriations Subcommittee on May 22, Secretary Laird raised the specter of Chinese "nuclear blackmail" as an argument for Safe-

guard deployment. But it would be the height of madness for a country with a minuscule missile force to threaten to blackmail a country with the nuclear weapons we have at our command, for the obvious answer to such a threat is a preemptive nuclear strike. This argument, too, assumes a strong suicidal urge on the part of the Chinese, an assumption with no basis in logic or in history, an argument which, in sum, clutches at straws or what we often call weak reeds.

How long will it be before China will have not a few missiles but hundreds with sophisticated penetration aids as well as nuclear missile-carrying submarines and ship-launched ballistic missiles? All of these "may be in the Chinese inventory in the next decade," Dr. Jack Ruina told the subcommittee. When this happens, of course, the situation will be exactly as it is now with respect to the Soviet Union. The same arguments will apply for and against a hard point defense system and for and against a defense of our cities. But there will be a double twist. For if the Soviet Union now regards a city defense as "provocative," a position with which Secretary Laird agrees as evidenced by his statement that the first objective of the Safeguard system is that "it clearly rejects a provocative expansion into a heavy city defense," presumably it will hold the same view in the future.

As Dr. York pointed out to the subcommittee, "to protect against China we will eventually have to build up an ABM to the point where it will be provocative to the Soviet Union." Thus, if we decide to attempt some defense against Chinese attack, we will be hoist by our own petard to a higher level of defense which we ourselves have admitted is provocative.

As for protecting against an accidental launch, I would certainly favor any system that could afford this protection. But there are those who should know who say that while with further research and development a system could be designed to attempt to achieve this objective, the Safeguard system—with its particular combination of radars, Sprint missiles and Spartan missiles—is not designed to meet this need. It should be realized that in phase I, the Safeguard system will protect against an accidentally launched missile only if that missile is headed toward the two sites at which Spartan and Sprint missiles will be deployed. Protection of the whole country against an accidentally launched missile is thus not even a theoretical possibility unless defensive missiles are deployed in all 12 sites. But even then, is there protection against an accidental launch? Dr. Panofsky has said that if an accidental launch included decoys or multiple warheads, the modified Sentinel system could be "penetrated." Even if only a single missile without decoys were involved, and assuming perfect reliability of the Safeguard system, this single missile could be stopped only if the "state of alertness of the system in peacetime can be kept at a high enough level."

Now the question of the state of alertness is a complicated matter. The chances are that a deliberate missile at-

tack, even a so-called surprise attack, would probably be preceded by at least a noticeable change in the political atmosphere, if not a period of tension. An ABM system, like the rest of the Nation's defense Establishment, would be placed in a state of alert. But there would be no such warning signs before an accidental launch. On the contrary, such an accident could occur at any time including a time of least tension. Thus, in thinking about protection against an accidental launch, it is well to recall Dr. York's comments to the subcommittee on the conflicting requirements of a "stiff trigger," to prevent the accidental firing of a defensive missile, and a "hair trigger," to provide a sufficiently rapid intentional firing of a defensive missile in the case of surprise attack. Both intentional and accidental launches are possible in any missile system—offensive or defensive.

But the chances of an accidental launch are, in fact, greater in the case of a defensive system. This is so because the time in which the decision to launch must be made is so short—10 minutes at the maximum, according to Mr. Packard—that it is inevitable that the responsibility for launching would necessarily be delegated to lower command echelons and eventually, as weapons improve and machines become more complex, to computers. Mr. Packard told the subcommittee that there would be "adequate time to assume command and control by the President," but 10 minutes does not strike me as long enough to insure presidential action, given the communications problems involved. Thus, the more effective a system is for intercepting accidental launches, because the finer its "hair trigger," the greater the chances the system will itself err and launch a missile accidentally, because the looser its "stiff trigger" will be.

The accidental launch of a defensive missile would not be a cause for great concern if it could definitely be detonated or intercepted at a sufficiently high altitude so that no damage would be caused. But the accident that launched the defensive missile might cause other related accidents as well. Having launched a defensive missile in error, a computer might also erroneously instruct it to explode at a low level. Or the missile might, again accidentally, trigger an automatic Soviet reaction and bring a retaliatory attack. Thus, in developing a system to protect us from accidents, we may well increase the likelihood of accidents so that the rise in the level of risk will be far higher than the rise in the level of protection.

Furthermore, if we are entitled to a system which we allege will, among other things, protect us from accidental launches, surely the Soviets and the Chinese will make a similar claim. But since protection against accidental launches requires a general area defense system, and not a system which can protect only hardened missile sites, this justification, like the others used, inevitably forecasts an escalation of the arms race with proliferating finely tuned defensive systems and new offensive systems to neutralize them. But this subject

belongs more properly in my discussion of Secretary Laird's fourth and fifth objectives.

Secretary Laird described the fourth objective of the Safeguard system in the following way:

It offers the Soviet Union an added incentive for productive arms control talks.

In the course of testimony before the subcommittee, Mr. Packard and Mr. Smith, and Mr. Rogers in his appearance before the full committee, also said that:

First. As even the first two Safeguard system installations will not be operational before 1973, there is ample time to negotiate agreements with the Soviet Union, so that Safeguard "opens the door wider to mutual arms control." Furthermore, "it should not take us years but months to determine if the Soviet Union is seriously interested in entering into arms control arrangements," to quote Mr. Smith, and if they are, deployment of the Safeguard system, which will be subject to annual review and appraisal, can be stopped. On the other hand, Secretary Laird told the subcommittee that "if the Soviets should slam the door on an agreement, the modified ABM would permit us to continue steps toward protection of our retaliatory forces" which would be important because "a Soviet rejection of meaningful negotiations would demonstrate a Soviet determination to continue to build toward a low-risk, first-strike force."

Second. The Safeguard system "requires" no military response from the Soviet Union, as would be the case if we were increasing the number of our offensive missiles and bombers. "It shows them that any effort on their part to achieve a successful first strike is fruitless" to quote Mr. Packard, but does so "without threatening their second strike deterrence."

Third. As a result of our announced intention in 1967 to deploy the Sentinel system, it is likely that any Soviet military reaction is already in train and would not be further affected by the deployment of the Safeguard system. Nor will the prospects for negotiations be affected because the Soviets had first indicated their willingness to negotiate after the decision to deploy Sentinel was announced and have reaffirmed their willingness to talk on several occasions since in public and in private talks with American officials.

Fourth. As the Soviets deployed their own ABM system first, they can hardly criticize us for deciding to do likewise or argue that our decision prejudices arms talks particularly since their system is already in place and ours is not.

Fifth. Quoting Secretary Rogers' statement to the Foreign Relations Committee on March 27:

We cannot predicate our security decisions, that we have to make now, on the potential success of future endeavors in the disarmament field.

Sixth. The Safeguard system will be a "further incentive" for discussions on the limitation of both offensive and defensive weapons.

Proceeding first to the point that there is time to negotiate agreements

before the first Safeguard sites become operational and time—anywhere along the line—to stop the process of deploying the Safeguard system if the negotiations are successful, it seems to me that this argument assumes that we can make time work only one way—for us but not against us. Faced with the prospect of an ABM system that will be operational in 1973, either the Soviets will enter into an agreement with us before that date, which will make it unnecessary for us to go ahead, or, if no agreement has been reached, deployment will begin and the objectives Secretary Laird claims for the system will be achieved. Heads, we win; tails, they lose.

But will they lose or will we? If the Safeguard system is as ineffective as many contend, and the Soviets are willing to ignore it, it will not affect the negotiations and will not have resulted in a Soviet reaction. But we will have spent billions of dollars for a system that does not protect us and that has not given us a negotiating advantage. The assumption that the Soviets will be willing to ignore it as either ineffective or harmless—to conclude, as stated in the second point above, that Safeguard "requires" no Soviet military response—would, again, call for considerable restraint on their part. In fact, as I have pointed out before, it would require more restraint than we ourselves have shown in response to their Galosh ABM system. Not only have we developed MIRV's and Poseidon missiles in response, but the administration's arguments imply that Galosh is another reason which justifies our deploying Safeguard. In how many ways must we react to new Soviet weapons systems? And in how many ways do we expect them not to react to new weapons systems of ours?

Of course, if the Safeguard system is effective, the Soviets will surely react. Even though the system is to be deployed around missile sites and thus does not affect Soviet second-strike capabilities, how can they be sure that, once developed and deployed, it will not be turned into a "thick" system which would affect their second-strike capability despite Secretary Laird's assertion that Safeguard "cannot develop into the thick system surrounding our cities that the other proposed Sentinel system could have developed into." If "we cannot predicate our security decisions, that we have to make now, on the potential success of future endeavors in the disarmament field," to quote Secretary Rogers again, surely neither can they.

Time will work in another way as well. Once begun, weapons systems are difficult if not impossible to stop. The best time to stop them is before they are started, before rationales and justifications can shift, as has already been true in the case of our ABM, and before programs develop large and powerful constituencies.

As for the argument made by Safeguard proponents that the Soviets' military reaction to a Sentinel-type deployment was probably already in train and would not be affected by any deployment on our part, Dr. Marshall Shulman told the subcommittee:

I don't see how we can know that they have discounted it. As a matter of fact, you could probably make as strong a case for the opposite view.

Whether or not the Soviets have "discounted" the deployment of Safeguard, the point is that while the Soviets have continued to be willing to enter into arms limitation talks—and initially indicated their willingness after the decision to deploy the thick and "provocative" Sentinel system was announced—they are, at the same time, adding to their arsenal of nuclear weapons. The arms race is still escalating, literally before our eyes.

There is one final comment that I would like to make on the subject of the "incentive" this decision is said to offer the Soviet Union for arms control talks. The use of the word "incentive" means, to me, that somehow we regard the prospective deployment of Safeguard, especially because it is to be deployed in phases, as some sort of a bargaining card in arms control talks with the Soviets.

I quote again from Dr. Shulman's statement to the subcommittee:

It would not be wise to deploy an ABM system in the belief that it would improve our bargaining position in relation to the missile talks. To do so would be more likely, in my opinion, to strengthen the position of those on the Soviet side who are only too ready to argue that the United States is too committed by its system or its pressure groups to an arms race to be seriously interested in its abatement.

I also quote the statement to the subcommittee of Dr. Carl Kaysen:

The future capacity to deploy, and perhaps to deploy a better conceived and designed system, is all the bargaining card we need. Actual deployment, by revealing what we are doing, diminishes rather than increases the effectiveness of our bargaining position.

Finally, I quote Secretary of State Rogers before the Committee on Foreign Relations on March 27:

In none of my talks with the Soviets has any Soviet representative suggested that the decision [on an ABM system] would affect the initiation of talks or their outcome. (emphasis added)

Can the Safeguard decision not affect the outcome of arms control talks but yet be a bargaining weapon?

Secretary Laird's fifth objective is really a summation of the other four. It is that the Safeguard system "provides the protection needed for the safety and security of our country—but only the protection that is needed." He explains that the Safeguard plan "permits us to respond to the Soviet threat, not as we project it, but as it develops in the months and years ahead. We neither add to our weapons inventory nor do we incur the costs for a threat that possibly will not materialize."

I would disagree with the Secretary, and so would most of the witnesses who appeared before the subcommittee, on his fundamental premises which are that deployment of the Safeguard system at this time would provide us with protection and thus enhance our security. I have already stated the relevant arguments: that our nuclear weapons arsenal is so vast that it could not be destroyed by any Soviet force that can be foreseen

at this time; that the Safeguard system is of doubtful effectiveness and requires more research and development before it is deployed; that its deployment seems bound to cause a new cycle of action and reaction which will escalate the arms race at tremendous cost without providing greater security; that an irrational Chinese attack seems no more likely than an irrational Soviet attack; and that Safeguard not only will not protect against an accidental launch but, in attempting to do so, may actually increase the risk of accidental nuclear explosion. In brief, the dangers inherent in the Safeguard system seem to me—to many of my colleagues, to many distinguished physical and social scientists and to many, many Americans—to outweigh by far the benefits of Safeguard, if indeed there are any benefits at all.

The Safeguard decision is not just another political or military decision. It is a decision which affects all Americans in fundamental and important ways. It will use large amounts of their tax moneys directly and even larger amounts indirectly because of the weapons developments it will spawn—moneys that could be used for problems pressing in on us at home. Thus, it will affect what we have come to call the quality of life in our country. It will, in my opinion, and in the opinion of many others, also affect the quality of international life for it will set off a new round in the armaments race, with all the dangers and tensions that it involves, as the Soviet strive for at least parity with us in nuclear weapons systems and as we strive to maintain "sufficiency."

In fact that next step in the race is almost upon us—the deployment of MIRV's, the weapon response to ABM. We are ready to deploy these weapons "not in the too distant future," according to the Secretary of Defense. The submarine version of MIRV's, the Poseidon, will be deployed "unless we conclude some agreements that would dictate otherwise," according to Mr. Packard.

The important issue involved in MIRV deployment is, simply, that while we can detect Soviet MIRV tests, and they can detect ours, there is no way of detecting deployment. After MIRV's have been tested to the point where they can be deployed, and we have almost reached that point, there is no way of knowing whether the number of warheads has been multiplied by two or three or five or more. The Soviets will not know how many warheads we will have—although it has been reported that we can multiply our submarine-launched missiles by about 10 and our land-launched missiles by three—and we will not know how many they have. Not knowing how many warheads are deployed by another state, each country will assume the worst. New systems of defense and offense, and thousands of new nuclear warheads, will be produced. Land-based missiles in fixed sites, like Minuteman, may well become obsolete, making Safeguard or any ABM system defending ICBM's unnecessary, and be replaced by other less vulnerable but even more lethal nuclear weapons systems. Control agreements will be

beyond reach because verification will be impossible.

Hence, we are suddenly close to meeting, we and the Soviets, on the same plateau, barren and rocky though it is. It is the plateau of nuclear equality. It is not equality in weapons, for we have far greater numbers of weapons, but equality in other ways. We are equal, in a sense, because we can destroy one another and a large part of the world as well. We are equal, too, because we will both soon be able to deploy a weapon—MIRV's—which will make verifiable agreements impossible. We are equal because we are both spending more on weapons than we should. We are equal because we do not trust one another, and see little reason to trust one another.

This plateau of nuclear equality, on which we and the Soviets stand momentarily poised, could prove to be the highest point reached in the nuclear arms race. Or it could be the point of departure for the next stage in that race which will lead us both to be better armed but less secure. The question before the Senate is clear: Who will take the first step—and in what direction?

URGENT NEED FOR ESTABLISHMENT OF A NATIONAL MINERALS POLICY

Mr. ALLOTT. Mr. President, on July 9, the Mineral Materials and Fuels Subcommittee of the Interior and Insular Affairs Committee conducted hearings on S. 719, a bill to establish a national minerals policy. This is a bill which I have introduced in previous sessions of Congress and believe should have been enacted into law before now.

At the hearing, a most impressive group of the key executives of the industries which are closest to the necessity in such a policy, testified on behalf of this legislation. Most of these witnesses who were assembled, took time out of their busy schedules to be there. The members of the American Mining Congress, of which Mr. Cris Dobbins is the president, testified in full. Mr. Dobbins' excellent introductory and closing statements, I know, were founded upon his vast, keen personal acquaintance with the broad spectrum of our national minerals, from extraction to actual employment, past, present, and future. By reading it, all of the Members of Congress will be better acquainted with the need for a law establishing a national minerals policy.

I, therefore, ask unanimous consent that the statements of Mr. Dobbins be printed in the RECORD.

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

STATEMENT OF CRIS DOBBINS

Mr. Chairman and Members of the Committee: I am Cris Dobbins, Chairman and President of Ideal Basic Industries, Inc.

I am President also of the American Mining Congress, a trade association of U.S. companies that produce most of the nation's metals, coal, and industrial and agricultural minerals. Its membership also includes more than 200 corporations that manufacture mining and mineral processing equipment and supplies, as well as financial institutions

with a business interest in the mining industry.

My colleagues and I appreciate this opportunity to appear before you to support the development of a national mining and minerals policy.

Through our several witnesses we hope to demonstrate the need for such a policy.

First, however, let me indicate how we interpret the concept, "Policy," and how we believe it might function to produce the desired result.

In a sense, almost every enactment by the Congress of a law relating to minerals is an expression of national minerals "policy." In this sense, the considerable number of existing laws pertaining directly to mining and minerals—the organic acts of the Geological Survey, the public land laws the stockpiling legislation, all define the national "policy." In addition, the vast accumulation of existing laws having an impact on mining and minerals—laws on internal revenue, environmental quality, aid to education, and so on, interact importantly with the minerals "policy."

But each of these legislative enactments is passed to meet a particular problem or purpose; seldom are they viewed altogether as an integrated expression of overall policy. As a result, they are not coordinated, there are contradictions one against another, and their relative priority is not determinable.

The executive branch of the government, charged with the responsibility of implementing all the laws, consequently lacks the clear direction which it needs effectively to achieve the intention of the Congress.

The articulation of a broad "Policy," such as the proposed mining and minerals policy, will, we believe, be of great value to the executive branch and to the nation, both in the implementation of existing legislation and in the development of future legislation.

It will serve as a statement of fundamental principles or objectives, an indication of Congressional priority, a "bench mark," if you will, against which the executive branch can measure proposed action and the Congress can measure proposed new legislation.

Moreover, by charging the Secretary of the Interior with overall responsibility for effectuation of the policy, the Congress assures itself of a fully responsible source of advice and counsel as to whether the Congress' objectives are being achieved and of recommendations as to further Congressional action which might from time to time be necessary.

The testimony you will hear from my colleagues is based upon this understanding of the concept of the term "Policy" as it is used in S. 719.

Our first witness is Mr. Andrew Fletcher, Honorary Chairman of St. Joseph Lead Company, who will provide you an over-view of the problems and opportunities facing the United States in regard to mining and minerals. He will be followed by Mr. James Boyd, President of Copper Range Company, who will discuss implications of the proposed policy on development and manpower in mining and minerals; Mr. David Swan, Vice President—Technology of Kennecott Copper Corporation, who will discuss environmental quality; Mr. Charles F. Barber, President of American Smelting and Refining Company, who will discuss the use of public lands; Mr. Lindsay F. Johnson, President of the New Jersey Zinc Company, who will discuss stockpiling; Mr. Fred W. Peel, of Miller and Chevalier, who will discuss tax policy and mine finance; and Mr. Donald J. Donahue, President of American Metal Climax, Inc., who will discuss foreign trade.

Following Mr. Donahue's statement we will all be pleased to respond to any questions you may have for us.

(Remarks of other American Mining Congress witnesses were made at this point in proceedings.)

Mr. Chairman and Members of the Committee: I hope that in these several presentations we have been able to demonstrate the broad scope and nature of the problems and opportunities facing our nation in regard to mining and minerals, and the importance of a Congressional declaration of National Policy on this vital subject.

It is clear, we believe, that such a Policy has implications to research, development and manpower, to environmental quality, to the use of public lands, to the subject of stockpiling, to tax policy and mine finance, and to foreign trade. Overall it has the most profound implications to the economic future of the United States which is based so heavily on a continuing supply of raw materials—both domestic and foreign.

The mining industry of the United States, which we represent here today, is dedicated to meeting the raw material requirements of our nation. The support and encouragement of a National Mining and Minerals Policy will help greatly in continuing to achieve that objective.

We thank you for this opportunity to present our views and we would be pleased to respond to any question you may have for us.

PRESIDENT NIXON'S MESSAGE ON THE POPULATION EXPLOSION

Mr. ALLOTT. Mr. President, I want to speak for a few moments this evening with respect to the growth of hunger and population in the world.

I am reminded of the Biblical passage from Isaiah 8: 21 which reads as follows:

And it shall come to pass that when they shall be hungry, they shall . . . curse their King and their God.

The word "crisis" hangs in the air over discussions of food and population as the realities of life, ordered by a harsh and stern Nature, catch up with mankind in the last third of the 20th century.

Today many of us cling to an optimistic faith in the inevitability of progress, to the assumption that the fate of man on earth is destined to improve as time goes on.

Yet in his message to Congress last Thursday, President Nixon notes that if present rates of population growth continue, it is likely that the earth will contain 7 billion human beings by the end of this century.

It is in the developing nations of the world—

Said the President—

that population is growing more rapidly today. In these areas we often find rates of natural increase higher than any which have been experienced in all of human history. With their birth rates remaining high and with death rates dropping sharply, many countries of Latin America, Asia and Africa now grow ten times as fast as they did a century ago. At present rates, many will double and some may even triple their present populations before the year 2000.

And what of the quality of life? As the President said last week:

Despite considerable improvements in agricultural technology and some dramatic increases in grain production, it is still difficult to feed these added people at adequate levels of nutrition.

Protein malnutrition is widespread. It is estimated that every day some 10,000 people—most of them children—are dying from diseases of which malnutrition has been at least a partial cause.

The question, then, can be simply stated: Has the less-developed world lost the capacity to feed itself?

Today, there exists no shortage of experts willing to provide an answer.

The world will face the greatest famine in history by about 1980, says Rene Dumont, the French agronomist now director of research at the National Agricultural Institute in Paris. World population, he notes, is year by year outstripping food production.

Dumont wrote in late 1967:

Throughout the Third World, since 1959, population increase has been 26 per 1,000 per year and food production has increased for only 15 to 20 people per 1,000 per year.

There are others—

Dumont adds—

who go further than I do and say that it's already too late to avoid the terrible catastrophe and that it could come as soon as 1975.¹

Terrible catastrophe? The greatest famine in history? It does sound a bit extreme, until one does some arithmetic.

Tonight in the world, 170,000 deaths; twice as many births. It has been that way for years.

The result? Prior to World War II today's hungry nations were exporters of grain. By the 1960's they had become importers. In the 1930's Latin America exported more grain than the United States and Canada combined but by 1950, Latin America had become a grain importer.

The Netherlands Indies was a major prewar supplier of copra on the world market before World War II. Today's Indonesia, in contrast, exported in 1964 only one-half of the amount of 1938, although the total amount grown was greater than the crop of 1938.²

Add similar examples of corn in Nicaragua, wheat in India, soybeans in China, beans in Chile and the somersault within the former exporting nations becomes more graphic. Swollen populations have consumed the surplus formerly exported and they must now import increasing amounts of food each year.

Grain exports-imports are an example:

Net import (—), export (+) of grain for Asia (not including Japan), Africa (not including South Africa), and Latin America (not including Argentina):³

[In millions of metric tons]

Period:		
1934-38	-----	+3
1948-52	-----	-6
1957-59	-----	-12
1961-63	-----	-22
1964-65	-----	-26
1965-66	-----	-28
1966-67	-----	-34
1967-68	-----	-29

It is not just the dimension of this change that has caught the world off guard, it is the speed at which it has taken place.

¹ The (London, England) Observer, December 10, 1967.

² Kenneth D. Thomas and J. Panglaykim, *Indonesian Exports; Performance & Prospects 1950-1970*, Universitaire Pers Rotterdam, 1967, p. 32.

³ Quentin M. West, *World Food Needs*, Foreign Regional Analyst Division, Economic Research Service, U.S. Department of Agriculture, February 10, 1966, p. 10.

It is a simple but indisputable fact—

Says GEORGE AIKEN, ranking Republican on the Senate Agriculture and Forestry Committee—

that world food supplies are running second to world population. We need an agricultural production to match the population requirements. Despite the great progress that has been made in production yields, we cannot take the outcome of this crucial race for granted.

Says Senator MILTON YOUNG:

Concerning food needs in this country we have the capacity to produce all of our nation's needs for at least the next half century and perhaps far beyond. The farmers of this nation continue to produce more per unit each year with no end in sight. They are now producing enough to meet our domestic food demands plus up to \$6 billion worth of farm commodities for export annually. This is done at a time when we have a government program to keep idle more than 35 million acres of American cropland!

We must be concerned, however, about the population explosion around the world. The major problem involved here is one of finding a way to make our food available to these people other than through highly subsidized or donation programs.

Dr. Raymond Ewell believes—

The world is on the threshold of the biggest famine in history. If present trends continue, it seems likely that famine will reach serious proportions in India, Pakistan and China in the early 1970's. . . . Such a famine will be of massive proportions affecting hundreds of millions.⁴

Swedish economist Gunnar Myrdal sees a "world calamity" in "5 or 10 years."⁵

W. Arthur Lewis writes:

We cannot be confident that world food production will increase during the next two or three decades at the desired rates.⁶

At the December 1967 OECD Ministers' Meeting a report on the food problem of the developing countries was presented by the Secretary General of OECD Thor-kil Kristensen. Notable points:

It is a matter of concern that in the first seven years of the 1960's the following phenomena have coincided:

Food production in the developing countries has grown more slowly than demand;

The area of good new land that could easily be brought under cultivation in developing countries has been sharply reduced;

The population of developing countries has been growing at an increasing rate;

Surplus stocks of grain in North America have roughly speaking been exhausted through shipments to less-developed areas;

Development aid from the richer countries has on the whole stagnated;

The debt burden of many developing countries has been rising fast.⁷

WHAT OF NEW SCIENTIFIC DEVELOPMENTS?

In May 1969, Addeke H. Boerma, Director-General of the United Nations Food and Agriculture Organization, said:

For one thing, the varieties that have so far been produced are not suited to some climatic conditions, so that there will be a

need to test the behavior of existing varieties in many countries and to promote research in others in order to create varieties there which are locally suitable. Again, the new varieties will not yield their full capacity without the assistance of many other elements. These include primarily large quantities of fertilizers, plant protection chemicals and a regular water supply—which in itself calls for investment in better methods of irrigation, drainage and flood protection. Farmers will have to be persuaded—and this is certainly not the least difficult task—to change their traditional methods of cultivation.

Time and again cold water is dashed on hopes for meeting the food crisis, only to find optimistic faith in the inevitability of progress doggedly raising its head. The Economist held out hope in an October 28, 1967, article entitled "Plenty of Wheat for Those Who Can Pay," yet Newsweek was to report barely 2 weeks later, on November 13, 1967, that the worst drought in history had gripped Australia in a dusty nightmare:

The country's widely exported wheat crop for this season will be slashed nearly in half—from 462 million to 260 million bushels.

In January of 1968 the Australian Wheat Committee in London reported their marketable crop was down to 238 million bushels, and butchers from New Zealand had been flown in to help handle the mass slaughter of beef cattle, rushed prematurely to market at a loss of \$40 a head.

Looking beyond weather variables, Paddock and Paddock write:

The present downward trends cannot be reversed, nor can they be dusted under the carpet. Those who say there are too many variables in the future to forecast food deficits ignore the present trends. . . . The famines which are now approaching will not. . . be caused by weather variations and therefore will not be ended in a year or so by the return of normal rainfall. They will last for years, perhaps several decades, and they are, for a surety, inevitable.⁸

WHAT IS FAMINE?

The borderline between food shortage and famine is uncertain, yet the need for a working definition is self-evident. Food shortages which are general but not extreme, as in Kenya and Tanganyika in 1961-62 when large portions of these countries needed relief but no one actually died of starvation, would probably be excluded from the category of famine. Objective tests are equally difficult to apply. Even the nutritionists cannot really draw a clean-cut line between malnutrition and starvation.

Biafra, in this summer of 1969, becomes the case in point.

Thus FAO, while not purporting to give a dictionary definition, proposed the following:

It is a food situation in which there are clear indications, based on careful and impartial study, that serious catastrophe and extensive suffering will occur if international assistance is not rendered.⁹

This particular definition adds a rather menacing dimension to the U.S.

Department of Agriculture's so-called world food budget, which shows who fits the definition.

The share of the population—

Reports the USDA—

living in countries with average energy (calorie) supply levels below the minimum recommended was 92% for Asia, 38% for Africa and 29% for Latin America.

This, incidentally, amounts to approximately 79 percent of the population in the underdeveloped regions or 56 percent of the entire world.¹⁰

Worse, even the minimum recommended calorie supply levels are suspect as a result of today's research.

The Paddocks said:

Until now it has been the standard practice to state that people need less food in the tropics than in the temperate zones.

Thus, FAO in its calculations recommends a 5 percent decrease in food requirements for every 10-degree increase in environmental temperatures. However, tests by the U.S. Army Medical Research and Nutrition Laboratory at Denver have shown that just the opposite appears to be true. This means, then, that the hotter the weather the more food the individual needs to perform his work. Since the hungry nations are nearly all in the tropics, it would appear as if the FAO figures should be increased by another 50 million people suffering from malnutrition—give or take a dozen million people.¹¹

SOME BASICS OF FOOD

In the simplest of terms, a few inches of living topsoil underlies all life on earth. Man must cling to the soil because life depends on plants, and they depend on topsoil.

Life is organized energy and energy on earth comes from the sun, but normally only plants can organize the sun's energy directly.

Man and other animals do not have the plants' vital power of directly storing up the sun's energy in new materials. And of the plants, only some are food-stuffs for man who can digest only the simpler compounds, the sugars and the starches. But animals can convert even grass into meat; for indeed, as the Bible says, "All flesh is grass."

Even fish depend on energy from the sun, for marine plants trap solar energy to begin the long food chains of the oceans culminating in fish that eat each other. And man eats fish. All these chains of life depend on, and are powered by, the energy of the sun captured by the earth's plants; a fact to keep in mind when we read of high hopes for new forms of food.

Today and for the greater part of history, over most of the earth, people live on grass seed. Half mankind lives on rice, the staple of Asia.¹² Rice, wheat, corn, the starch-packed seeds of grasses, are the world's staple belly fillers. Roots, fruits, and vegetables provide calories, yet a calorie is nothing but a unit of energy, and food that supplies calories may not supply the bodybuilding materials that man needs as well as energy.

¹⁰ Lester R. Brown, "Man, Land and Food," U.S. Department of Agriculture, FAE Report No. 11, November 1963, p. 76.

¹¹ Paddocks, op. cit., p. 51.

¹² Stanley Baron, "Rice: Staff of Life for One-Third of the World," *Newsweek*, August 28, 1967.

⁴ Raymond Ewell, "Famine and Fertilizer," *Chemical and Engineering News*, December 14, 1964, pp. 106-117.

⁵ Look, March 7, 1967, pp. 86-88.

⁶ W. Arthur Lewis, *The Theory of Economic Growth*, George Allen & Unwin Ltd., London, 1955, p. 355.

⁷ The OECD Observer, December, 1967, p. 5.

⁸ William & Paul Paddock, *Famine—1975*, Boston, Little, Brown & Co., 1967, p. 45.

⁹ FAO Commodity Policy Studies No. 10, *Functions of a World Food Reserve—Scope and Limitations*, Rome, 1956.

The world in general has a calorie problem; as we have seen half the people do not get enough of them. Some countries have a calorie surplus. Canada grows more wheat than she can eat herself. The rest has gone for export, primarily to fill Russia's recent food deficits.

So foodstuffs are made up of many units, all linked together into long chains of starch or cellulose. By breaking the various linkages, an animal's digestion gets back the energy of the long chain linkages. Most animal products, such as milk and meat, are also long chains; proteins—various linkages of 20 or so simple amino acids. Man must take in eight of these 20 in the form of food from plants or from animal products, or he dies of malnutrition no matter what else he eats. So much for food itself. How does man get it?

SEVERAL WAYS HAVE BEEN TRIED

Gathering wild food was man's only way of getting food up to about 10,000 years ago. It limited the population of the earth to about 10 million people. Fishing is the only primitive food-getting method widely used today.

Conventional commercial fishing is limited by shortages in the sea. Despite all our progress, and all the scientific expertise of the United States, since the end of World War II, the total aquatic catch of the United States has dropped by 550 million pounds a year.

The United States—with only 5 percent of the world's population—has become the world's largest importer of fish, 1,200 million pounds per year. And the United States is now far more dependent upon the sea than is usually recognized. While certain fish imports are indeed for human consumption—shrimp is imported from more than 40 countries, including several undernourished lands such as India and Ecuador—most fishmeal and fish solubles go into manufacturing of poultry feed. The FAO, in "Fisheries in the Food Economy," says:

The principal product of the reduction industry, fishmeal, is today used primarily in the farming operations of industrialized countries. A large part of supplies has been imported in recent years from developing countries where the animal protein content of diets is still quite inadequate. . . . Japan was at one time a net exporter of fishmeal; in recent years, it has had to cover a part of its own growing supply needs through imports, mostly from Peru and South Africa.¹³

Almost half of the total U.S. fish catch goes to making fishmeal, yet it is not enough to feed America's own growing population. Therefore the United States is second only to all the countries of Western Europe combined as the largest buyer in the world of this high-rate feed protein. All this to feed but 5 percent of the world's people.

In the 1968 FAO document, "The State of World Fisheries," this summary of the future of food from the sea is offered:

Over the past 20 years the annual world fisheries catch has almost trebled, to nearly 57 million tons in 1966. But while the gross catch has increased dramatically, the effort

needed to catch every ton of fish has increased much more steeply and many important marine resources are already yielding maximum catches or are even overfished. . . .

In 1949 . . . the only overfished stocks were those of a limited number of high-priced species, mainly in the north Atlantic and north Pacific, for example plaice in the North Sea, halibut and salmon in the northeast Pacific, and . . . some 30 stocks were then believed to be underfished. Of these stocks about half are now in need of proper management, including cod, redfish and herring in the north Atlantic, and at least some species of tuna in most of the oceans. . . .

The classical response of the fishing industry to overfishing in one stock has been to move to other usually more distant stocks, but it is clear that this process cannot continue much longer. . . . At the present rate of development few substantial unexploited stocks of fish accessible to today's types of gear will remain in another 20 years. The problem of international management is becoming increasingly urgent. . . .

Concluded the study:

A hundred years ago most people, including leading scientists, believed that the living resources of the sea were essentially inexhaustible—"There are more good fish in the sea than ever came out of it." This assumption, which was justified at the time it was made having regard to the fishing fleets then contemplated, has been invalidated by the subsequent intensive exploitation of many of the world's most valuable and vulnerable species. Convincing proof that this decline, and the decline in stocks of other valuable species, was due to fishing was provided by the severe restrictions on fishing during the two world wars. Immediately after each war the catches of individual trawlers were often several times the prewar averages. . . . Despite the vast expanse of the open ocean in relation to the areas at present exploited, the number of unexploited but practically exploitable stocks of fish is not believed to be large. Unless there is a technical breakthrough which would make the harvesting of new types of resources economically feasible . . . the present rate of expansion of world fish production cannot be maintained indefinitely, possibly for not more than 10 or 15 years.¹⁴

Breeding fish? The idea has been around for years but truly large scale application is not yet economic. Efforts are being made, as in the U.S.S.R., Europe, and Japan to cultivate fish yet even the largest program is small in comparison to world need.

Despite our hopes, fishing remains good only where nutrients exist. Just as a crop of corn requires nitrogen, phosphorus, and potassium, a crop of plankton—the basic food of fish—needs the same chemicals. Few waters have these nutrients in abundance. And when the fish are gone, as California and Norwegian fishermen have learned in the last 10 years, they are gone for good.

FARMING

Since man's invention of agriculture about 10,000 years ago, civilization has, in part, meant clearing the bush, and replacing wild plants with man's domesticated crops.

Land under simple agriculture is capable of supporting about 10 times as many people to the square mile as land under hunting. Today several countries still rely chiefly on the agricultural stage of farm-

ing. And even the most advanced countries still get part of their food by the methods of simple agriculture.

But the most intensive use of land is the last stage—industrial farming. One industrial farmer now feeds up to 45 people, but it may take half a dozen technicians in the background to help him do it. You do not need many people, just a relatively few skilled ones practicing industrial techniques.

An early example of industrial farming involved livestock feeding. Since it takes 7 pounds of feed to put on 1 pound of live beef, machinery was developed to grind up all the corn plant—leaves, cob, stalk and all—to become silage.

Thus, most modern food raising is a combination of the last two stages: industrial and agricultural. And, where used, it reaps larger harvests of fish, plants, and animals.

HOW MUCH FOOD DO WE NEED?

The question of how much food will be required in, say, 1979—10 years from now—is difficult to determine. This is due in no small measure to the imprecise data available even today, almost 10 years after the launching of FAO's "Freedom From Hunger Campaign." Nor are experts specific to any great degree about the statistical foundations for their alarm.

FOOD FOR MAN AND ANIMALS

Georg Borgstrom, in "The Hungry Planet," adopts a protein aggregate table as his approach to creating a supply-demand curve for world food needs. He includes food needs for livestock saying:

In order to fill the nutritional needs of (3.3 billion) people, and in order to produce their food, a livestock population is maintained which is equivalent to almost (15 billion) human beings. . . . In summary, our earth carries in total a feeding burden exceeding that of 18 billion human beings.¹⁵

Borgstrom adds:

In spite of mechanization, horses still amount to about 609 million (human protein consumption) population equivalents. Cattle . . . correspond to 8.4 billion, i.e., nearly three times the world population; thus they account for almost two-thirds of the total livestock biomass. The total protein consumption of the hogs in the world household is equivalent to 1.8 billion population equivalents and surpasses as such the total human biosphere of both the U.S.S.R. and the United States, taken separately. Sheep add up to 900 million.¹⁶

Borgstrom's is one of the few works on the subject of the world's food needs that is not confined to calculating man's total calorie requirements and the capability of the soil and sea to meet these demands. If one combines Borgstrom's data with the more specific calorie requirement projections of the UN, the conclusions may be checked against results of the 1970 world census; verification, or lack of it, with regard to both population growth and trade data on food imports and exports will thus be available within 2 to 3 years.

¹³ FAO Freedom From Hunger Campaign Basic Studies No. 19, "Fisheries in the Food Economy." Rome, 1968, pp. 33, 75.

¹⁴ FAO, *The State of World Fisheries*, Rome, 1968, pp. v. 1-10.

¹⁶ *Ibid.*, p. 17.

For the moment, however, an alternative approach might be to verify the failure of agriculture to produce food in pace with the expanding population of here and now.

YIELDS PER ACRE

The Paddocks wrote in "Famine 1975":

No only is agricultural production in the hungry nations falling on a per capita basis; in some it is falling on a per acre basis.¹⁷

Which is true. The Department of Agriculture's Agriculture Statistics Yearbook 1966 shows corn yields per acre in Colombia, Venezuela, and Ecuador were higher in 1955-59 than in 1961-63. In Brazil both wheat and corn per acre yields were higher in 1935-39 than in 1955-60. Guatemala had the greatest drop, with yields falling from 15.7 bushels to the acre in 1939 to less than 12 in 1962.

The Paddocks said:

Land has been put into production which simply lacks the qualities needed to maintain production.

The rising cost of food combined with the population pressures on the land have pushed farmers farther and farther up the hillsides and farther and farther out into the jungle. *They are now tilling land which should never have been farmed.* This land may be able to raise a few crops successfully, but then the yields fall off because its low quality will not permit sustained production.¹⁸

The OECD agrees:

In contrast to the last few decades when the amount of land under cultivation in the developing regions increased fairly rapidly (accounting for more than half of the increase in production in Latin America, the Near East and Africa and for more than 40 percent in the Far East), there will in future be little possibility for further increases in the area under cultivation, especially in the Far East. Thus the amount of agricultural land per capita will decline. It is likely that by the year 2000 each person in the farm population of the developed countries will have about twenty times as much land as the average person in the farm population of the developing countries. Compared with the Far East alone it would be 50 times as much.¹⁹

So does Lester Brown of the Department of Agriculture agree:

Until quite recently, most of the less-developed world was still expanding the area under cultivation to feed its rapidly-growing population. In recent years, however, country after country has furrowed the last of the "new" land readily cultivatable. During the Fourth Plan Period ending in 1971, India plans to expand the net area sown by less than 1 percent, though the nation's population is expected to increase by 14 percent. Clearly, most of its additional food needs must be met by raising productivity per acre. *Nearly all of Asia, the Middle East and North Africa share this land hunger.*²⁰

VANISHING FOOD LAND

We might add this problem is not unique to developing nations. In the United States, about 2 million acres of rural land are lost to nonagricultural development each year; that is, to houses, highways, and commerce. Once lost, such land is virtually impossible to regain.

Easily forgotten is the fact that good soil is a very rare and precious item on this earth. Even more rare: a mix of good soil and good rainfall. For this reason, slightly less than 8 percent of the land surface of our planet is cultivated.

The United States and Canada have 22.7 percent of all the world's cultivated land. Latin America, in contrast, with just as many people to feed, has only 6.5 percent. This is no one's fault. This is just a hard fact of geography.²¹

R. Dudal, in his "Dark Clay Soils of Tropical and Subtropical Regions," speaks of much of the land on earth when he describes:

Clay soils having marked tendencies to shrink and swell with changes in moisture content are widespread in many parts of the world, especially in tropical and subtropical regions. Owing to their high clay activity, these soils are difficult to cultivate, especially with simple implements, and as a result, large areas have remained unused or have not been used efficiently.²²

Nor will they be used efficiently without massive infusions of capital and technology; infusions difficult to obtain in most developing countries with their scarce resource.

THE CASE OF UGANDA

Uganda provides an interesting example in this respect. Described by a sociologist as, "potentially a land of milk and honey," possessing "rich soil for expansion and vast underground water supplies," Uganda was said to possess sufficient new lands to provide food for foreseeable population increases.

Why, then, these rather startling statistics on Uganda's retained food imports? (Net food imports minus re-exports, not including beverages and tobacco):²³

Year:	[Uganda pounds sterling]
1960	851,000
1961	949,000
1962	1,249,000
1963	1,101,000
1964	1,227,000
1965	1,846,000
1966	2,567,000
1967	2,259,000

Clearly Uganda is spending more scarce foreign currency on food—not fertilizer, or other inputs—every year and spending it at a sharply increasing rate.

A clue to the discrepancy between the sociologist's optimism and the gloomy food import statistics is found in a paragraph from Uganda's Second 5-Year Plan, 1966-71:

Hitherto increases in output have nearly always been achieved through an expansion in the acreages under cultivation. There is not yet an overall shortage of land in Uganda, *though in some of the most fertile areas a shortage of good land is beginning to appear* (emphasis added). However, with population growth at least 2.5 percent per an-

²¹ William and Paul Paddock, *Hungary Nations*, Boston, Little, Brown & Co., 1964, p. 22.

²² R. Dudal, *Dark Clay Soils of Tropical and Subtropical Regions*, FAO, Rome, 1965, p. 1.

²³ *Uganda Government 1966 Statistical Abstract*, Statistics Division, Ministry of Planning and Economic Development, Government Printer, Entebbe (GPUG 3181 1050-5-67).

num land shortage is likely to emerge in many areas of the country in coming years. Because of this, increases in output in the future must be sought from increasing yields as well as from increases in acreages.²⁴

The "rich soil" the sociologist found may exist, but "expansion" is difficult, for to irrigate a desert is costly—United States has spent \$6.9 billion to irrigate 10 million acres—and the manufacture and proper use of fertilizer is both costly and complex. The variety and extent of what a farmer must buy to make two blades of grass grow where one grew before is not fully appreciated.

INPUTS

In the United States, for instance, farmers in 1965 spent \$21.5 billion on inputs. Of this, \$9 billion was bought from other farmers in the form of livestock, feed, and so forth. The other \$12.5 billion was purchased input from off-farm sources such as fertilizers, lime, petroleum products, machinery, equipment, and spare parts, and so forth. For each of the 300 million acres American farmers cultivated, they spent \$42 annually on production requisites supplied by the nonfarm sector.

This \$42 per acre is for already productive land and includes no cost for clearing, leveling, draining, and irrigating required to transform deserts. Compare this input with Uganda's per capita income, which is \$93 a year.

GRAIN OUTPUT

Another method of verification is that of Lester R. Brown in his "Man, Land and Food," considering grain production as representative of total agricultural production. The direct consumption of grains provides 53 percent of man's calorie supply, and indirect consumption, in the form of meat, milk, eggs, and other livestock products, accounts for a large part of the remaining calorie intake.

The per capita availability of grain—

Says Brown—

largely determines the quality of diet. If availabilities are low, virtually all grains must be consumed directly to satisfy man's minimal energy requirements. But if they are high, a substantial portion may be fed to livestock and converted into meat, milk and eggs (recall Borgstrom's 18 billion human equivalents) so essential to a nutritionally adequate diet.

The per capita availability of grain, then, is a useful indicator of the nutritional quality of diets. It is also a very useful analytical tool for it is now possible to make valid comparisons between regions and, perhaps more importantly, within any given region over a long period of time.²⁵

Brown adds:

Relatively reliable data are available for area in grain for every country of significant size. Area planted to grain is conceptually much more uniform and therefore much more useful in examining long-term trends.

Using this simplified food-output indicator with world grain output viewed in terms of the two dominant economic regions—developed and less developed—

²⁴ *Work for Progress: Uganda's Second Five Year Plan, 1966-1971*, Government Printer, Entebbe, Uganda.

²⁵ *Brown, Man, Land & Food*, op. cit., p. 48.

¹⁷ Paddocks, op. cit., p. 45.

¹⁸ *Ibid.*, p. 46.

¹⁹ The OECD Observer, December 1967, p. 5.

²⁰ The Congressional Record, January 17, 1967, Lester R. Brown, "The Stork Outruns the Plow."

the trends in aggregate output are actually quite similar.

Output in the developed regions increased 51 percent from the average of the years 1934-38 to the actual crop year 1960-61, while that in the less developed regions was only somewhat less at 42 percent. Aggregate output in the developed regions amounted to 334 million metric tons in 1934-38, compared with 317 million tons in the less developed regions. By 1960-61, the margin had increased slightly as output reached 506 and 450 million tons respectively in the two regions.

Two points may be made about the aggregate comparisons just cited. First, food production increases in areas of high population growth must exceed, not merely attempt to keep up with, increases in areas of more stable population levels and, second, even this apparently "matching" rate of increase in food production is illusory.

The reason is this: Fairly accurate projections of population growth were available by the late 1950's, and assumptions could be made concerning expected rates of increase in per capita income, the other principal factor influencing demand for food. Thus demand projections were reasonably simple and straightforward. But on the supply side, much less was available in the way of projections, and much less was known about supply projection techniques.

Reports the USDA's "Increasing World Food Output":

Lacking anything better many projections of output were made simply by extrapolating the food output trends existing from the late 1940's to the late 1950's or alternatively from the early 1950's to the late 1950's or early 1960's. Overlooked was the fact that increases during this period often consisted in large part of recovery from the destruction and disruption of World War II.

Near the end of the 1950's per capita output levels in the less-developed regions began to approach the levels existing before the war. But the gains made during the 1950's were in a sense illusory. Once recovery was complete, the rate of gain began to slow down—making the supply projections unduly optimistic. And in some cases this unwarranted optimism contributed to a shift of emphasis from agriculture to industry. Only now are the effects of this shift becoming evident as many less-developed countries are plagued with growing shortages of food.²⁶

THE POSITION TODAY

To summarize, 30 years ago the less-developed regions of Asia, Africa, and Latin America were all grain exporters. Collectively, they sent some 11 million tons of grain yearly to the developed regions. During the war decade of the 1940's, this flow was reversed and the less-developed world became a net importer of grain, losing a valuable source of foreign exchange earnings.

Net imports of grain reached 4 million tons in 1950, and 13 million tons by 1959. As population growth in the developing countries accelerated further during the 1960's, this net inflow in-

creased sharply, reaching an estimated 31 million tons in 1966.

ARE THEY?

On February 18, 1969, the Outlook and Situation Board of the USDA reported on the year 1968 as follows:

Both agricultural production and total population increased 2 to 3 percent from 1967 to 1968, leaving output per person in the world practically unchanged. Production per capita in the less developed regions was the same as in 1967 and not significantly different from the level prevailing from 1958 to 1965. In the developed regions, on the other hand, agricultural production per person reached a new high, continuing the rising trend of the past decade.

TOMORROW

Conventional wisdom is a powerful factor in directing governments and peoples. It has now become a part of the conventional wisdom of "the West" that agriculture plays a central role in the development of the Third World, but that it is the most difficult sector of the economy to develop.

Agrarian backwardness—

Writes Dumont—

always inhibits and sometimes prevents entirely any possibility of rapid economic expansion. . . . Progress in agriculture should not be considered as a preliminary to industrialization, but an indispensable corollary.²⁷

Or, from W. Arthur Lewis:

The crux of the (economic progress) problem is usually a backward system of agriculture.²⁸

Or, from Gerald M. Meier:

Experience . . . has shown the limitations of an overemphasis on industrialization, and it is increasingly recognized that agricultural progress is a strategic element in the development process.²⁹

Or, from Christoph Beringer in the February 1968 OECD Observer:

It is now much more fully understood that the agricultural sector has a crucial role to play in the process of economic development.

Concern for agriculture, for that matter, passes beyond the borders of development economics into sociology. Witness Lucy Mair's concern:

To persons responsible for the policies of governments the most distressing aspect of this situation is that agricultural resources are either not being developed or—more often—are being ruined by inefficient farming. Agricultural Departments train demonstrators to teach farming methods which would at least preserve the soil from the complete loss of its fertility and possibly make it more productive. But at any given time most of the energetic and intelligent potential farmers to whom their teaching should be addressed are away pursuing other avocations, and hardly anyone belonging to this section of the population expects to spend more time as a farmer than as a wage-earner.³⁰

²⁷ Rene Dumont, *False Start in Africa*, Andre Deutsch, London, 1966, p. 31.

²⁸ W. Arthur Lewis, *The Principles of Economic Planning*, George Allen & Unwin Ltd. London, 1952, pp. 122-3.

²⁹ Gerald M. Meier, *Leading Issues in Development Economics*, Oxford University Press, 1964, p. 285.

³⁰ Lucy Mair, *New Nations*, Weidenfeld and Nicolson, London, 1963, p. 38.

Development economist H. Myint says:

Industrialization is popularly regarded as synonymous with economic development by the people of the developing countries. They feel that agriculture is an inherently less productive occupation than manufacturing industry, and that the present economic structure of their countries, characterized by a large proportion of the total working force in primary production, is somehow lop-sided and unbalanced and should be cured by an all-out drive for manufacturing industry.³¹

Yet Celso Furtado is able, in *Development and Underdevelopment*, University of California, 1968, to put together 171 pages of economic analysis with only the slightest nod of his head to the role of agriculture in economic growth.³²

And Richard T. Gill, on the same wrong path, adds:

An underdeveloped country has only limited resources to give to investment and growth . . . it must choose those areas which promise the greatest development . . . Clearly not agriculture, but industry. Indeed, modern growth and industrialization are really synonymous phenomena.³³

No, the "conventional wisdom" has yet to agree on agriculture's role in development, and the other quick, facile statements on the future of food production are equally wide of the mark.

FERTILIZERS—A SCARCE CURE-ALL

Current hopes for vastly increased use of fertilizers, for instance, seem to overlook the finite quantities of raw materials available to us.

Owing to the increasing urgency of fertilizer production in the various countries of the region—

Says the U.N.'s Economic Commission for Asia and the Far East—

at a time when currently exploited mineral raw materials deposits for fertilizer production are nearing exhaustion and shortages are beginning to be experienced in practically every stage of raw material production, a time is fast approaching when utilization of low grade ores will have to be considered.³⁴

And since the developing regions today produce just under half of the very small quantity—in comparison with developed countries—of commercial chemical fertilizers they consume, the rest must be imported.³⁵ Thus the skepticism of the Paddocks' is understandable:

Now, suddenly, fertilizer is the fashion. It is a short-term, mechanical process that fits in with the traditional development philosophy of crisis, impact projects. Build

³¹ H. Myint, *The Economics of the Developing Countries*, Hutchinson University Library, London, 1967, p. 129.

³² Celso Furtado, *Development and Underdevelopment; A Structural View of the Problems of Developed & Underdeveloped Countries*, Berkeley, University of California Press, 1967.

³³ Quoted in Y. S. Brenner, *Theories of Economic Development and Growth* (from Gill's *Economic Development Past and Present*, 1963), London, George Allen & Unwin Ltd., 1966, p. 274.

³⁴ *Mineral Raw Material Resources for the Fertilizer Industry in Asia and the Far East*, U.N. Economic Commission for Asia and the Far East, Mineral Resources Development Series No. 28, Hong Kong/New York, 1967, p. 73.

³⁵ FAO, *Agriculture and Industrialization*, Basic Study No. 17, Rome, 1967, p. 106.

²⁶ *Increasing World Food Output, Problems and Prospects*, Foreign Agricultural Economic Agricultural Economic Report No. 25, U.S. Department of Agriculture, Economic Research Service, Foreign Regional Analysis Division, April 1965.

fertilizer plants everywhere. Ship more and more fertilizer everywhere. . . .

Recently I examined some fertilizer trials on the grasslands in the state of Amapa, north of the mouth of the Amazon. The resulting growth was striking and I was impressed. I asked the young agronomist there, "Where did you get your fertilizer?"

"Some of it was shipped in directly from Europe, but we received our lime from Sao Paulo." That is over 2,500 miles away. How will it ever be possible to raise a crop that can pay for such transportation costs?

One more hardship for the undeveloped world is that phosphate and potassium-bearing strata as well as limestone are scarce in the tropics. A fertilizer plant can manufacture nitrogen from the air, but the other mineral components must be dug from the ground and, if not found locally, often must be shipped in from extraordinary distances. Transportation cost is important because fertilizers usually are applied in the form of salts and large quantities are required per acre.³⁶

The OECD report:

By 1980 something of the order of \$5 billion a year will be needed by the developing countries in foreign exchange for fertilizers alone to prevent the food gap from widening.

This figure, which is based on several very specific assumptions (1), represents around half of the total financial resources currently flowing from OECD Member countries and multilateral agencies to the less-developed world. It could amount to 8 to 10 percent of the export earnings of the developing countries even if the latter continued to grow, as they have in recent years, at a rate of 5 percent a year. Thus the problem of providing fertilizers for development is one that will assume major dimensions in the next decade.³⁷

Brown puts it rather more simply:

If fertilizer application rates in India, for example, were to reach those of Japan, India's requirements would far exceed present total world output.³⁸

FOREIGN AID

Little and Clifford say:

Within the category of capital-project financing, the very small proportion devoted to agriculture, forestry, and fishing, is worth noting. It is mere 11-12 percent of the total, despite the fact that agriculture accounts directly for somewhere around half the output of the underdeveloped world.³⁹

The question of reconciling this statistic with the heavy publicity given to present and future food requirements cannot be dealt with here. I can only note, again, the questionable validity of the assertion that agriculture's role is now part of "the conventional wisdom."

Further, the effectiveness of agriculture-oriented aid is subject to question. Much of the small quantity of foreign aid directed to increasing food production, continue Little and Clifford,

has been for irrigation, which is itself more of an economic overhead than a directly productive investment. It is unfortunately notorious that much of the capital for irrigation has been wasted, and has had little effect on output. Either land-tenure has been un-

suitable for irrigated farming, or the farmers have been unwilling to change, or have received insufficient help to enable them to make the radical changes in methods which are required. Sometimes too, canals have leaked, or there was inadequate drainage, with resultant loss of land through salinity.

NONPRODUCTIVE FOREIGN AID

Considering the dimensions of need, therefore, it is somewhat discomfiting to read:

The aid given to India would be the more effective if a high proportion of it were not going to military expenditure and expropriation indemnities—such as the million dollars annually paid to the Nizam of Hyderabad.⁴⁰

Nor is India unique. Brazil, Peru, Chile, and Argentina have all used scarce currency to buy new war planes from abroad.

The fact that neither Brazil, Peru, Argentina, or Chile has fought a war in modern memory, or been threatened with invasion, or the knowledge that the region is spending resources desperately needed for economic and social progress, clearly is not decisive. Jose Nun writes Chile spends 18 percent of its budget on the military, Peru 18 percent, Haiti 23 percent, Dominican Republic 26 percent, compared to more advanced Latin American governments; Uruguay 1 percent, Mexico 1 percent, Costa Rica 1 percent.⁴¹

NEW AID FOR OLD DEBTS

Nor is this the only problem. It was estimated in 1968 that two-thirds of official aid that developing countries got was being used to repay debts, including payments due to colonial civil servants who retired following transfer of power. Compensation paid to individuals and companies who had claims to money, property, or land—like British farmers in Kenya—were also part of the aid program. The pragmatic British take comfort in the fact that for every 100 pounds England spends on aid, 130 pounds will be returned to England in goods or services.⁴²

And what is the temper of the world's largest aid giver? Action in the U.S. Senate on Foreign Assistance authorization requests for the last 4 fiscal years is indicative. Presidents have requested total authorizations during that period of \$13.066 billion. The Senate has authorized instead a total of \$9.874 billion.

The bills have been supported in large part because of these reductions, or opposed because the reductions weren't deep enough. "Reduction" has become the key word, perhaps reflecting American uneasiness, skepticism as to the effect of our aid, and great concern for domestic needs.

And how does this look from abroad? Costa Rica's ex-president, Don Jose Figueres, said:

The United States is steadily moving further away from the underdeveloped world

economically and psychologically. It is becoming more and more difficult for the United States as a nation to communicate with the rest of the world.⁴³

Each view has a part of the answer, for 30 million Americans do indeed live on poverty-level incomes—\$3,000 a year or less for a family. The aged, the non-white and the small farmworker are particularly hard hit.

In some Negro ghettos—

Reported Time, November 10, 1967—

28 percent are unemployed—a higher rate than the U.S. as a whole experienced in the depths of the Depression. In addition, problems of air and water pollution, classroom shortages, inadequate mass transportation and urban decay plague the nation.

Tomorrow's food production and the aid so vital to its increase are today no more than a question mark. Are the land and water resources of the United States, as President Nixon asks, and indeed of the world, if properly used, capable of providing an adequate level of nutrition to the population which is already foreseeable?

A fairly realistic answer is Walter H. Pawley's, located at the very end of his study, "Possibilities of Increasing World Food Production":

In the Near East, an increase in production in excess of threefold would push utilization of resources much closer to the limits set by present technical knowledge than would be the case in either Latin America or Africa. Quite apart from the political, administrative and institutional problems involved, it is an area in which there may be cause for some disquiet from the point of view of the natural resources. Water is strictly the limiting factor, and the two main river systems, the Nile and the Tigris-Euphrates, are already fairly fully drawn upon.

Of course, all this might be changed by the desalinization of sea water at costs which would be economic for irrigation, though transportation costs to areas far removed from the coast could still remain a problem.

The need for a more than fourfold increase in food production in the Far East definitely raises the question of the adequacy of the basic physical resources. In a study of the Lower Ganges-Brahmaputra basin, a careful examination of resource potentialities led to the tentative conclusion the production could be increased about fourfold in this area. . . . There is reason to believe, then, that in the Far East the balance between future food needs and known potentialities for production may well prove to be delicate. . . . In Latin America and Africa, the physical resources are unquestionably ample, without approaching their full utilization, to meet the estimated increases required.⁴⁴

So much for finite limits: Tight in Asia, but sufficient for the foreseeable future in the rest of the world.

American farmers can, as they have for nearly three decades in war and peace, help. There is danger, however, in overreacting.

America's farmers are still suffering from overreaction during the crisis of 3 years ago when the administration upped our production on a one-shot

³⁶ Paddock & Paddock, *Famine*, 1975, op. cit., p. 80.

³⁷ The OECD Observer, No. 28, June 1967, p. 13.

³⁸ Lester R. Brown, *Man, Land and Food*, sp. cit., p. 106.

³⁹ I. M. D. Little and J. M. Clifford, *International Aid*, George Allen and Unwin Ltd., London, 1965, p. 71.

⁴⁰ Rene Dumont, *Lands Alive*, Merlin Press Limited, London, 1965, p. 238.

⁴¹ Jose Nun, "The Middle-Class Military Coup" in *The Politics of Conformity in Latin America*, edited by Claudio Véliz, Oxford University Press, London, 1967.

⁴² Daily Express (London, England), February 21, 1968.

⁴³ *Latin America: Today's Challenge*, Association for International Development, New Jersey, 1967, p. 3.

⁴⁴ Walter H. Pawley, *Possibilities of Increasing World Food Production*, FAO, Rome, 1963, p. 222.

basis. The price of wheat has still not recouped.

The ultimate answer, obviously, does not rest solely or even in large part with American farmers but within the developing lands themselves.

When the final hectare of land in India or Pakistan is planted in Mexican wheat seed and Philippine rice seed, the grain supply limit will have been reached. Meanwhile, population increases continue merrily on their way. Abated, perhaps, but continuing nevertheless.

Whether aid from OECD will continue to decline, whether aid from America will increase to its former levels, whether birth control programs cannot only halt but reverse present population trends, all depend on people.

Perhaps the most encouraging sign is that the problem of food and population is recognized today at the Presidential level.

President Nixon has proposed the creation by Congress of a Commission on Population Growth and the American Future. Meeting world food needs, is, admittedly, but one facet of the grim equation.

Yet, without it there is—literally—no answer.

S. 2679—INTRODUCTION OF A BILL DESIGNATING JULY 20 OF EACH YEAR AS "MANNED LUNAR LANDING DAY"

Mr. BYRD of West Virginia. Mr. President, the world at this moment is witnessing the final stages of perhaps the greatest, most daring adventure in the history of man.

Three American astronauts are blazing a trail of glory back to earth. They are completing the final phase of not only a singular space exploration, but also the final phase of a national commitment. Eight years ago, this country under the late President John F. Kennedy, pledged itself to land a man on the moon and return him safely to earth by 1970. We are in the process today of keeping that commitment.

In order that we may write a fitting postscript to this monumental space voyage and to the commitment of 8 years ago, I am today introducing a bill to designate July 20 as a national holiday to be called "Manned Lunar Landing Day."

President Nixon proclaimed a National Day of Participation in connection with the Apollo 11 flight, and, as the flight nears its finish, I feel that Congress should take action to officially commemorate the event annually.

There is no doubt that July 20 will be written in every forthcoming history book. There is also no doubt that the date of the lunar landing will take its place alongside other great moments in history and other brave adventures long past but forever honored by commemorative national holidays.

The moon landing truly merits enshrinement in American memory as the most epical, most meaningful, and most

spectacular achievement in the history of scientific and technological evolution.

Its anniversary deserves a special and lasting recognition as a national holiday which would be a deserved tribute to the ability of the American people to meet and conquer extraordinary challenges with skillful planning, courage, tenaciousness, and, ultimately, with flawless performance.

The marking of this monumental occurrence should serve as an annual point for a renewal of faith and purpose in greater personal and national goals.

Let us mark this milestone in the glorious history of our country for remembrance and for inspiration to yet greater deeds.

Mr. President, I think it fitting to recall the lines written by one of my favorite poets, Edwin Markham:

Man comes, a pilgrim of the universe,
Out of the mystery that was before the world,
Out of the wonder of old stars.
Far roads have touched his feet;
Forgotten wells have glassed his beauty,
bending down to drink.
At altar fires, anterior to earth, his soul was lighted
And it will burn on after the suns have wasted on the void.
His feet have felt the pressure of old worlds
And are to tread on others yet unknown.
Worlds sleeping yet in some new dream of God.

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

The bill (S. 2679) designating July 20 of each year as a legal public holiday to be known as "Manned Lunar Landing Day," introduced by Mr. BYRD of West Virginia, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I gather that the Senator was speaking about the tremendous lift and excitement of our country and of the world with respect to Messrs. Armstrong, Aldrin, and Collins and their tremendous achievement.

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. The Senator has recited a poem. I think that is about the only way to describe it.

I should like to join, without seeming officious, in the exultation of all mankind at this breakthrough and the prayer that it will bring all men to their senses for an era of real peace in which all this can be enjoyed for ourselves and our children. I think that would probably be the greatest memorial we could make to these unbelievably exciting and wonderful men.

Mr. BYRD of West Virginia. I thank the able Senator.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5

o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 23, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 22, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Taylor G. Belcher, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

Walter L. Rice, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

FEDERAL HOME LOAN BANK BOARD

Thomas Hal Clarke, of Georgia, to be a Member of the Federal Home Loan Bank Board for the term expiring June 30, 1973, vice Michael Greenebaum, term expired.

U.S. TARIFF COMMISSION

George M. Moore, of Maryland, to be a Member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1973, vice Stanley D. Metzger, resigned.

U.S. DISTRICT JUDGE

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama, vice Harlan H. Grooms, retired.

George H. Barlow of New Jersey to be U.S. district judge for the district of New Jersey, vice Arthur S. Lane, resigned.

Leonard I. Garth, of New Jersey, to be U.S. district judge for the district of New Jersey, vice Thomas M. Madden, retired.

U.S. ATTORNEY

Peter Mills, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years, vice Lloyd P. LaFountain.

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years, vice Patrick J. Foley, resigned.

David A. Brock, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years, vice Louis M. Janelle.

U.S. MARSHAL

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine for the term of 4 years, vice Adam J. Walsh.

Leonard E. Alderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin for the term of 4 years, vice Keith C. Hardie.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Robert P. Keller	Charles F. Widdecke
Alan J. Armstrong	Louis H. Wilson, Jr.
George C. Axtell	John N. McLaughlin
Foster C. La Hue	Robert R. Fairburn

CONFIRMATIONS

Executive nominations confirmed by the Senate July 22, 1969:

DEPARTMENT OF JUSTICE

Joseph O. Rogers, Jr., of South Carolina, to be U.S. attorney for the district of South Carolina for the term of 4 years.

William L. Martin, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia for the term of 4 years.

AMBASSADORS

Eileen R. Donovan, of Massachusetts, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados.

Henry A. Byroade, of Indiana, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

J. Raymond Ylitalo, of South Dakota, a

Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Leonard C. Meeker, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

Joseph A. Greenwald, of Illinois, a Foreign Service officer of class 1, to be the representative of the United States of America to the Organization for Economic Cooperation and Development.

HOUSE OF REPRESENTATIVES—Tuesday, July 22, 1969

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Because Thou art my God, Thy gentle spirit shall lead me into the way of life.— Psalm 143: 10.

Almighty God, may this day be radiant with the reality of Thy presence as we address ourselves to the tasks before us. Bless Thou our President, our Speaker, all Members of Congress, and all who work with them that they may set themselves to meet the challenges of this hour with confidence and courage.

We do not pray to escape responsibilities, but to be made equal to them; not for removal of tasks, but to be made ready for them; not for burdens to be lifted from our hands, but to be lightened by the strength of Thy spirit.

We pray for our country. May this beloved land of ours be the channel through which the blessings of freedom may come to the oppressed, light may shine upon those who sit in darkness, strength may come to the weak, weights be lifted from the weary, and the joy of liberty dwell in every heart.

In the Master'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 a bill and a concurrent resolution of the House of the following titles:

H.R. 2785. An act to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smoky Mountains National Park and certain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes.

H. Con. Res. 300. Concurrent resolution extending the congratulations of the Congress of the United States to organized baseball upon the occasion of its centennial year.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1072) entitled "An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. RANDOLPH, Mr. MUSKIE, Mr. SPONG, Mr. BAKER, Mr. COOPER, and Mr. PACKWOOD to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

JULY 14, 1969.

HON. JOHN W. McCORMACK,
Speaker of the House,
The Capitol,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959 and the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, the House Committee on Public Works approved a resolution amending the project previously approved by our Committee on April 14, 1964, for the renovation of a Post Office and Courthouse in Butte, Montana on June 24, 1969, and a prospectus for the proposed lease of a building for the Internal Revenue Service Automatic Data Processing Center in the metropolitan area, Philadelphia, Pennsylvania on June 26, 1969.

A copy of the resolution for the Butte, Montana project is attached hereto.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

Resolved by the Committee on Public Works of the House of Representatives, United States, That the prospectus approved April 14, 1964, for the alteration of the Post Office and Courthouse at Butte, Montana, is amended to increase the total estimated maximum cost from \$707,000 to \$850,000.

Adopted June 24, 1969.

Attest:

GEORGE H. FALLON.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, yesterday afternoon, I was unavoidably absent from the floor of the House attending to some constituent business, and was not present when the House considered H.R. 11651, a bill amending the national school lunch program. I have been a staunch supporter of the school lunch program, Mr. Speaker, and will continue to be one in the future. Had it been possible for me to be on the floor when the final vote was taken, I would have joined my 352 colleagues in voting for the passage of the bill.

REQUEST FOR PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during general debate today.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

Mr. MOSS. Mr. Speaker, I object.

PERMISSION FOR SELECT COMMITTEE ON SMALL BUSINESS TO SIT DURING GENERAL DEBATE TODAY AND TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Select Committee on Small Business may be permitted to sit during general debate on today, July 22, and tomorrow, July 23.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 114]

Ashley	Gray	Miller, Calif.
Boggs	Gubser	Morse
Carey	Halpern	O'Konski
Celler	Harsha	O'Neill, Mass.
Chisholm	Hawkins	Powell
Clark	Hébert	Purcell
Cramer	Howard	Rooney, N.Y.
Culver	Kee	Rosenthal
Davis, Ga.	Kirwan	Scheuer
Diggs	Leggett	Stratton
Dwyer	Lipscomb	Teague, Calif.
Esch	McDonald,	Tunney
Gallagher	Mich.	
Giulmo	McEwen	

The SPEAKER. On this rollcall 393 members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970, UNTIL MIDNIGHT THURSDAY, JULY 24, 1969

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Thursday, July 24, to file a privileged report on the appropriation bill for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970.