Carmen Marcano-Soltero; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 13418. A bill for the relief of Louis Cohen; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 13419. A bill for the relief of Robert C. Olsen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

207. By the SPEAKER: Petition of Allan Feinblum, New York, N.Y., relative to nationalization of war industries; to the Committee on Foreign Affairs.

208. Also, petition of the Board of Supervisors, Westchester County, N.Y., relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Thursday, August 7, 1969*

(Legislative day of Tuesday, August 5, 1969)

The Senate met at 10:30 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

Rabbi Chaim U. Lipschitz, D.D., managing editor, the Jewish Press, Brooklyn, N.Y., offered the following prayer:

Our G-d and the G-d of our fathers, be Thou with the mouths of the deputies of this worthy Senate of the United States of America who stand in Thy presence.

Teach them what they shall say. Instruct them what they shall speak. Grant their petitions and cause them to know how to glorify Thee. May they walk in the light of Thy countenance. May they bend their knees unto Thee, and with their mouths bless Thy people. Bless them altogether with the blessings of Thy mouth. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, August 6, 1969, be approved.

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

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 VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

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

The Senate resumed the consideration of the bill.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, during the consideration of the pending question, which I believe to be my amendment, the privilege of the floor may be granted to my administrative assistant, Larry K. Smith, and to my legislative assistant, Alan Novins.

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

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Chair recognizes the Senator from Indiana for a period of 30 minutes.

SENATE JOINT RESOLUTION 145—APOLLO SUCCESS ILLUMINATES EARTHY FAILURES—INTRODUCTION OF A JOINT RESOLUTION

Mr. HARTKE. Mr. President, the successful flight of Apollo 11 ranks among the greatest technological achievements of all time. We are grateful to Almighty God that the astronauts have returned safely to us. The spirit of their dazzling adventure has touched all of us, reviving our own spirit, and restoring our own capacity for adventure. Adding to our sense of amazement and wonder is the almost equally spectacular achievement of our Mars probe—Mariner 6—with its closer-than-ever television pictures of that legendary planet.

In the exhilaration of this moment, Mr. President, it is instructive to remember that the Apollo project has not always been a cause for cheer and acclaim. Eight years have passed since a trip to the Moon in this decade became our national goal. We must never forget that those 8 years are marked with failure and tragedy as well as with success and reward. When President John F. Kennedy made the Apollo program a national priority in April 1961, few were prepared to look beyond the remote promise of his words—few were prepared to test themselves against the task at hand.

But vigorous leadership in Government helped to convince the American people that the goal could and should be met. The organization of NASA, the development of new, more powerful rocket boosters, the training of men and building of machines, the development of sophisticated computers, the millions of man-hours, the three lives lost, and the billions of dollars spent—none of this would have been possible without a profound sense of national dedication. Only the tireless efforts of business, labor, education, science, and technology could have made a trip to the moon possible. And only leadership in Government—provided by three successive administrations with the support and encouragement of the Congress—could have guided and coordinated these efforts with the efficiency needed to reach our goal on schedule.

But the Moon shot is behind us, and our euphoria has already been interrupted by the urgent need to establish a new set of national goals. In our thoughts about the future, however, we will do well to learn from the success of our space program—that program was a success because the goal had been set with care. Some goals are better than others, and we must make our choice with strict standards in mind.

The best kind of national goal is something like a valuable prize dangling in front of us from the end of a stick. If the stick is too short, we will not have to move forward to reach the prize, and we will make no progress. If the stick is too long, we will not be able to see the prize, and we will make no effort to reach it. Only when the stick is just the right length will we move forward. Psychologists have an expression for the proper length of the stick—they call it "optimal stress." If the goals we set for ourselves place an optimal stress on our capabilities, we will make progress as a nation at the fastest rate possible. In 1961, the Moon was far enough away to inspire our imagination, but close enough to keep our spirit alive.

In addition to being just the right length, of course, the stick has to point us in the proper direction. Some national goals inspire dedication for the wrong purposes. The pyramids of Egypt, the Colosseum in Rome, the palace at Versailles—all mark the ruin of great nations which wasted vast resources on vanity and self-indulgence.

I do not believe that the space program represents such a waste. Contrary to what some appear to believe, the resources expended in the Apollo program could not have been simply transferred to other worthy endeavors. Like any goal that points us in the right direction, the Apollo program generated its own resources—the inspiration and the dedication that grew out of the Apollo program were not "taken" from any other project; they were unique to the goal they served so well.

But this is not to say that other goals cannot inspire similar dedication. Just as space exploration held a deserved priority in the 1960's, so should human

needs on Earth be given special attention in the 1970's.

This need on Earth has been dramatized by our exploits in space. While the astronauts walked on the Moon, men on Earth felt unsafe walking on city streets. While the astronauts took special precautions to protect themselves in the vacuum of space, men on Earth sought better protection from a dangerously polluted atmosphere. While the astronauts looked for signs of water on the Moon, men on Earth were discovering that their own clean water supply was jeopardized by contamination and careless disposal of industrial waste. As millions of dollars were being spent to develop and supply the astronauts with a perfect "space diet," men on Earth continued to suffer needlessly from malnutrition.

Clearly, the time has come to turn our attention to these human needs in some systematic fashion.

In his column of July 18, 1969, the distinguished journalist, James Reston, observed:

> The American mind and the American political system seem to need great challenges and clear goals to work at their best.

Mr. Reston went on to suggest that an attempt to achieve "certain definite social and economic objectives" by the year 1976—the bicentennial of the Declaration of Independence—could provide just the kind of challenge that moves us as a people to our noblest and most creative efforts.

Reston did not try to elaborate the details of those objectives, but I think that any of us here could compose a list that would win general approval throughout the Nation. Taken together, it would depict an America in which at least these things would be possible:

Every man, woman, and child would have an adequate diet, decent housing, and essential health care;

Every young person would receive all the education and job training he can usefully absorb;

All of us could walk the streets of our cities, day or night, without fear;

The appalling pollution of our air and waters would be eliminated;

Economically gainful, socially useful employment would be available to all who want to work;

Dependable, high-speed public transportation would move people to their jobs and then home again in comfort and safety;

The ugly stain of racism would be well on its way to the status of an uncomfortable memory;

Our older citizens would be able to retire with the dignity and security to which they are entitled.

Our youth would once again see in America "the last, best hope of mankind," and see themselves as participants in their Nation's dreams, not commentators on a nation's failures.

Mr. President, this is one list of objectives we might set for ourselves to achieve within the next 7 years. It is neither definitive nor exhaustive. Others may wish to add to it or to arrange its items in some order or priority. But its most important features are obvious to all: it deals with human needs, it is specific, and it is attainable. In other words, the stick is just the right length, and it points us in the right direction.

Five years ago—perhaps even 5 months ago—such an ambitious program may have seemed visionary. But the flight of Apollo 11 has transformed us into a nation of visionaries—hard-headed, practical visionaries of the kind our Founding Fathers must surely have been, when, to quote James Reston again,

> The whole idea of America was to create a society nobody had ever created before.

The flight of Apollo 11 has shown us that the gift of vision is not simply appropriate in setting and meeting national goals—it is absolutely necessary. We have been shown how men can transform vision into reality through a combination of resources uniquely abundant in this uniquely blessed land—technology, wealth, and skilled labor.

Add to these the less tangible, but equally necessary, resources of imagination and will and you have the sum total of the ingredients needed to accomplish the objectives I have outlined here today.

Surely no one doubts that we have the imagination. But imagination by itself is not enough. Shall our children be forced to stand before the bar of history and confess that we, their forebears, lacked the will—only the will—to transform the dreams of 1776 into the reality of 1976?

Rhetoric can set goals, but only concentrated, purposeful action can achieve them. The rhetoric of President John F. Kennedy set the goal of landing men on the moon and bringing them home safely by 1970. The concentrated, purposeful action of tens of thousands of Americans—scientists, engineers, businessmen and workingmen, the incomparably gallant astronauts themselves, and, yes, even Members of Congress and of the Executive—the actions of these tens of thousands of men and women made that extraordinary conquest of space a reality.

Mr. President, I should like now to urge the Congress to undertake one essential first step toward fulfilling the dreams of 1776 within the next 7 years. I introduce today a Senate joint resolution establishing a joint committee of the Congress to define specific national goals and to recommend means to implement them by not later than 1976. The Joint Committee on National Goals, as I suggest it be called, would be composed of 10 Members from the Senate and 10 from the House, appointed by the Presiding Officers of the two Chambers. It would be directed to prepare an interim report for submission to Congress not later than March 1, 1970, and to have its final report ready for preparation to the 92d Congress not later than January 15, 1971. That final report would include a statement of realistic, attainable national goals and recommendations as to the legislative and administrative means for achieving them by 1976.

The problems that American society faces are immense, but they can be solved. That is the greatest lesson we can learn from the saga of Apollo 11. Not only can we solve difficult problems; we can do so in a limited period of time. It is appropriate that future national goals be set by the guiding, beckoning star of our Nation's 200th birthday.

I say again, Mr. President, we possess every material and intellectual resource we need to set and to achieve our national goals. Absent only is a clear and realistic definition of those goals, and the will to dedicate ourselves to their realization.

Let us here, today, in the Congress of the United States, show that we do indeed have the determination and the will to rededicate ourselves, through action, to the ancient, eternally youthful promise of America.

I ask unanimous consent, Mr. President, that the text of the joint resolution be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The joint resolution will be received and appropriately referred, and, without objection, the joint resolution will be printed in the RECORD in accordance with the Senator's request.

The joint resolution (S.J. Res. 145) to establish a joint congressional committee to define national goals and to recommend means to implement such goals not later than the bicentennial of the United States in 1976, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 145

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of the approaching bicentennial of the founding of this Nation and the challenge to translate the vision of our founding fathers into specific national goals to be achieved by 1976, there is established a joint congressional committee to be known as the Joint Committee on National Goals (hereafter referred to as the "Committee"). The Commmittee shall be composed of ten Members of the Senate appointed by the President of the Senate, six of whom shall be members of the majority party and four of whom shall be members of the minority party, and ten Members of the House of Representatives appointed by the Speaker of the House of Representatives, six of whom shall be members of the majority party and four of whom shall be members of the minority party. No chairman of a joint, standing, special, or select committee of either House, or ranking minority member of any such committee, may serve on the Committee established by this joint resolution.

(b) The Committee shall select a chairman and vice chairman from among its members.

SEC. 2 (a) It shall be the duty of the Committee to make a complete study and determination of specific national goals for the United States and the means to achieve such goals by 1976.

(b) The Committee shall make an interim report to the Senate and House of Representatives not later than March 1, 1970.

(c) Not later than January 15, 1971, the Committee shall make its final report to the Senate and House of Representatives. The report shall include a statement of national goals and such recommendations, including proposed legislation and adminis-

trative measures, as the Committee considers appropriate in order to achieve such goals by 1976.

(d) The Committee shall cease to exist February 15, 1971.

SEC. 3. (a) In carrying out its duties under this joint resolution, the Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act within or outside the United States at such times and places; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems advisable. The Committee may make such rules respecting its organization and procedure as it deems necessary.

(b) Subpenas may be issued over the signature of the chairman of the Committee or by any member designated by him or the Committee, and may be served by such person as may be designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

SEC. 4. (a) The Committee is authorized to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) Members of the Committee, and its employees and consultants, while traveling on official business for the Committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

SEC. 5. The expenses of the Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Committee, upon vouchers signed by the chairman of the Committee or by any member of the Committee duly authorized by the chairman.

MESSAGE FROM THE HOUSE

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

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes; and

H.J. Res. 864. A joint resolution to provide for a temporary extension to October 31, 1969, of the authority conferred by the Export Control Act of 1949.

ENROLLED BILLS SIGNED

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

S. 714. An act to designate the Ventana Wilderness, Los Padres National Forest, in the State of California;

H.R. 1632. An act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano; and

H.R. 2336. An act for the relief of Adela Kaczmarski.

HOUSE BILLS REFERRED

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

H.R. 3165. An act for the relief of Martin H. Loeffler; to the Committee on the Judiciary.

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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 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 New Hampshire is recognized.

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

Mr. McINTYRE. Mr. President, I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propose a unanimous-consent request on the pending McIntyre amendment. However, before I do so, I wish to announce to the Senate that following the approval of that request, which I anticipate hopefully, it will be my intention to suggest the absence of a quorum and that will be a live quorum.

Mr. TOWER. And the time consumed by the live quorum will be charged to neither side.

Mr. MANSFIELD. The Senator is correct.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I shall not object, but the agreement would not preclude the yielding back of time by either side that wished to do so?

Mr. MANSFIELD. The Senator is correct. That is understood.

Mr. STENNIS. I thank the Senator.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the live quorum call, there be a time limitation of 2 hours on the pending McIntyre amendment, the time to be equally divided between the distinguished Senator from New Hampshire (Mr. McINTYRE) and the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill.

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

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I request the attachés to make sure that all committees as well as individual offices are notified.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 67 Leg.]

Aiken	Long	Ribicoff
Baker	Mansfield	Saxbe
Boggs	McCarthy	Smith
Brooke	McClellan	Stennis
Byrd, Va.	McIntyre	Symington
Byrd, W. Va.	Montoya	Tower
Cotton	Muskie	Williams, Del.
Ellender	Packwood	Young, Ohio
Goodell	Pearson	
Gurney	Randolph	

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Allen	Fulbright	Miller
Allott	Goldwater	Mondale
Anderson	Gravel	Moss
Bayh	Griffin	Mundt
Bellmon	Hansen	Murphy
Bennett	Harris	Nelson
Bible	Hart	Pastore
Burdick	Hartke	Pell
Cannon	Hatfield	Percy
Case	Holland	Prouty
Church	Hollings	Proxmire
Cook	Hruska	Russell
Cooper	Hughes	Schweiker
Cranston	Inouye	Scott
Curtis	Jackson	Sparkman
Dirksen	Javits	Spong
Dodd	Jordan, N.C.	Stevens
Dole	Jordan, Idaho	Talmadge
Dominick	Kennedy	Thurmond
Eagleton	Magnuson	Tydings
Eastland	Mathias	Williams, N.J.
Ervin	McGee	Yarborough
Fannin	McGovern	Young, N. Dak.
Fong	Metcalf	

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. McINTYRE. Mr. President, on the pending amendment I yield myself such time as I may require.

Mr. McCARTHY. Mr. President, will the Senator yield to me first.

Mr. McINTYRE. I yield 4 minutes of my time to the Senator from Minnesota.

Mr. McCARTHY. I thank the Senator. I shall not need that much time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

S. 2794—INTRODUCTION OF A BILL TO AMEND INTERNAL REVENUE CODE TO EXTEND TO UNMARRIED PERSONS TAX BENEFITS OF INCOME-SPLITTING

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a bill to extend to unmarried persons the tax benefits of income-splitting now enjoyed by married persons filing joint returns.

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

The bill (S. 2794) to extend to unmarried individuals the tax benefits of income-splitting now enjoyed by married individuals filing joint returns, introduced by Mr. McCarthy, was received, read twice by its title, and referred to the Committee on Finance.

Mr. McCARTHY. Mr. President, this is a matter which has been before the Senate for a number of years in a somewhat different form under what was known as the head-of-household provision. The House Ways and Means Committee decided to include substantially that provision in one of the bills we expect to come before the Senate. My bill would go further and would allow single persons the income-splitting provisions of the law. In my opinion, this would remove a serious discrimination which has been in the tax code without serious examination for 20 years.

The income-splitting provisions of the present law, adopted in 1948, have resulted in discrimination against single persons. Of course, these provisions were not added to the code because it was thought that the tax burdens of married couples were too heavy relative to single persons. Rather, they were adopted because there was a practical problem of married persons in community property States being treated more favorably than single persons. One-half the income of a person in a community property State is attributed to the other. There was pressure to extend the more favorable tax rate on married couples in community property States to married couples in common law States. Apparently to meet the problem it was thought necessary to follow the principle of State law in adjusting the Federal income tax law, and the Congress granted—through the income splitting provision—the income tax benefits of community property law States to married couples in common law States.

This solved the problem very well for married couples, but it greatly increased the tax burden of single persons relative to married couples. It is difficult to see why the tax rates applicable to a single person with any given amount of income should be higher than that of a married couple filing a joint return. Tax equity would better be served by treating all family units the same.

In my opinion the higher rates imposed on single taxpayers raises a constitutional question—whether the classification of single persons and married couples filing joint returns is arbitrary and unreasonable. This issue has been raised and the challenge against the rates being imposed on single persons is in the process of being carried on by Miss Vivien Kellems and a number of other people. In any case the Congress has a responsibility to make the rates as equitable as possible.

The income tax law can reflect differences in conditions and responsibilities by allowing reasonable deductions. But once the taxable income is determined the same rate of taxation should apply to all who have the same income, regardless of whether they are single or married.

The eligibility of a married couple to file a joint return is not based on special problems or conditions or circumstances. It does not make any difference whether the income is earned by one of the couple or whether both contribute equally or in some proportion to earnings. It does not take into consideration whether the married couple has children or not, or the number of children or their age, or whether the children are dependent or self-supporting. The classification does not even take into account whether the couple maintain their own household or whether they live with others.

I ask unanimous consent to include at this point in the RECORD a table showing the contrast in the amount and the rate of taxation of single taxpayers and married couples filing joint returns and having the same level of taxable income.

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

TAX LIABILITY OF MARRIED PERSONS FILING JOINT RETURNS AND OF SINGLE PERSONS—SELECTED LEVELS OF TAXABLE INCOME, WITHOUT TAX SURCHARGE

Taxable income	Single person returns, tax liability		Joint returns, tax liability	
	Amount	Percent of taxable income	Amount	Percent of taxable income
$7,000	$1,380	19.7	$1,190	17.0
$14,000	3,550	25.4	2,760	19.7
$24,000	8,030	33.5	5,660	23.6
$50,000	22,590	45.2	17,060	34.1

Mr. McCARTHY. Mr. President, the difference in dollars of tax liability and the difference in rates between single and married taxpayers is small at the lower levels of income, but it increases substantially as income progresses to higher levels. For example the rate of taxation at the $14,000 income level is 25.4 percent for single persons compared to 19.7 percent for married couples filing joint returns. The tax liability in dollars on $14,000 incomes is $3,550 for single persons and $2,760 for married couples, or $790 more for single persons. The difference between the two categories in the rate of taxation each must pay for the next $1,000 of income beyond their $14,000 income is 25 percent for married couples filing joint return and 39 percent for single taxpayers.

At the $24,000 level of taxable income the single person pays a tax of $8,030, or a rate of 33.5 percent while a married couple pays $5,560 or a rate of only 23.6 percent a dollar difference in tax liability of $2,370. On the next $1,000 of income at the $24,000 level, the single taxpayer must pay at the rate of 50 percent, whereas a married couple filing a joint return pays at a rate of 36 percent.

In this and in previous Congresses I have introduced a bill which would at least reduce the inequity for some single taxpayers. That bill, S. 35, would extend the "Head of Household" tax rate schedule to single persons who are 35 years of age or more and who maintain their own household. There has been increasing interest in legislation to meet the inequity imposed on single persons and several Senators have joined me in sponsoring S. 35 in the 91st Congress.

However, we are preparing to make major reforms in the Internal Revenue Code in this Congress, and I believe the time has come to consider the tax discrimination against single taxpayers directly and fully.

It would be unrealistic to require married couples to give up income splitting. The practice is too deeply embedded in the system. Instead, I think it is appropriate to extend income-splitting tax rates to single persons and thus equalize the tax rate for all taxpayers.

The bill I am introducing today provides this. It makes income splitting available for unmarried taxpayers. Married couples filing joint returns would continue under this bill, as under present law, to enjoy the benefits of income splitting. Married persons filing separate returns, again as under present law, would not be eligible for income splitting, nor would estates and trusts.

Provision is made in the bill for the Secretary of the Treasury to publish new optional tables, new surcharge tables, and new withholding tables, taking into account the fact that under this bill income splitting is to be made available to single persons.

This bill would reduce the tax liability of several million single taxpayers. The reduction in tax liability from equalizing rates as provided in this bill is estimated at $1.9 billion at 1969 levels of income, without the surcharge. The important effect in my opinion is that adoption of this bill would remove a serious discrimination against single persons which has existed in the code for 20 years and will equalize the rate of taxation to which all taxpayers are subject on comparable amounts of taxable income. I urge, as we consider tax reforms in this session of Congress, that high priority be given to removing the inequity against single persons.

Mr. President, I ask unanimous consent that a table I asked the Joint Committee to prepare, to show the estimated number of taxpayers who will be affected and the amount of revenue, be printed in the RECORD.

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

ESTIMATED REDUCTION IN TAX LIABILITY FROM APPLICATION OF PRESENT LAW JOINT RETURN TAX SCHEDULE TO SINGLE PERSON AND HEAD OF HOUSEHOLD RETURNS—WITHOUT TAX SURCHARGE, AT 1969 LEVELS OF INCOME

Adjusted gross income class (thousands)	Single persons		Head of household		Total	
	Number of returns (thousands)	Reduction in tax liability (millions)	Number of returns (thousands)	Reduction in tax liability (millions)	Number of returns (thousands)	Reduction in tax liability (millions)
0 to $3	4,827	$38.7	69	$0.3	4,896	$39.0
$3 to $5	5,086	203.7	462	7.0	5,548	210.7
$5 to $7	3,211	260.4	555	20.9	3,766	281.3
$7 to $10	2,258	344.5	402	22.8	2,660	367.3
$10 to $15	696	246.5	166	22.3	862	268.8
$15 to $20	183	146.5	37	11.5	220	158.0
$20 to $50	148	334.8	25	32.2	173	367.0
$50 to $100	18	94.6	7	17.0	25	111.6
$100 and over	8	71.9	1	6.6	9	78.5
Total	16,435	1,741.6	1,724	140.6	18,159	1,882.2

Mr. McCARTHY. Mr. President, I ask unanimous consent that there also be printed in the RECORD a brief review and evaluation of the income-splitting provision in U.S. income tax law, by Joseph Pechman of the Brookings Institution. The excerpts are taken from his book, "Federal Tax Policy," published in 1966 by the Brookings Institution.

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

FEDERAL TAX POLICY

During most of the history of the income tax, differentiation for family responsibilities was made among taxpayers through the personal exemptions. More recently, there has been a trend toward different tax rates to provide additional differentiation, particularly in the middle and higher tax brackets. In the United States and West Germany this has been accomplished by adoption of the principle of "income splitting" between husband and wife. In France, income splitting is permitted among all family members. Other countries achieve a similar objective by providing separate rate schedules for families of different size.

The adoption of income splitting in the United States arose out of the historical accident that eight states had community property laws which treated income as if divided equally between husband and wife. By virtue of several Supreme Court decisions, married couples residing in these eight states had been splitting their incomes and filing separate federal returns. Shortly after World War II, a number of other states enacted community property laws for the express purpose of obtaining the same advantage for their residents, and other states were threatening to follow suit. In an effort to restore geographic tax equality and to prevent wholesale disruption of local property laws and procedures, the Congress universalized income splitting in 1948.

The effect of income splitting is to reduce progression for married couples. The tax rates nominally begin at 14, 15, 16, and 17 percent on the first four $500 segments of taxable incomes and rise to 70 percent on the portion of taxable incomes above $100,000. A married couple with taxable income of $2,000 splits this income and applies the first two rates to each half; without income splitting, the first four rates would apply to this income. Thus, whereas the nominal rate brackets cover taxable incomes up to $100,000, the actual rates for married couples extend to $200,000. The tax advantage rises from $5 for married couples with taxable income of $1,000 to $14,510 for couples with taxable incomes of $200,000 or more. In percentage terms, the tax advantage reaches a maximum of almost 30 percent at the $24,000 level.

The classic argument in favor of income splitting is that husbands and wives usually share their combined income equally. The largest portion of the family budget goes for consumption, and savings are ordinarily set aside for the children or for the enjoyment of all members of the family. Two conclusions follow from this view. First, married couples with the same combined income should pay the same tax irrespective of the legal division of income between them; second, the tax liabilities of married couples should be computed as if they were two single persons with their total income divided equally between them. The first conclusion is now firmly rooted in our tax law and seems to be almost universally accepted. It is the second conclusion on which opinions still differ.

The case for the sharing argument is most applicable to the economic circumstances of taxpayers in the lower income classes, where incomes are used almost entirely for the consumption of the family unit. At the top of the income scale, the major rationale of income taxation is to cut down on the economic power of the family unit, and the use made of income in these levels for family purposes is irrelevant for this purpose. Obviously, these objectives cannot be reconciled if income splitting is extended to all income brackets.

The practical effect of income splitting is to produce large differences in the tax burdens of single persons and married couples, differences which depend on the *rate of graduation* and not on the level of rates. Such differences are difficult to rationalize on any theoretical grounds. Moreover, it is difficult to justify treating single persons with families more harshly than married persons in similar circumstances. As a remedy, widows and widowers are permitted to continue to split their incomes for two years after the death of the spouse, and half the advantage of income splitting is given (through a separate rate schedule) to single persons who maintain a household for children or other dependents or who maintain a separate household for their parents. This is, of course, a makeshift arrangement which hardly deals with the problem satisfactorily. For example, a single taxpayer who supports an aunt in a different household receives no income splitting benefit; if he supports an aged mother he receives these benefits. There are growing pressures on the Congress to treat single persons more liberally—by liberalizing the head of household provision, increasing their exemptions, and other devices.

One of the major reasons for acceptance of the consequences of income splitting may well be the fact that personal exemptions do not provide enough differentiation among taxpayers in the middle and top brackets. Single persons, it is felt, should be taxed more heavily than married couples because they do not bear the costs and responsibilities of raising children. But income splitting for husband and wife clearly does not differentiate among taxpayers in this respect since the benefit is the same whether or not there are children.

The source of the difficulty in the income splitting approach is that differentiation of family size is made through the rate structure rather than through the personal exemptions. It would be possible to differentiate among taxpayer units by varying the personal exemptions with the size of income as well as the number of persons in the unit, with both a minimum and maximum. This procedure could be used to achieve almost any desired degree of differentiation among families, while avoiding most of the problems and anomalies produced by income splitting.

Excerpts taken from Chapter 4, The Individual Income Tax Structural Problems, The Family—pages 81–84.

Mr. McCARTHY. Mr. President, I am certain the Committee on Finance will give careful consideration to this measure and I hope, in view of commitments made in the past in connection with the "Head of household" provision, will be prepared to support this most important modification of the present income tax code.

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

Mr. McCARTHY. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I wish to commend the distinguished Senator from Minnesota for taking up the fight in behalf of one of my constituents, Miss Vivien Kellems. The Senator from Minnesota has been in the forefront of this fight for many, many years. He has been a lone voice, receiving very little support from anyone else in the executive branch or in the legislative branch.

I will certainly be pleased, as a member of the Committee on Finance, to support the Senator's efforts to bring justice in this important field.

Mr. McCARTHY. I thank the Senator. I might note that Mr. Cohen, Assistant Secretary of the Treasury for fiscal policy showed interest in—not the bill I am introducing today—but in the other provisions we talked about relative to the tax burden on single persons. I hope he will support this measure. The Ways and Means Committee responded and I hope the Committee on Finance will respond.

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 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. McINTYRE. Mr. President, the rejection of the Cooper-Hart amendment to the military authorization bill is a hollow victory, indeed, for the administration.

The closeness of the vote reflects a widespread disenchantment, not only

with the Safeguard ABM system itself, but also with the unwillingness of the administration to move to a common ground that could accommodate a great many more Members of this body.

I, too, pride myself on being a team player, and there is much to be said for supporting your own President when he needs that support.

But, my colleagues from across the aisle, your President, our President, should have received much more support than he got here yesterday.

And he would have had the support, if this body had not been forced to choose between two extremes in this highly controversial issue.

For more than 2 months now, I have urged the administration and the separate factions in this body to move to a middle ground, a middle ground that would not ask the comprising of principle, a middle ground that would meet the basic concerns of both sides.

I have not had much success. Indeed, I have not had much encouragement at all.

But I am still determined to try to bring about some degree of unanimity, as opposed to the 51-to-49 division vote yesterday. I should like to see more unanimity in this body on this subject.

Accordingly, I am proposing my own amendment for consideration at this time.

My amendment, like the Cooper-Hart amendment, withholds authority to deploy interceptor missiles and limits work to research, development, testing, and evaluation.

My amendment also precludes expenditure of the $600,000 earmarked for long-lead-time items for operational missiles, that is actually for the guidance system, holds back expenditure of some $15 million already appropriated for ABM missile silo and launch construction, and freezes money already authorized for land acquisition and construction under the Sentinel ABM proposal and previous authorization acts.

Mr. President, I want to emphasize the point that my amendment would specifically say to the Pentagon, "You shall not dig any hole. You shall not pour any concrete in those silos." Congress says, "You shall not." That $15 million is hiding in the pipeline from a previous authorization act.

On these points, then, there should be little disagreement on the part of proponents of the Cooper-Hart amendment, who obviously feel that any move toward actual deployment of interceptor missiles could escalate the arms race, jeopardize strategic arms limitation talks, and commit us to massive expenditures for an untried system of questionable feasibility.

My amendment sharply differs from the Cooper-Hart amendment in one crucial aspect, and that crucial aspect is where the research and development is to take place.

The Cooper-Hart amendment specifically prohibits research and development "at any proposed anti-ballistic-missile site."

My amendment, on the other hand, calls for research and development of radar and computer prototypes at the first two designated anti-ballistic-missile system sites—Grand Forks, N. Dak., and Malmstrom, Mont.

Furthermore, my amendment's call for R. & D. on site takes into consideration two other important factors in this issue—timelag in possible deployment, and ultimate cost.

By doing the research and development in place, we minimize loss of time in deployment of the system—if and when that deployment ever becomes necessary.

I have been assured by Defense Department spokesmen that my proposal for R. & D. in place would cost us no more than 5 months, and perhaps as little as 3 months, in deployment lagtime, whereas the Cooper-Hart amendment would cost from 12 to 18 months.

This feature of my amendment, it seems to me, should offer real assurance to those Senators who fear that the longer the deployment timelag the greater the danger to our national security.

This feature, I might point out, should not be considered as either hawkish or dovish. I would hope that it is considered simply prudent.

It has other practical aspects.

My proposal promises additional savings by precluding future duplication.

If research and development are to be conducted elsewhere than at designated ABM missile sites, it follows that should deployment at some time become necessary, much of the work already done would have to be duplicated on site.

By doing R. & D. in place, we automatically avoid duplication in time, in effort, and in money.

Moreover, R. & D. on site offers the military an opportunity to gain experience in handling the radar and computer equipment under field conditions, again saving time, effort and money.

Everything considered, Mr. President, I still feel as I did July 28 when I stood here and expressed my belief that the McIntyre amendment provided the common ground we needed to close the national chasm over the Safeguard anti-ballistic-missile system.

Let me repeat what I said then:

I am not asking either faction to compromise principles on this issue. I am merely asking them to seek areas of agreement, and I sincerely believe there is a common ground which satisfies the basic concerns of both sides . . .

On the one hand, my amendment makes it absolutely clear that Congress is withholding authority to deploy the system, and it therefore prohibts construction of any operational ABM missiles or parts thereof. And it freezes money and authority which the Pentagon now has to build missile sites and to acquire land other than the two locations needed to conduct research and development in place.

And on the other hand, it authorizes research and development in place at Grand Forks, N. Dak., and Malmstrom, Mont. By so doing, it retains the option of deploying the system with minimal delay and at minimal cost should Congress later decide to deploy on the strength of new evidence of a clear threat to our deterrent.

Mr. President, one of the principal reasons why I have been sold on this point is that I do not believe, from the evidence submitted to me as a member of the Armed Services Committee, that the deterrent which Secretary Laird and those who are for the system say is threatened, is really anywhere near in as much danger as they make it out to be.

And so, Mr. President, again I say, there is common ground waiting for those who seek practical resolution—for those who want to avoid a direct rebuff to the President—for those who want unity instead of division—the division we saw here yesterday on the floor of the Senate. That common ground is to be found in my amendment. I ask my colleagues to support it.

Now, Mr. President, there may be those who say, in view of the defeat of all amendments offered yesterday, why bother? Why try yet another amendment?

I have already pointed out why I believe that the President, who is about to embark on talks with the Soviet Union on arms limitations needs more than a two-vote margin of support in the Senate. This morning's Washington Post carries a lead editorial entitled "The ABM: Winners and Losers." I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

THE ABM: WINNERS AND LOSERS

Yesterday's series of votes in the Senate on the authorization for the Safeguard ABM had something for everyone, but not nearly enough. For each side made its point in a way so limited as to render it useless. The President "won" with a show of weakness (a two-vote margin); his opponents "lost" with a show of strength—but nonetheless they lost. Despite all the last minute drama and legislative high-jinks, it had been evident for a couple of weeks now that the crucial vote on the Hart-Cooper amendment (permitting Safeguard research and development, but forbidding deployment in the current fiscal year) would be inconclusive. That is not only because yesterday's action was just the first in a series of votes yet to come. Should the President get to the end of the line in the Senate with such "victories" as this all the way, the result would still be inconclusive. For he will not have won what he wants or even what he needs.

That this would be so was foreseen by Senator Aiken a few weeks back, when he announced that he was opposed to the Safeguard authorization in its present form (though not yet committeed to the Hart-Cooper approach) and when he offered to be the agent of some reasonable compromise. His vote projection may have missed the mark slightly, but his argument was sound:

"May I point out that if the United States enters into a conference with Russia looking to the control of armament and aimed at developing a less tense relationship between the two countries, that even though the legislation as written could be approved by as many as 51 or 52 votes in this Senate, which I doubt, we would be in an extremely weak bargaining position. I believe it is absolutely necessary for President Nixon to have a much larger vote of this Senate supporting him when we enter into such a conference."

Although we considered the provisions of the Hart-Cooper amendment—to which Senator Aiken finally repaired—too sweeping in their restriction, we believed he was right in urging an accommodation. We still do. There was plenty of room in the alternative language put forth by Sen. Thomas McIntyre for an accommodation to have been worked

out—one that would not deprive the President of his option to proceed with the ABM (which was what he originally asked for) and yet which also would not have incorporated so firm and hard-to-reverse a commitment to the deployment of the system for the future. At that time, it was estimated on the Hill that Mr. Nixon might pick up between a dozen and twenty votes in this fashion, while relinquishing little that was of genuine importance. But the efforts of Senator Aiken, Senator Brooke and other ABM opponents to help bring about this result were rebuffed. The Administration determined to go for a close, rough victory in the Senate.

It could do worse than to ponder the small benefits it has gained. Even with a considerably larger favorable vote in the House, the Administration will not have achieved its principal aims. A sharply and closely split Senate vote on a question that has been made—as this one has been—a test of support of the President on a national security matter, can hardly be of much value in the international bargaining arena; it is not a lot to take to the arms talks. And its practical benefits are as limited as its diplomatic value. Mr. Nixon will continue to have the opposition of a huge portion of the Senate to this weapons system, and those legislators can be counted on to fight the Safeguard every step of the way via appropriations and other measures. So it is still by no means clear that his prevailing in the Senate on these early votes guarantees him the deployment option he so emphatically wants.

Now Senator McIntyre's measure is before the Senate. It is likely to enjoy the support of some Senators who voted for the Hart-Cooper amendment and who now are prepared to take this next step up toward the President's position. If Mr. Nixon could at this late date bring himself to endorse some version of this modified language and encourage his supporters to follow suit he could conceivably transform his narrow squeak into something more like a victory. Such a step could provide him the degree of Senate support he so evidently needs to move with confidence in the field of arms control—not to mention the field of national security and defense.

Mr. McINTYRE. Mr. President, there is yet another reason why I believe this effort to amend the bill before us should be made, and to those who yesterday supported the Cooper-Hart amendment, it is an important reason. It deals with the responsibilities of the Senate, and the Congress, under the Constitution.

Mr. President, section 8 of article 1 of the Constitution of the United States clearly and explicitly states where in the Government of the United States the responsibility is laid for raising and supporting armies, providing and maintaining navies, and making rules for the Government and regulation of the land and naval forces.

Section 8 places these responsibilities exclusively in the Congress.

One of the issues which has been raised in the consideration of the authorization for an anti-ballistic-missile system is how the constitutional responsibilities of section 8 should best be carried out.

Some Members of the Senate, with whom I respectfully disagree, believe that the Congress can meet its responsibilities under the Constitution by holding committee hearings, arriving at understandings covering broad, general areas with the Department of Defense, and enacting authorization bills under broad headings which are specific only in the dollar amounts involved.

It is my opinion that this procedure, while possibly appropriate in wholly noncontroversial areas, falls far short of the minimum constitutional requirements in those areas where controversy in the Senate would seem to require that congressional action be precise and specific.

Clearly, the voting which has taken place so far indicates that there is widespread disagreement in the Senate over the policy to be pursued by the military regarding any anti-ballistic-missile system. The Congress must exercise its control over this proposal.

I do not wish to get into a semantics argument about control. Certainly there is a measure of congressional control over the activities of the executive branch of the Federal Government in the setting of limits on the amount of money they spend, through guidelines contained in committee reports, and from legislative history as the legislation progresses through the Congress.

However, is this really control in the strictest meaning of the word? The Congress gives a great deal of latitude in what the various departments and agencies can do. The Congress allows, in most cases, the transfer of funds within the various departments and agencies at the discretion of the secretaries, administrators, and other agency heads. Of course, in most such cases, the transfers require either notification to or approval from the appropriate congressional committees. But even in such cases, the Congress as an institution is not required to make a decision.

Mr. President, the pending legislation in the Senate, the authorization bill for procurement and research and development for the Defense Department, contains authorizations amounting to more than $20 billion. The bill is four pages in length.

At the same time, a typical housing authorization contains authorization for about $4 billion, yet runs 65 pages in length. It spells out in great detail what can and cannot be done on housing.

So we in the Congress are quite familiar with the idea of exercising our constitutional controls through detailed legislation.

Mr. President, what I propose is that, particularly in this area where so much controversy exists, the Senate be more precise about its authorization than we are in the bill before us. I propose that we spell out, so that all of the American people can know, just what we are and are not permitting the Department of Defense to do.

The close vote by which the Cooper-Hart amendment was disposed of has implications in this regard which should be carefully noted. The fact is that the Senate is in great disagreement among itself about precisely what our policy should be. In such a case we have a greater responsibility than usual to spell out in detail just precisely what it is that we are approving.

Certainly the legislative history of this proposal is now unclear. Officials of the Department of Defense have stated that they are asking for little more than an intensified research and development program. The Secretary, I believe, has said that approval of this bill means the decision has been made to proceed with the full Safeguard program. And various views in between have been stated.

What my amendment intends to do and what I propose is that the Congress tell the Department of Defense, in the explicit language of legislation, just what our decision is.

My proposal for congressional decision is to permit the research and development of the Safeguard system's radars and computers in place in the first two designated ABM sites, and at the same time, clearly and explicitly prohibit the Department of Defense from taking any steps to deploy an ABM system.

In short, I propose that we exercise our constitutional responsibility of control fully, and not exercise it in the typical manner—year after year I have seen it—of handling military authorizations, where all of the basic decisions are left to the military departments.

I reserve so much time as I may have left.

Mr. STENNIS. Mr. President, I ask the attention of all Senators here. I am going to make a brief outline of what I think is the issue. First, however, I want to say that the Senator from New Hampshire has rendered a truly wonderful service on this bill as a whole. He has been to the very heart of the research and development program, which is the largest item in one category in the entire bill, and has done an outstanding job, as reflected by the report and by the bill, and as will be shown in further arguments and debates on items in the bill. I not only compliment him, but I thank him for that.

Mr. President, this matter is relatively simple. One word, though, about what the Senator said about the form of the bill, the few pages in it. There is a long legislative pattern behind that. With reference to the military construction bill—and that is the bill in the House the Senator referred to—they spell out and we spell out what we call line items; even a runway being extended a few hundred feet would appear as a line item, with a definite authorization for that purpose. That is all right. That is the way they keep up with it.

Over here our system is nonetheless complete and nonetheless specific. The same rule applies in the House; and in the Senate, with reference to these procurement items, which are so numerous, and the research items, which are so numerous; we have the bill with a lump sum for each category before us now, and the appropriation bill carries on in the same way. Many of the items in this bill will still be in the abbreviated bill. This is important, Mr. President. Back in the hearings, the testimony, the exhibits, the files, there is a minute history and a specification of all these dollars, item by item.

That is brought forward in summary in the report, and it is just as definite, as specific as it can be made. That is true of the House bills on authorizations and appropriations, and I have never known of an instance where the Defense

Department, under any Secretary, has violated that reported record, the legislative history, the reports, in any way.

So Congress is being just as specific under one system as it is under the other. There is no doubt about it now; we know exactly what is authorized here in phase I. The Department of Defense cannot be misled. They cannot be in error. They cannot avoid knowing, and we know it; your committees know it, and we keep a surveillance over these things. That is more or less the law of necessity that we follow here, in having the bill abbreviated; but the record is totally complete.

The Senator from New Hampshire, as I have stated, has done fine work on this measure. He mentioned the fact that in his mind, the threat has not been proven to be so great, and that he did not have as strong a conviction on that as some of us do, and therefore did not feel this urgency for the deterrent which is believed necessary by some Senators. That is a clear-cut statement, and I commend him for bringing out exactly how he feels. But I think that explains why he wants to put these limitations on this program.

If I may have the attention of Senators, I have a key point here: Just a few hours ago, 51 Senators put their stamp of approval on phase I. That was the effect of the vote. Phase I is what is in the bill with reference to the ABM.

All the way through, my position and my belief has been—and it is shared by a majority of the committee—that we will stand on phase I, that that is what is needed. That is why there was no committee amendment to the House bill, and why no amendment by the committee was offered from the floor. We have stood on phase I; and that is the very thing that was approved yesterday in writing by the recorded vote of the Senate.

Phase I is limited, just as low as it can be limited if we are going to move at all beyond pure research and development. The McIntyre amendment comes along, though, and goes back behind what was done yesterday, and cuts some pieces out of phase I. That is a quick summary of what it does. It goes back into the matter and takes out a part. The main thing is no silos, under the McIntyre amendment, even for the two missile sites in phase I.

No silos for missiles in phase I; that is the major point involved in this amendment, as I see it. We had a very fine debate on this issue, with everyone stating his sincere convictions, and amendments in varying degrees proposed; and then the vote was taken, and the decision was made. My point is, let us not go back into the phase I. I stand on phase I and on phase I alone. That has been my position.

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

Mr. STENNIS, Yes; I yield to the Senator.

Mr. FULBRIGHT. Just to clarify for my information a little bit more the distinction, what is the difference between what the Senator calls phase I and what is allowed by the McIntyre amendment, or, to put it another way, how does the McIntyre amendment restrict or alter phase I? Is it only as to the silos, did I understand the Senator to say?

Mr. STENNIS. Well, there may be other restrictions.

Mr. FULBRIGHT. I am very much interested as to what the distinction is.

Mr. STENNIS. I said that was the major one. According to my notes, the McIntyre amendment leaves in all the money except $2 million. That $345.5 million, it cuts down $2 million, in round figures, but it leaves in $343.5 million, which, by the way, the Cooper-Hart amendment would have taken out.

As to how that $2 million would be spent, that is the $600,000 that we have referred to here in the base about the long leadtime items with reference to the missile itself, which is a very small item, and the $1.4 million to make up the remainder of that $2 million was for the launch facilities. So that is the difference with reference to the money: the launch facilities and the $600,000 item.

Leaving out the silos for the missiles for phase I, it seems to me that that is the most important item that could be affected.

Mr. FULBRIGHT. This is what confused me; perhaps I do not understand it: the missiles the Senator means are additional silos for Minuteman?

Mr. STENNIS. No, no.

Mr. FULBRIGHT. What are the silos for, that the Senator says will be prohibited?

Mr. STENNIS. These silos are for the Spartan missiles.

Mr. FULBRIGHT. Oh.

Mr. STENNIS. The Spartan missiles themselves. If I used the word "Minuteman," that was in error. I do not think I did.

Mr. FULBRIGHT. It is Spartan missiles?

Mr. STENNIS. It is Spartan missiles, yes. I said silos, but it is for the Spartan missiles.

Mr. FULBRIGHT. Then the restriction that the Senator objects to in the McIntyre amendment is no provision for silos for Sprint missiles or Spartan missiles, or both?

Mr. STENNIS. Yes, both of them.

Mr. FULBRIGHT. Both?

Mr. STENNIS. Some of both of them, yes.

Mr. FULBRIGHT. Otherwise, you get everything else phase I provides for?

Mr. STENNIS. It is the money I have talked about.

Mr. FULBRIGHT. Is that money to buy land, sites, and so on, build roads, and all that?

Mr. STENNIS. No, this money that I refer to is not to buy land or anything like that.

Mr. FULBRIGHT. Is there any money to buy land in the bill?

Mr. STENNIS. No, there is not any money in this bill to buy land. Not any.

Mr. FULBRIGHT. Well, then, I do not see any great difference between the McIntyre proposal and phase I of the administration's bill.

Mr. STENNIS. Well, there is a great big difference here with reference to these silos for the Spartan and Sprint missiles.

Mr. FULBRIGHT. The Senator thinks it is a very substantial difference?

Mr. STENNIS. Yes, I do. I think it is a tremendous difference.

Mr. FULBRIGHT. If it is that big a difference, I might be inclined to vote for the McIntyre amendment. I was not sure there was any difference. I was under the impression that it was about the same as what is in the bill. That is what I wanted to tie down.

Mr. STENNIS. I think there is an appreciable difference.

Mr. FULBRIGHT. I see. A big difference?

Mr. STENNIS. And I think the matter has really been passed on by the vote yesterday.

Mr. FULBRIGHT. It was hard for me to see what the difference is, but if it is a real restriction, I think I shall be inclined to vote for it.

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

Mr. STENNIS. I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the McIntyre amendment, as I understand it, would allow us to proceed with the development and testing of the ABM and would allow us to acquire sites for the ABM. However, it says, "You cannot install them so they can be used."

It is like the old story of the colloquy between the mother and the daughter.

The daughter said, "Mother, may I go swimming?"

The mother said, "Yes, my darling daughter. Hang your clothes on the hickory limb, but do not go near the water."

That is what the McIntyre amendment proposes.

Mr. STENNIS. Mr. President, I think that the matter has been fully covered and that the items are very clear in the report and the analysis of the Senator's amendment.

I think the whole matter is before the Senate. If anyone wants some time, I will be glad to yield to him at this time.

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

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I have great respect for the distinguished Senator from New Hampshire. However, I think it would be a great mistake if the Senate were to adopt his amendment.

The approach adopted in the proposed amendment is such that it will cast a cloud of ambiguity over the entire Safeguard developmental effort. The body of the authorization bill authorizes certain expenditures for the Safeguard system in general terms; the proposed amendment purports to redefine and limit this authority by an enumeration of activities for which funds may be used. By implication, therefore, expenditure for anything that does not appear on the list of enumerated activities is unauthorized. The list contained, and the language used, in the amendment appears, on examination, to be so incomplete and ambiguous as to raise serious difficulties with implementation and to cast doubt on the authority to conduct certain nec-

essary developmental and preproduction activities.

The following are examples of the practical problems of interpretation and ambiguity that would arise under the amendment:

First. S. 2546 in its title states that the authorization of test facilities at Kwajalein is a specific purpose of the bill and this is implemented by section 203. Yet the absence of language in subsection (a) of the amendment specifically authorizing funds to be spent for such facilities and R.D.T. & E. effort on radar and missiles at Kwajalein, coupled with the further limitation in subsection (b) forbidding the installation of "equipment described" in subsection (a)(1)—that is, radars, computers and related electronic equipment—at "any proposed anti-ballistic-missile site" other than Grand Forks and Malmstrom, could lead to the conclusion that construction and installation of facilities at Kwajalein is unauthorized. These additional facilities at Kwajalein are required for essential system tests with radars and missiles.

Second. Likewise, the provision in subsection (b) limiting the installation of "equipment described" to two specified sites may preclude the establishment of essential modifications to training facilities; it may also prohibit the modification of existing command and control facilities and the production and installation of the tactical software control site at Whippany, N.J., which is essential to the developmental testing program.

Third. Subsection (a)(2) raises even more serious ambiguities. This is the only portion of the amendment dealing with what is permitted in the way of preproduction and production type activity. It permits "preproduction expenses"—an ambiguous term—but only for missiles. Considering that subsection (a)(1) permits funds to be used only for research, development, testing, and evaluation of system components such as radars, computers, and related electronic equipment, but not for production of these items, it is unclear how funds, particularly PEMA—procurement equipment missiles, Army—funds, can be used to procure these items for the Grand Forks and Malmstrom tactical sites. The amendment is silent with respect to production engineering and preparation for manufacture of nonmissile items such as radars and computer. Absence of such authority would have a serious impact on timely future deployability of the system.

Fourth. There is no specific authorization for funds to be used for development or procurement of necessary and ancillary supporting facilities that are not "related electronic equipment."

Fifth. This amendment could be interpreted as preventing the accomplishment in fiscal year 1970 of survey, advanced engineering and site selection for phase II sites. If this site selection activity is not carried out in fiscal year 1970 on several of the phase II sites, there will be several months of delay in proceeding with these sites if their later deployment is approved.

Mr. President, I am convinced that there should be no further delay. As I have stated heretofore in debate in the Senate, we have delayed now for longer than we should have.

The Soviets are at least 5 years ahead of us. They have an ABM system already built, developed, tested, evaluated, and deployed. Their system is in operation now.

Mr. President, again I repeat that this is a purely defensive weapon. If we build the ABM weapon and the enemy never sends a missile over here, we shall not have to use it. This would be well and good. We shall have protected our people. However, if we build the ABM missile and the enemy does send missiles here to destroy our people and our country, we shall then be most thankful and the people of America will be most grateful, that the United States had the foresight to build an ABM system.

Mr. President, I hope that the Senate will not delay longer moving forward to deploy this important weapon which will mean so much to the national security of our Nation.

Mr. McINTYRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. McINTYRE. Mr. President, first I thank the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS) for the kind remarks he has made concerning my efforts on this particular authorization bill.

It is no news to Members of the Senate that working with the Senator from Mississippi is an experience that helps any man become a better Senator. And it is an experience in which one always finds himself being handled fairly and squarely.

I find it a great honor to serve on his committee.

With reference to the remarks of the distinguished Senator from South Carolina, I feel that he has made a rather tortured criticism of the amendment as offered.

On page 2 of the amendment where we talk about restricting the use of anti-ballistic-missile sites, we are talking about the fact that the overall ABM proposal has many proposed antiballistic missile sites.

The amendment restricts the use of these sites specifically. And it says so clearly and unequivocally on page 2 that the equipment described in the first subsection—the radars and the computers—that eventually will be moved in there are restricted to only two proposed antiballistic missile sites at which they may be installed—one at Grand Forks Air Force Base, N. Dak., and the other at the Malmstrom Air Force Base, Mont. There are no restrictions on the use of sites such as Kwajalein for research and development, sites which are not intended to be part of a deployed system.

In his remarks, the distinguished Senator from North Carolina referred to a young lady who wanted to go swimming, and her mother advised her that she could hang her clothes on a hickory limb, but that she should not go near the water.

I suppose his criticism is that my amendment is restraining, that my amendment is trying to control. But the experience we have had in the last 3 or 4 years indicates that once the Pentagon has hold of such a mammoth project as this anything can happen—as our distinguished chairman knows, we face overruns in the C–5A of over $2 billion.

If Secretary Laird meant what he said when he said that a vote for the bill is a commitment to build this system, goodness, gracious, what may be the overrun on the ABM system.

So I am surely like the mother who says to her daughter:

Hang your clothes on a hickory limb.

My amendment is intended to be restrictive, by specifically mentioning in the amendment what can and cannot be done.

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

Mr. McINTYRE. I yield.

Mr. FULBRIGHT. The Senator has raised a very critical point. From one point of view, as the Senator from Mississippi and the Senator from New Hampshire have said, it is restrictive. From the other point of view, it authorizes two bases. I came to the Chamber expecting to vote against it, on the ground that I do not wish to be responsible for authorizing, specifically and affirmatively, two bases which are intended to be operative bases, evidently; otherwise, they would not be at these particular points. So I did not want to be responsible for someone saying to me next year, "Look, you voted for this silly system that is obsolete, and you wasted $10 billion." Insofar as I can, I do not want to have to say, "Yes, I did." I have made enough mistakes without knowing it. Here is one that I know is a mistake—to throw $6, $10, or $20 billion on two, five, or 10 bases. This is the point at issue.

If I could be convinced that the amendment truly is restrictive in a meaningful way, and I could justify that in the future, as I have said to the Senator from Mississippi, I would be inclined to support the Senator, because that is what I want to do. I tried that yesterday. We tried to restrict this whole system. Now the Senator has fallen back into a fallback position, and the Senator says he really restricts.

I wish the Senator would elaborate on that. What could I say 5 years from now, when this thing perhaps will have been proved to be a wholly ineffectual system and a waste of money? How could I then defend myself against the charge that I voted for the deployment in two bases and wasted $5 billion?

Mr. McINTYRE. Let me respond to the Senator from Arkansas by saying that the amendment is in the nature of a compromise. It tries to give to those who feel as deeply as the Senator from Arkansas some of the restrictions they would like to see applied on this system, what we might consider the future mammoth sophisticated defensive weapon. At the same time, it turns to the proponents and says: "We recognize that you may be right about a threat we may have to meet in 1975. So"—if I may speak metaphorically—"while we, Congress, take the reins on this ABM—we give you a

little leadtime now. Go ahead and install"—I prefer the word "install" rather than "deploy"—"at two sites"—and I prefer "sites" rather than "bases."

The PRESIDING OFFICER (Mr. COTTON in the chair). The time of the Senator has expired.

Mr. McINTYRE. I yield myself 5 additional minutes.

We say: "All right, go ahead. You say you have the technological base; you know what you are going to do to the MSR and R. & D. Start to put your footings in and start to plan, but keep it completely at computers and radars. Do not talk about any missilery or any weapons."

This resolves two things that bothered me with respect to this issue. The first is that I could not quite accept the severity of the threat. It gives me another year to examine the hard facts of what those SS–9's are all about. The second is that it gives us a chance to see if, somehow, the Soviet Union can sit down at Geneva with us and we can begin to talk sense about missile limitation.

So in the bill, in this amendment, we have tried to say—and I think we say it succinctly and explicitly—what the Pentagon can do.

As the Senator from Mississippi pointed out, there is a substantial difference so far as the proponents are concerned, because they do not like this control, and there is this $15.6 million—it is a small saving in this day.

Mr. FULBRIGHT. It is very small in this bill.

Mr. McINTYRE. But if we examine the practical effects of this amendment in view of our experience this year, what do we see? If we examine where the opponents of the ABM were 2 or 3 months ago, with 20 or 30 votes, and where they crested yesterday at 49 or 50, my amendment gives those who oppose this mammoth system the opportunity to reaffirm, 1 year from today, when the same authorization bill is before the Senate again, that, No. 1, they have broken the precedent. We no longer have four pages with big numbers. We have in here specific language prohibiting deployment. It gives the opponents an opportunity to say: "Let us look again at the picture. Our intelligence says that the threat is no longer so obvious. The SALT talks are going well."

Why should not this area of the compromise be attractive to those who want to restrict, who want to hold back on this ABM system? I think it is illogical for those who do not want to see the ABM deployed, to turn around and vote "nay" on this amendment, when such a vote would in effect, approve of deployment, and give the Pentagon its usual ability to run the show.

Mr. FULBRIGHT. On the question of reevaluation next year, is there any way we can get an evaluation by anyone other than people who are directly interested in this deployment?

The Senator from New Hampshire will recall the suggestion made by Dr. Killian in one of our hearings, that there should be an independent, non-Pentagon board of scientists and qualified people to evaluate the effectiveness of this kind of system. Does the Senator recall that?

Mr. McINTYRE. Yes; I recall.

Mr. FULBRIGHT. Is there anything in the bill, or would it be inconsistent with the Senator's amendment, that, after this year, somebody other than Dr. Foster, for example—who is intimately concerned and committed to this—could evaluate whether or not this business is practicable?

Mr. McINTYRE. The Senator has in mind a forward-looking commission. I could not agree that we stop everything now and have a commission decide what we should do on this bill.

Mr. FULBRIGHT. The Senator is saying then that we should hold up nothing except what he specifies for a year, and take another look a year from now?

Mr. McINTYRE. That is what I propose.

Mr. FULBRIGHT. Will the same people be looking at it this time as have been looking for the past 25 years and have spent over a thousand billion dollars, or will it be some independent board of qualified people, such as Dr. Killian and his associates, people who are not in the employ of the Joint Chiefs of Staff? That kind of review would reassure me that we would at least have some kind of objective judgment upon this kind of system.

Mr. McINTYRE. I have no opposition to the use of a board of experts—perhaps a blue ribbon board—that could be an adjunct to our Defense Department.

I do not have the misgivings about our Joint Chiefs of Staff that the Senator does. I have found them, over the years, to be extremely able and capable. But that is really irrelevant to the amendment.

Mr. FULBRIGHT. I do not want to be misunderstood. In their performance of their functions, the Joint Chiefs of Staff are very able. I make no criticism whatever of the Joint Chiefs of Staff.

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

Mr. FULBRIGHT. I was directing my remarks to the judgment on this missile system, which I do not think is the primary baby of the Joint Chiefs of Staff. It is primarily the baby of certain scientists, led by Dr. Foster, and they are people who are inordinately interested in research of all kinds. There are 12 different kinds of missiles in this bill aside from the ABM—perhaps more, but at least 12. Perhaps there are 24. There are four pages dealing with it. These are gimmicks in which they are interested.

It is similar to when I first flew a kite. An extremely interesting concept of aerodynamics is involved in what makes a kite fly.

I never did understand it. Maybe I do not understand it yet, but it was interesting.

Dr. Teller expressed it best of all in connection with the nuclear test ban treaty when he said that nothing should stand in the way of research and the pursuit of knowledge, not even 100 or 200 million Americans or anybody else. He was against any kind of restraint upon research and the pursuit of knowledge, and this is understandable.

I am not criticizing them for that. We should recognize that is their attitude; that they are not responsible for the solvency of the United States or they are not responsible for judging this activity or the other. They have their responsibility and do it. I am not criticizing them. Our responsibility is different. The Senate should exercise its responsibility and make this kind of policy judgment.

If the Senator's amendment is a substantial restriction upon the deployment of a system which is very dubious, I am inclined to support it.

Mr. McINTYRE. The Senator should support it because, as the Senator from Mississippi said, there is a difference.

Mr. FULBRIGHT. This is where I came in. I thought the Senator was affirming this program and I was going to vote against the amendment. Now I am puzzled.

Mr. McINTYRE. This amendment moves in the direction the Senator is talking about, in the direction of restrictions; giving time for a blue ribbon committee or board to overlook the matter and give us advice.

Mr. FULBRIGHT. I wish that were possible.

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

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 29 minutes remaining.

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

Mr. McINTYRE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, I would like to ask the distinguished Senator from New Hampshire if the American people, acting under their Constitution, do not elect Members of the Senate and the House of Representatives to make decisions of the kind the Senator from Arkansas mentioned—not Dr. Killian or blue-ribbon commissions?

Mr. McINTYRE. I think that is an interesting question although, of course, the Constitution does so provide. However, I have to admit regarding questions which involve technology and scientific work, such as the ABM, that I need all the technical help and advice I can get. I have heard that same thought echoed in the discussions in this Chamber by others.

Mr. ERVIN. Cannot congressional committees obtain the testimony of Dr. Killian and others?

Mr. McINTYRE. That has been suggested.

Mr. ERVIN. I understood the Senator from Arkansas to suggest that the Senator from New Hampshire should amend his amendment to create a commission to safeguard the people of the United States against the Pentagon.

Mr. McINTYRE. If that is what the Senator from Arkansas meant I would have to disagree. I thought he was talking about a blue-ribbon committee that would be scientifically trained, which could objectively appraise this matter and report. I did not mean and I do not think the Senator from Arkansas meant to toss the decisionmaking process over to this blue-ribbon committee.

Mr. FULBRIGHT. The Senator is correct. During the hearings, Dr. Killian, who was an adviser in the Eisenhower administration, suggested this matter is dubious and questionable—and he took not nearly as strong a position as others. He said that certain aspects of this proposal, particularly the computers and radars, are not completed or designed and that before a decision is made it should be subjected to at least a year's study by qualified scientists as to feasibility, practicability, and operability.

This appealed to me as a very sound thing to do, but it has not been followed. The Senator will remember that last year I asked the chairman of the committee if his committee had hearings with any outside scientists before the committee. The only people brought before the committee last year were scientists on the payroll of the Pentagon, either direct or indirect. I say they cannot have an objective judgment. We were all looking for objectivity as to workability.

Mr. McINTYRE. I do want to say that this year in committee hearings, both public sessions and executive sessions, I really appreciated the appearance of the various experts in this field who testified pro and con. It was helpful to me in trying to decide this difficult question.

Mr. FULBRIGHT. I understand. The chairman of the committee said last year he was going to do it. I think this is a great step forward and it is much better to have a variety of opinion and not just opinions of employees of any organization, whether it be the Pentagon or any other organization.

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

Mr. McINTYRE. I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. I thank the Senator. I wish to approach the matter from a slightly different angle. I am impressed with the distinguished Senator from New Hampshire, and, to some extent, I think he has been joined by the Senator from Massachusetts in trying to work out something that more closely meets the feelings on all sides on this important matter.

But when the Senator put the emphasis on the radars and computers, and excluded the deployment of the missiles in this coming fiscal year, many of us got a uniformly adverse reaction on the ground that putting these computers and radars in place at a very great cost would be a deterrent to the kind of research for the design of a system which would be likely to work better than the Safeguard for the purpose of defending missile sites. The Senator from New Jersey has found that argument a very persuasive one, and up to now at least is disposed to vote against the amendment of the Senator.

I would be glad to have the Senator respond.

Mr. McINTYRE. Mr. President, I yield myself 2 minutes to respond.

I think the Senator has put his finger on a key point as far as my amendment is concerned. I recognize the difficulty many Senators had with what I would call the credibility of the radars, MSR and PAR. But I had to weigh in my mind the threat, the possibility of facing something in the mid-1970's which America would have to react to, something the Soviets could do. I said to myself—and the Senator knows how much time is consumed on these projects—let them install the radars. It can't be completed this year. There will only be footings in there nine months from now. But give them authority to install radars and in the meantime carry on the research. I am trying to accommodate the possibility of a threat along with trying to restrict the unleashing of another gigantic weapon.

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

Mr. McINTYRE. I yield 1 minute to the Senator from Arkansas.

Mr. FULBRIGHT. The best authority, even the one recommended by the Under Secretary of Defense, Dr. Panovsky, said that the present radar, the radar as now designed, was designed for the old Sentinel and is utterly useless for the Safeguard. I think I am not overstating what he said. He said that it would be foolish to install the present MSR. He thought this was to be purely an experimental installation to see if a workable MSR could be designed, and that it was not intended to install one until it was developed.

Mr. McINTYRE. Actually, the one being developed is subject to change day by day as improvements are made. MSR's or radars are going to do this job. One is under test in Kwajalein.

Mr. FULBRIGHT. They were for the Sentinel. They were not designed for Safeguard. Is not that correct?

Mr. McINTYRE. The Senator is saying that there should not be any installation.

Mr. FULBRIGHT. It is purely a redesigning proposition. They should not be installed until they are redesigned.

Mr. McINTYRE. I understand. But this amendment is in the nature of a compromise. It tries to reach a common ground and tries to impose some of the restrictions the Senator would like to have.

Mr. President, does the Senator from Massachusetts desire to have me yield time to him?

Mr. BROOKE. Yes.

Mr. McINTYRE. I am happy to yield to the distinguished Senator from Massachusetts.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from New Hampshire has 19 minutes remaining.

Mr. McINTYRE. I yield 10 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, we have now reached the near-deadlock on the ABM issue which many have foreseen for weeks. So far as this issue itself is concerned, yesterday's decisions may well prove to be a pyrrhic victory for the proponents and a futile effort for the opponents of ABM. But however one describes the outcome, no one can feel satisfied that so grave a question, of such immense implications to this Nation and the world, has become the focus of such serious division in our ranks.

From the days of the Founding Fathers on, a cardinal rule of American politics has stressed the importance of a strong domestic consensus on issues affecting the national security and foreign policy of the United States. The need to develop such a consensus has been well understood by virtually every generation of Americans. We all have known that the capacity of representative government to deal with other governments, particularly totalitarian regimes, may be badly impaired by internal dissension. We now have laid bare the full extent of disagreement within the Senate over the proposed deployment of the Safeguard system.

But, as I argued in yesterday's debate, there is neither necessity nor wisdom in leaving the issue where it now stands. The narrow verdict rendered yesterday should not be allowed to stand. It serves neither the administration's nor the Nation's interest to leave the issue at the point of maximum tension. Such an outcome can only damage the administration's authority and capacity to pursue a vigorous diplomacy in this realm. It is likely to portend repeated conflict and disagreement on successive issues related to the ABM. It has already been made clear that the struggle will continue through the appropriations process.

The lean majority that held sway in this body yesterday faces a dismal and draining prospect indeed: it will always have to have its troops at the ready for any later vote bearing on the ABM, for there is always the prospect that, if illness or absenteeism strikes their ranks, the balance will shift abruptly and decisively against the ABM. I ask the Members of the Senate who prevailed yesterday if that is really their preferred course.

If the present decision on the ABM is left intact and becomes the sole measure of Senate sentiment on this question, the entire tenor of legislative-executive relations may be adversely affected. A bloody, protracted, and maiming battle on the ABM cannot serve the goal of healing the domestic divisions which have so impaired our ability to meet our responsibilities at home and abroad.

In short, as Senator AIKEN and others have tried to make clear, there is a compelling need to seek a new basis on which the Senate can work its will by a substantial majority. To do this will require that the question before the Senate be altered. It will have to take account of the deep concern of those of us who urge restraint in order to explore further the possibility of meaningful strategic arms limitations, and the equally deep-seated concern of those of us who feel that a beginning on ABM deployment should be made now, either as a presumed spur to the negotiations or as a hedge against their failure.

Viewed in these terms, the question would become: How can we keep open the option of timely deployment of an ABM system without a premature commitment to deployment and without stimulating the arms race? That is the question that would chart the path to consensus; it is that question which outlines the potential accommodation which so many diligent Members of this body have sought for months. There can be no accommodation unless both sides display the

flexibility essential to democratic decisionmaking.

That is the question which the distinguished Senator from New Hampshire is putting to the Senate. For many weeks, beginning in the Armed Services Subcommittee on Research and Development, Senator McINTYRE and I have explored the possibilities of devising a reasonable middle ground. My staff and I, as well as Senator McINTYRE and his staff, have conducted innumerable conversations with responsible authorities in the administration as well as Members of the Senate. The McIntyre formula is the only proposal yet advanced that meets the fundamental requirements of both sides to this intense dispute.

For the opponents of ABM it would explicitly reserve a decision on authorizing actual deployment of ABM weapons and would delay a decision on acquiring all the sites for the proposed Safeguard system. Thus, this formula would provide by statute that Congress is committing the Nation only to a test and evaluation of the radars, computers, and associated electronics. It would lay the groundwork for resolving or confirming many of the technological questions which have been raised against the system. At the same time it would go far toward meeting the political objectives of those who are worried that a start on Safeguard at this time could jeopardize or complicate the SALT talks on which many of us have placed so much hope. With this language in the bill the Soviet Union would have a clear signal that the United States is exercising restraint, that it prefers to await developments in the arms negotiations before proceeding beyond a test program for the ABM, and that Congress is definitely retaining its authority for subsequent decisions in this matter.

For the proponents of the Safeguard system, this proposal provides ample authority to take every necessary step the President has proposed for fiscal 1970. It would not disrupt the schedule he has proposed. Secretary Packard acknowledged after one Armed Services Committee meeting that the program could tolerate a delay in acquiring additional sites. Further conversations with Dr. John Foster have made clear that, so far as those other sites are concerned, the only authority required for fiscal 1970 is to do advance surveys.

The only argument for actually acquiring those additional sites is one of economy; it may be cheaper and more convenient to do so now rather than later, if need be. But if those sites are purchased in fiscal 1970, it significantly undermines the President's strong assurances that he contemplates a phased program, with a review every year in light of technological, political, and strategic developments. We should not erode the President's important political standards for this program by allowing relatively trivial economic considerations to cast doubt on the phased plan for the program.

It is also clear, as Dr. Foster has confirmed, that there is no necessity to decide now whether an actual deployment of missiles should be undertaken.

Thus this proposal would meet every central concern on both sides of this great dividing line. It would make clear that Congress would decide later whether actually to deploy the weapons for the first phase of Safeguard.

But by leaving intact the President's authority to begin a full-scale test and evaluation of the radars, computers, and associated electronics at the first two proposed sites, it would keep open the option of having the Safeguard system deployed, if it proves necessary, on precisely the schedule proposed by the administration. Mr. Packard, Dr. Foster, and every knowledgeable proponent of the system will acknowledge that what they are in fact seeking is the right to test and evaluate the main elements of this system. If they do not prove out, the President would presumably not proceed further with it.

Surely it should be clear to both sides that this redefinition of the decision we are taking is a commonsense resolution of the great dispute we have seen develop on this issue. It would help remove for the coming months a point of the most severe contention in the Senate and the Nation. It would lubricate the relations between Congress and the administration. It would come closest to the maximum feasible consensus presently achievable in this body and would provide the basis for an active diplomacy in the impending arms negotiations.

Let us not blindly reject the resolution of our differences which Senator McINTYRE's recommendation offers us. Let us recognize the wisdom of his healing suggestion. Let us all—yesterday's losers and winners—move on to a greater victory for the Senate and the country by forging a consensus on this promising middle ground.

Mr. McINTYRE. Mr. President, I thank and commend the distinguished Senator from Massachusetts for his remarks. I may say that the Senator from Massachusetts and I have served on an ad hoc subcommittee named by our distinguished chairman to look into the research and development portions of the authorization bill. I believe that as a good share of our efforts and time were spent on this question, we came to think in terms of finding a compromise that might somehow heal what we felt to be a sharp division in the Senate. I have found the Senator from Massachusetts to be a great help and adviser and a mountain of strength as we tried, quietly, in our own way, to bring the two sides together.

I now yield 3 or 4 minutes to the distinguished Senator from South Dakota (Mr. McGOVERN).

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 4 minutes.

Mr. McGOVERN. Mr. President, I intend to vote in favor of the amendment offered by the Senator from New Hampshire (Mr. McINTYRE).

The vote yesterday cannot be construed as a convincing decision on this important issue. The Congress and the country remain deeply divided over the wisdom of moving ahead now with deployment of an anti-ballistic-missile system. There has been no resolution of the very serious questions raised during this debate over Safeguard's technical effectiveness, its vulnerability to any serious effort the Soviets might mount to neutralize our Minuteman force, and its potential for mischief in connection with the arms race and the forthcoming strategic arms limitation talks. For these reasons those who have supported deployment will, if they are prudent, support this modest congressional limitation suggested by Senator McINTYRE.

Those of us who supported the Hart-Cooper amendment should certainly support the Senator from New Hampshire who voted with us yesterday.

None of us has altered his views. I still regard the Safeguard system as a major national blunder, and I intend to continue fighting it at every opportunity. But if we cannot eliminate the authority to begin deployment of phase I, the next best step is to narrow that authority.

The McIntyre amendment is in line with this purpose. It is carefully drawn to allow only preparation of sites and deployment of long lead-time items, including missile site radars and perimeter acquisition radars. It specifically prohibits construction of any operational ABM missiles and it freezes existing authority to build missile sites and to acquire land other than at the two locations in North Dakota and Montana.

I regard that as significant. In the context of the arms talks, it assures the Soviet Union that this country will not have an operational anti-ballistic-missile system of any kind until the Congress authorizes it. We retain, during the critical period when discussions will be getting underway, the right to exercise our judgment again. It should convince both the Soviet Union and the Nixon administration that we are serious about turning another corner on the dangerous, and enormously expensive arms race of the past 25 years.

In addition it provides additional time for the technical problems to become apparent and for the case against deployment to be made again. I am fully confident that the growth in opposition to the ABM which has occurred during the past year will continue. The vote yesterday does not mean that Safeguard will be deployed; it means that more months must pass while we continue our critical examination.

I urge my colleagues on both sides of this issue to join in supporting Senator McINTYRE's amendment.

Mr. McINTYRE. I thank the the distinguished Senator from South Dakota. I know how deeply he has felt about the ABM and its possible deployment, and I am especially pleased that he can see his way clear to vote for what I consider to be a sound compromise on this important issue.

Mr. President, I am informed that the distinguished Senator from Mississippi is about ready to yield back his time. I believe I have about 3 or 4 minutes left. Is that correct?

The PRESIDING OFFICER. The Senator has 3½ minutes left.

Mr. McINTYRE. I would like to reserve those 3½ minutes at this time, and suggest the absence of a quorum, reserving those 3½ minutes for a final summation.

The PRESIDING OFFICER. From whose time would the time for the quorum call come?

Mr. McINTYRE. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, I do not understand the purpose of a call for a quorum.

Mr. McINTYRE. A call for a quorum just before the vote. I have about 3 minutes left. I am about ready to yield my time back after a brief summary, just as the Senator from Mississippi is.

The PRESIDING OFFICER. The Chair is informed that, under the precedents of the Senate, the Senator has not time enough left to have a quorum call on his time.

Mr. McINTYRE. What about time on the bill?

Mr. STENNIS. Mr. President, frankly, I think it is in order to have a quorum call before the vote.

The PRESIDING OFFICER. After all time is yielded back, there will be a quorum call.

Mr. STENNIS. I am ready, then——

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. I think the Senator from New Hampshire was under a misunderstanding, perhaps due to what I told him, but if the Senator will be kind enough to allow a 2-minute quorum call, it would clear the situation and give a few Senators an opportunity to get here and the Senator can complete his remarks.

Mr. McINTYRE. Is that agreeable?

Mr. STENNIS. Yes. Does the Senator want to use a little more time?

Mr. McINTYRE. Yes. I would like to address a few more Senators than we have present.

Mr. STENNIS. Yes; I agree to take a few minutes for a quorum call.

The PRESIDING OFFICER. Just so the Chair may understand, the Senator from Mississippi is yielding 2 minutes out of his time in order that there may be a quorum call?

Mr. STENNIS. The Chair is correct. I yield 2 minutes for the purpose of a quorum call the beginning of a quorum call—so the Senator from New Hampshire may have the advantage of it in using the rest of his time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes.

Mr. McINTYRE. Mr. President, is my understanding correct that the Senator from Mississippi is about ready to yield back the remainder of his time, after a short closing summation?

Mr. STENNIS. Mr. President, I would not yield back my time as long as the Senator from New Hampshire is using his remaining time. If he wants to yield back his remaining time now, I will yield mine back now.

Mr. McINTYRE. Mr. President, I have presented this amendment for the consideration of the Senate primarily, and from the very beginning, in order that both sides on this sharply divided issue might have a chance to come together and give the President of the United States the sort of backing and authority that he needs in these critical times.

My amendment does restrict the Department of Defense in what they can do as they undertake to put together this highly sophisticated ABM system. It restricts them in such a fashion that those who tried so mightily yesterday to keep the matter entirely in research and development should find it possible to vote for my amendment.

However, my amendment also and very importantly recognizes the possible threat of the mid-1970's, and permits, under a restrained hand, the beginning of installation of the radars and computers at the two sites, Grand Forks and Malmstrom.

This amendment should meet the requirements of common ground on both sides, and do it without violating any of the principles that are in the minds of those who fought so valiantly yesterday.

Mr. President, a "no" vote on this amendment is a vote for deployment. It is a negative vote for deployment. It is giving up the fight. In its essence, a "no" vote is for taking away strict congressional supervision and control of this gigantic new weapon, and leaving it in the hands of the Pentagon.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has used all of his time.

Mr. McINTYRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MONTOYA. Mr. President, most observers have been stating that today marks the end of a historic unprecedented debate on American defense policy. It is my opinion that this marks only the beginning of the debate. Whatever the outcome of the vote on ABM yesterday and today, and all subsequent votes on defense programs, what we are deliberating is whether or not we take the historic step as the first nuclear power to have the wisdom and courage—to de-escalate the nuclear arms race.

What intelligent person would advocate an escalation of the arms race, further provoking the proliferation of nuclear weapons throughout the world? I know in my heart there is no one Senator who advocates this.

Secretary McNamara said the cornerstone of our strategic policy is assured destruction. Is there any doubt in anyone's mind we have that assured destruction capability? Could the Soviet Union attack us and be assured we would not inflict a devastating retaliatory blow to their country? The answer is an unequivocal "No." Our immense offensive power, which is capable of retaliation despite a nuclear surprise attack, is the factor that has prevented a nuclear war from occurring. This power has not diminished and it promises to increase within the next few years.

In the next few years the intensity of debate will increase, not diminish. Gone are the days when defense programs received a carte blanche OK from Congress. Now we must work toward a positive world peace policy of conciliation and negotiation.

Mr. STENNIS. Mr. President, I think the issues are drawn on this amendment and that its substance and what it would do are well understood. I believe that to adopt this amendment would be contrary to the clear-cut vote that was taken yesterday, and would be in derogation of the position that the Senate took a few hours ago. I believe those matters are clear.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the senior Senator from Tennessee (Mr. GORE). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The result was announced—yeas 27, nays 70, as follows:

[No. 68 Leg.]

YEAS—27

Aiken	Hughes	Moss
Bayh	Inouye	Pell
Brooke	Javits	Proxmire
Church	McCarthy	Ribicoff
Cranston	McGovern	Schweiker
Goodell	McIntyre	Tydings
Gravel	Metcalf	Williams, N.J.
Harris	Mondale	Yarborough
Hartke	Montoya	Young, Ohio

NAYS—70

Allen	Ervin	Muskie
Allott	Fannin	Nelson
Anderson	Fong	Packwood
Baker	Goldwater	Pastore
Bellmon	Griffin	Pearson
Bennett	Gurney	Percy
Bible	Hansen	Prouty
Boggs	Hart	Randolph
Burdick	Hatfield	Russell
Byrd, Va.	Holland	Saxbe
Byrd, W. Va.	Hollings	Scott
Cannon	Hruska	Smith
Case	Jackson	Sparkman
Cook	Jordan, N.C.	Spong
Cooper	Jordan, Idaho	Stennis
Cotton	Kennedy	Stevens
Curtis	Magnuson	Symington
Dirksen	Mansfield	Talmadge
Dodd	Mathias	Thurmond
Dole	McClellan	Tower
Dominick	McGee	Williams, Del.
Eagleton	Miller	Young, N. Dak.
Eastland	Mundt	
Ellender	Murphy	

PRESENT AND GIVING A LIVE PAIR

Fulbright, against.

NOT VOTING—2

Gore Long

So Mr. McINTYRE's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader about the program for the remainder of the day and perhaps tomorrow, and also on Saturday, inasmuch as it was said that there could be a session on Saturday.

AUTHORIZATION FOR COMMITTEE TO MEET

Mr. MANSFIELD. Mr. President, in reply to my distinguished colleague, the minority leader, may I first ask unanimous consent that the Committee on Interior and Insular Affairs be allowed to meet during the session of the Senate today. I do that because I understand that the Governor of Alaska and many Alaskans are in Washington, and it is a pretty expensive proposition for them. In view of that circumstance, I hope it will be allowed.

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

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

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

ORDER FOR ADJOURNMENT FROM TOMORROW, FRIDAY, UNTIL MONDAY, AUGUST 11, 1969

Mr. MANSFIELD. Mr. President, it is my understanding that there is a certain amount of opposition—legitimate opposition, may I say—to a Saturday session; and on that basis, I think it should be announced, with the concurrence of the minority leader, that, unfortunately—from our point of view, in an effort to speed up consideration of the pending bill—there will not be a Saturday session.

Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it adjourn until 10:30 on Monday morning next.

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

Mr. MANSFIELD. There are difficulties which preclude our meeting on Saturday, and those difficulties are not the fault of the majority leader or the minority leader.

ORDER FOR RECOGNITION OF SENATOR PEARSON ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer on Monday morning next, the distinguished Senator from Kansas (Mr. PEARSON) be recognized for not to exceed 30 minutes.

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

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 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. MANSFIELD. Mr. President, it is my understanding that 15, 18, or 20 amendments are yet to be considered. I would hope for the continued cooperation of the Senators on both sides, to the end that, if at all possible, we might be able to complete action on this bill no later than Wednesday next, or sooner.

Mr. MAGNUSON. If we meet on Saturday, we can do it sooner.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, the ABM is just one item of many major items that are in the pending bill, as is well known. Some major items in the bill have not been spoken about on the floor since January. Some of these amendments—I respect them all—go to the very vitals of our national defense program and cannot be discussed briefly. They go into fundamental policies over a period of years.

All members of the committee are willing to agree as early as we can to some reasonable limitation of time with reference to the disposition of these amendments. But at this time we could not make agreements on all of them. As soon as we can, we will make an agreement on all those that have been filed, when we know what they contain.

There will be considerable debate on these matters, and it is highly important that all Senators be present. We are prepared, and I am sure the proponents are, as are many members of the committee, to discuss the subject matter.

Mr. President, I certainly hope that we will work out a plan to pass this bill before the August recess. Many things depend upon the final version of this authorization bill. It is a detriment to the Defense Department and to Secretary Laird to string the matter out so long into the calendar year. Of course, the appropriations cannot move on these matters.

I hope, and I believe, we will have the cooperation of all to drive through and finish this bill before the August recess.

Mr. GOLDWATER. Mr. President, I should like to back up what the distinguished chairman has said and to appeal, once again, for a Saturday session.

Seven amendments aimed at major portions of this bill already have been announced. All of them involve two or three times the amount of money about which we have debated 5 weeks. It will take time on the floor to answer the questions that will arise about the detail in highly technical military equipment. Frankly, I do not see a chance of completing action on this bill by next Wednesday, when we are supposed to start a vacation, unless we do work on next Saturday.

I like Saturdays off as well as anyone else. It gives me a chance to get home. But I think that disposing of this bill by the time we take a recess is more important than a day off on Saturday.

Some of these items, such as AMSA, are expensive and will require a great deal of explanation. When we get into the matter of the tank, that will take a great deal of explanation. Also to be contested is the F–14 of the Navy, a very expensive two-place interceptor, which will take a great deal of explanation before we hope we can convince Members of the Senate that it is worthwhile. We have the whole field of academic spending on research and development, in which the Senator from Arkansas (Mr. FULBRIGHT) and I are in complete agreement. It involves a vast amount of money, a field in which we can save hundreds of millions of dollars, but it cannot be done overnight nor in a half-hour's time.

With all due respect to what some of the Members may have to do on Saturday, I think we could better spend the time here, so that we make sure we will get the recess about which we have spoken.

Mr. PROXMIRE. Mr. President, I agree with the Senator from Mississippi and the Senator from Arizona that this bill will take a long, long time. The Senator from Arizona has just given us some of the reasons, and there are many other reasons that will delay us.

I think we all agree that this bill deserves debate and should get debate in detail. I cannot see any possibility of our finishing by Wednesday. Perhaps there is, but I cannot see it, even if we come in Saturday and Sunday, because we have so much to discuss. The C–5A has not been mentioned, nor has the aircraft carrier. All these things are extraordinarily complicated and require real discussion and debate. Many questions will require detailed answers. Some of them have not been answered satisfactorily in the hearings.

Under these circumstances, Mr. President, although I would agree with the Senator from Mississippi that it is important that we get the bill through as quickly as possible, we have a responsibility to discuss the bill in detail. This is only a 5-page bill covering $20 billion.

Many of these matters cover complex matters which are not clear in the bill. We would not really know what is in the bill if we were to discuss it for 3 or 4 days. Although none of us would like it, I feel strongly we will have to be working on this bill in September.

Mr. DIRKSEN. Mr. President, let me say first of all, out of experience—and the majority leader has had the same experience—keeping Members in the Chamber on Saturdays invites many quorum calls, including live quorum calls, and there is a lot of time lost. I would much rather respectfully suggest to the distinguished majority leader that we run late tonight and tomorrow night, because we will do better that way than if we were to come in on Saturday.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished minority leader said. I believe the distinguished Senator from Illinois has the answer to the question as to a Saturday session. So it is with reluctance that I emphasize there will be no Saturday session. This is not my personal wish, but we will be in late tonight and we will be in late tomorrow. I hope it will be possible to get a continued degree of cooperation among Senators as amendments are called up.

I understand the Senator from Pennsylvania (Mr. SCHWEIKER) is quite receptive to the possibility of a time limitation which would be in the best interests of all concerned. The Senator from Pennsylvania will shortly offer an amendment, and I would like to ask, with his approval—that there be a time limitation of 1 hour on the amendment of the distinguished Senator from Pennsylvania, the time to be equally divided between the author of the amendment (Mr. SCHWEIKER) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS).

Mr. CASE. Mr. President, reserving the right to object, I wish to ask the majority leader if we could have a gentlemen's agreement that as far as a time limitation on other amendments is concerned, there would not be a request made, at least without some notice, except on the basis of successive amendments, and an agreement relating an individual amendment.

Mr. MANSFIELD. Yes, of course; I thought it was perfectly proper to ask at this time, because of the attendance.

Mr. CASE. Yes.

Mr. MANSFIELD. The amendment requires a new Department of Defense reporting system for major contractors and increases GAO responsibility as the watchdog.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall not object—first, I agree with what the majority leader said about running late at night. This has proved to be very effective in the past. I also wish to agree with the Senator from Wisconsin. If I understand some of the major items the Senator from Mississippi is talking about, I do not think we would be warranted to pass on items without understanding them.

The Senator from Missouri is not here at this moment, but he had much to say about an aircraft carrier. He pointed out on numerous occasions the fact that we have 15 and no other country has them. And he raised a fundamental question of policy as to whether there should be one. This is so important that it should not be voted upon under a time limitation of 1 hour or whatever it is. We should have an opportunity to understand this matter, because it amounts to so much money.

I think the Senator from Wisconsin is probably correct, although I rather welcome the idea of running late tonight and tomorrow night, as long as we give Senators notice. We object to coming up to 6 o'clock in the evening and then being told. I welcome the idea of running late.

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

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MANSFIELD. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

Mr. MANSFIELD. There will be no time limitation.

Mr. STENNIS. Mr. President, with respect to the amendment which is coming up, I do not think it will take long for debate. That amendment came up in committee and was explained by the author. Then, he did not ask for a vote on the amendment. I have not really gotten into it much since then. So I would have to get some material here and look into it. Then, I would be amenable to a limitation.

Mr. President, I wish to make a further observation. I want the bill to move along and I will make any reasonable agreement as far as the time is concerned. However, on these far-reaching policy matters that are complicated, it would be unreasonable to go into a time limitation. For instance, I refer to the matter mentioned by the Senator from Arknasas. Then, there is the matter dealing with biological warfare. We must get into that.

I would like to suggest informally that those who have amendments on biological and chemical warfare get together and agree on something among themselves, and then have an understanding with the Senator from New Hampshire who dealt with this in great detail in the hearings. It might be we could get together. It might be it would not take a long debate; otherwise, it would take a long debate.

Mr. President, that is all I have to say at this time.

Mr. MANSFIELD. Mr. President, I have withdrawn the unanimous-consent request.

The PRESIDING OFFICER. The unanimous-consent request has been withdrawn.

Mr. MANSFIELD. Mr. President, I do not know when it will be offered again or whether it will be offered again. It was made in an attempt to expedite consideration of the proposed legislation. I thought that was the desire of the chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, I wish to say that that is a matter covered by the amendment not in the bill. There have been no hearings on it. There has been some discussion by the committee. For that reason, I could not agree now.

Mr. MANSFIELD. That is all right.

Mr. President, I would appreciate it if the Senator from Wisconsin (Mr. NELSON), the Senator from Texas (Mr. YARBOROUGH), the Senator from Indiana (Mr. HARTKE), and the Senator from Rhode Island (Mr. PELL) would meet with the distinguished chairman of the Subcommittee on Scientific Research (Mr. MCINTYRE), and if possible, the manager of the bill, to discuss a number of amendments covering the same subject to see if some sort of agreement could not be reached as to what could or could not be done with respect to consolidation or coordination. If we could meet in the rear of the Chamber so that we might discuss the matter, I would appreciate it.

AMENDMENT NO. 85

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

The amendment offered by the Senator from Pennsylvania will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, insert the following new title:

"TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

"SEC. 501. (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major contract as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;

"(2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;

"(5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;

"(6) the estimates of the contractor and

procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and

"(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

"(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

"(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each contract review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriation of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect."

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Utah (Mr. Moss) be added as cosponsors of the amendment.

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

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber?

Mr. President, I ask that the Chair clear the Chamber of all unauthorized persons.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to clear the Chamber, as requested.

Mr. SCHWEIKER. Mr. President, in rising to call up this amendment today, I do so in the firm belief that we have a wonderful opportunity to strike a blow for the American taxpayer. There have, in my judgment, been far too many instances during recent months of cost overruns reported in the public media.

It seems to me that every taxpayer in this country, upon seeing these headlines, is entitled to ask "why?" It seems to me that that is a very legitimate question. It seems to me that Congress has not yet provided an adequate answer to that question. I believe we have a responsibility to do just that.

We have made a start. Early this year, the chairman of the Armed Services Committee obtained personnel from the General Accounting Office to help the Preparedness Subcommittee review approximately 30 of our major defense contracts. Reports have already been provided by the Defense Department on a number of these contracts. I know that the chairman and other members of the committee are as concerned with this problem as I am.

I feel strongly that we must do more. Congress has just approved the President's request for extension of the 10-percent surcharge for the next 6 months. The Defense budget continues to rise. The cost of living keeps going up. It seems to me that, for these and other interrelated reasons, the very least this body should do is to take steps, and I would hope the other body would agree, to put the Defense Department and its major contractors on notice that Congress is going to be looking over their shoulder much more closeely than they have in the past, and is going to insist on real efficiency and best possible management of public money for our defense needs.

Mr. President, as I said when I introduced this amendment some days ago, in referring to some of the cost overruns which have been so highly publicized:

The tragic fact of these excessive cost revelations was that the Congress was informed of them long after the fact, when there was nothing we could do about them. Instead of learning about them in an orderly fashion, when detailed analysis and recommendations could be made in time to correct them, we heard about them under the glare of television lights in publicized hearings, when no amount of talk could return the waste of money.

The purpose of this amendment is to attempt to avoid such situations. It will put into statutory reform a requirement that the Defense Department make quarterly reports to Congress on all major weapons systems. It will also require the Comptroller General to audit this reporting system and provide an annual report to Congress including recommendations for improving the system. The Comptroller General may also conduct an audit, on his initiative, on any individual contract he feels warranted, and he will be given the authority to acquire such additional information as he feels he needs in order to make the audit.

It seems to me that the primary advantage of this sort of system is that Congress would receive accurate and current information before and not after the fact. We would know, as the public expects us to know, how the taxpayers' money is being spent, and if it is not being spent prudently, to do something about it.

I wish to make absolutely clear, Mr. President, that this amendment has been proposed in the firm belief that we have a problem which needs to be corrected. It is not an attempt to hamstring any one of the military services or the Defense Department as a whole. It is not directed at any defense contractor or any defense industry in general.

It is an attempt to deal with a very real problem and to let the taxpayers know that we are really on their side. Waste is inherent in any large spending program, and probably will continue to be so. But I believe that the Congress must take these steps in order to let those concerned know that it intends to exercise its full responsibilities in this area.

One of the problems that Congress faces in taking on the enormous job of reviewing defense procurement is that we simply do not have adequate resources. Capable as the Armed Services Committee and its staff are, we cannot do more than begin to review defense contracts in depth. Even Bureau of the Budget officials have admitted that with 50 personnel assigned to review of the defense budget, they have not been able to control defense procurement excesses. The Pentagon has not had a uniform accounting system, which the Comptroller General admitted to me in our conversations on this bill. I was astounded to find out that the Comptroller General could not even go to one place in the Pentagon to get the answers to what the costs were on the major contracts. He had to go to a dozen different departments to find out where the expenditures were being controlled or supervised. There was no one person, one office, or one central system available, even in the Defense Department, to find out where the costs were. Information and responsibility on major contracts are spread throughout dozens of offices. Better access to contract information is vitally important.

My amendment will begin to remedy this situation by putting into statutory form a requirement that the Defense Department make quarterly reports to Congress on all major weapons systems, including but not limited to several important factors. For example, the estimates at the time the contract was entered into, both the contractor and the procurement agency—both estimates.

Even on the C–5A situation. the contractor and the Defense Department were miles apart on their estimates. If we had looked into the trouble initially, or had known about it, we could, possibly, have averted the tragic cost overruns with which we are now presented as a fait accompli.

The fact that they could not agree, the contractor and the Defense Department, should have been a red flag to us, but we did not know about it until it was too late.

This system would make clear what the contractors' estimates are and what the Department of Defense estimates are, where the differences are, and if there is a difference, why the difference, and also why we might be in trouble. I read from the amendment:

(1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;

(2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;

(3) the reasons for any significant rise or decline from prior cost estimates;

(4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;

(5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;

(6) the estimates of the contractor and procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and

(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluaton of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

Mr. President, I think it is significant to point out that with this kind of information, we who are in a position of responsibility on the Armed Services Committee, the Appropriations Committee, and the respective committees in the other body, will then have some accurate, certified, accountable basis on which to make intelligent decisions with that kind of information.

The wasted money on the few projects which have been investigated recently is staggering. But I fear that it is just the tip of the iceberg which would be revealed if every major defense contract received this scrutiny. If my system is instituted immediately, maybe some of these unknown overruns can be avoided.

With our economy under such a severe expenditure strain, and with questions of tax reform, surtax, and spending priorities so important, it is imperative that we institute statutory reporting and auditing requirements, and not merely rely on informal data supplied by the Pentagon without anyone auditing the system.

Under my proposal, the Comptroller General would cooperate with the Department of Defense in setting up an understandable, accurate, up-to-date and current accounting system, and then the Comptroller General further would be responsible, under my amendment, for recommending any changes, improvements in the system on an annual basis. It can be refined as we go along. And further, the Comptroller General would have responsibility and authority to go in and actually audit any major contract whose costs were getting out of line.

Mr. President for the RECORD I would like to indicate again the names of those of my colleagues who have cosponsored this amendment with me. They are Senators CASE, COOK, EAGLETON, HART, HATFIELD, MATHIAS, MANSFIELD, MONDALE, MOSS, NELSON, PACKWOOD, PROXMIRE, SAXBE, SCOTT, STEVENS, YARBOROUGH, and YOUNG of Ohio. I am pleased that so many of my colleagues, on both sides of the aisle agree with me that this will be a useful step. I hope that others of my colleagues will be persuaded likewise.

Congress must face up to its responsibilities. We must put into statutory language methods by which we can receive accurate and detailed information on a regular basis so that our review of defense contracts can be in an orderly fashion, and so that mistakes and inefficiencies can be spotted in time to correct them before costs have already skyrocketed.

In short, congressional review, with GAO assistance and audits, should be a matter of law. This will serve the end of providing continual up-to-date status reports to the Congress and the respective committees working on these problems. It will give the agencies and private contractors involved clear notice of exactly what information will be received by the Congress, and should serve as an incentive to efficiency.

The seriousness of this issue goes far beyond the fact that money is being wasted under current procedures. We are living in a time of serious inflation. The taxpayers have every right to expect that elected and appointed officials of their Government are exercising the utmost care in allocating and spending the vast sums necessary to maintain our country's defense capabilities.

They also have the right to know, within the bounds of national security, the details of how this money is being spent, and what problems are being experienced with respect to the administration of these contracts.

Enactment of this amendment will be a significant step in bringing about these goals.

I yield 4 minutes to the Senator from Texas (Mr. YARBOROUGH).

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. YARBOROUGH. Mr. President, I am a cosponsor of the amendment. I shall not repeat the statement so ably made by the distinguished Senator from Pennsylvania. Instead, I shall talk about the collateral matter of budgeting for the Defense Department, which shows an utter recklessness.

This year, for the first time, I became chairman of the subcommittee of the Appropriations Committee which has jurisdiction over the Bureau of the Budget. I asked the officials about the budget procedures. I had heard about them. Some people had resigned in disgust, frankly, and came and told me about it.

There are 178 budget examiners. They are the ones who examine the whole budget of the United States for the President and make up the budget for the Government. Of those 178 examiners for the whole Bureau of the Budget, only 42 examine into the $80 billion defense budget, 136 of them work at cutting down programs for health, education, agriculture, manpower training, poverty, medicaid, medicare. Everything that helps the American people internally, they chop to pieces, and they cut out whole programs.

They have cut out every penny for school libraries for elementary and secondary schools, and for books. The Under Secretary of HEW says this administration does not believe that books and libraries have a high priority. They practically would abolish reading. They cut out money for libraries for the towns and villages of America.

Further, with respect to the procedure, when officials for HEW, Agriculture, Commerce, Labor, or any other department disagree with the Bureau of the Budget, they have to go to the Bureau of the Budget and plead to restore the cuts. But if the Defense Department disagrees with the Bureau of the Budget, the only way the Bureau of the Budget can do anything about it is to appeal to the President. So I said to them: "You are just an adjunct of the Defense Department." They told me they did not have enough money. The recommendation was made that they have 30 or 40 more examiners. They assured me that if they had, they would look into the defense budget more carefully.

I have a letter from Mr. Mayo, Director of the Budget, dated July 7, in which he expresses appreciation for the fact that we are trying to get them more personnel. He says that if Congress approves the 1970 budget, as our committee has recommended, "several" of the new positions will be assigned to reviewing the defense budget. If 40 more examiners are allowed, "several" might mean 2, or 4, or 5 out of the extra 30 or 40. Thus, the defense budget would not receive adequate review. The Bureau of the Budget might as well be nonexistent or abolished as far as the Defense Department is concerned.

Fiscally, it is a tragic situation for our Government. Fiscally, it is indefensible. They comb every other program with a fine tooth comb, but this vast budget, which is costing this country so much, is not adequately examined. The Defense Department comes in with a request for the defense budget of $80 billion, or $85 billion, or $82 billion, or $79 billion. Small

wonder there is all this waste in defense. Nobody has a restraining hand on that budget. It has gotten to be bigger than the Government of the United States. No longer does the civilian government control the Defense Department.

I am honored to cosponsor the amendment offered by the distinguished Senator from Pennsylvania, which is cosponsored by many other Senators. It is a measure designed to get some fiscal responsibility in our Defense Department.

Mr. President, I am not a pacifist. I am for a strong defense. This Nation will not survive without a strong defense. But we will not keep a strong defense without fiscal responsibility. The people in the Department of Defense throw away money as if it were going out of style. They spend it by the billions of dollars. They have to know that the money comes from the taxpayers; that every time we vote another billion dollars for defense, we cut down on funds for schools and hospitals. The Hill-Burton funds for this year have been cut 60 percent.

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

Mr. SCHWEIKER. I yield 1 additional minute to the Senator from Texas.

Mr. YARBOROUGH. They have cut to $100 million the $250 million request for hospitals in this country, when hospitals, because of the medicare and medicaid programs, are so crowded that people cannot get into them.

That to me is irresponsible; yet whenever somebody in the Department of Defense wants more money, the Bureau of the Budget accepts that request without question.

Recently, after protests, President Nixon announced he is going to bring the Defense Department back under genuine control of the Bureau. But, he cannot secure that control when only 42 examiners out of 178 examiners are used to look at the defense budget, and when the Defense Department asks for half of all the money in the budget.

Similarly, as the Senator from Pennsylvania pointed out, when we get over to accounting for the money, we find the money goes out like water through a drain. Even in the irrigation country we have gates on our irrigation canals, to save some of the water. We cannot afford to irrigate all the time. But the Defense Department keeps its valves open all the time, 24 hours a day. It does not even have a gage on to measure the output. This amendment puts that gage on.

I am hopeful the managers of the bill will accept the amendment, if they think we should have fiscal responsibility in the Department of Defense as we have in the rest of the Government. I hope the Senator from Mississippi will accept the amendment of the Senator from Pennsylvania.

Mr. STENNIS. Mr. President, if the Senator will yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCHWEIKER. Mr. President, I am pleased to yield to the distinguished chairman.

Mr. STENNIS. I thank the Senator. If the Senator from Texas will just remain and hear what is involved as I see it, I shall be flattered. I hope he will.

Mr. YARBOROUGH. I thank the Senator for inviting me. I must testify before the Appropriations Committee also. I will stay until the last possible minute.

Mr. SCHWEIKER. Mr. President, may I inquire of the Senator from Mississippi how much time he would like at this point?

Mr. STENNIS. Mr. President, are we under controlled time now?

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). We are not under controlled time.

Mr. SCHWEIKER. I have completed my opening remarks; so, if the Senator would like to have the floor at this point, I am happy to yield it to him.

Mr. STENNIS. Mr. President, may we have a brief quorum call. I have a matter I must attend to.

Mr. SCHWEIKER. 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. SCHWEIKER. 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. STENNIS. Mr. President, does the Senator from Pennsylvania wish to speak?

Mr. SCHWEIKER. No, Mr. President; I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I call to the attention of Senators that the problem here is to get before the Senate what this amendment really means, and how it would operate. There have been no hearings on the subject matter. The Senator from Pennsylvania and I conferred about it to some extent, and discussed the substance of it, and I encouraged him to continue his work in this field. The hearings were going on; and as I recall it was the day before we closed the hearings, or the day before we finished the markup, one or the other, when he suggested that I ought to have Mr. Staats or some other major witness appear on the matter.

Of course, it was too late then. I appreciate very much the Senator's purposes, his intentions, and his work on the subject, but that is not enough to make one agree to a far-reaching measure such as this.

By way of background as to what is being done generally, before discussing the amendment itself, the Senate Armed Services Committee, in early January, instituted a program of surveillance over contracts by its own staff members, and obtained the services of men highly qualified in this field—some of the top men from the General Accounting Office—on a reimbursable basis, temporarily. The plan is ultimately to have a highly competent man in the field—more than just an auditor or a bookkeeper—with some assistants, to keep a continuing surveillance over these major contracts for the committee.

That is not just a little routine matter. We are now receiving quarterly reports on a number of major contracts, which represent, I think, about 75 percent of the amount in dollars involved in defense appropriations; and I am pledged—it is a part of my philosophy of life anyway—to follow those dollars. As to anything we authorize and then appropriate, I think it is the duty of this committee to do what it can to follow the dollars.

I have enlisted, earlier this year, the full cooperation of the General Accounting Office. The Comptroller General, Mr. Staats, is an unusually well-qualified man, and totally insistent on the idea of cooperating with the committee. He is subject to call, and makes a valiant effort to serve our needs and our purposes whenever called upon.

In addition, the Secretary of Defense, Mr. Laird, has put in motion his own surveillance plan. He is a very capable man, as we know, and is really going after this matter, and making reports on a quarterly basis. He has the assistance of men of very high competence.

Moreover, the President of the United States has appointed a special panel.

I hope that the Senator from Texas is in a position to give him his attention.

The President, at the instigation of the Secretary of Defense, has appointed a blue ribbon committee—it might be described as a commission, but I believe committee is more accurate—headed by one of the most prominent and capable industrialists in the Nation, with an outstanding group of members, which is to make a report within a year as to what most needs to be done.

Those things have some meaning, but there has not been time to find out just what the fruits of their effort will be, and where else the need may lie.

Then comes the Senator's amendment, which, as I say in great deference to my friend from Pennsylvania, has not had any hearings and has not been submitted to our committee, except that it was explained by the author. I told him I could not support it in that form, and he did not call for a vote by the committee. I especially invited him—and I am not complaining; I just want to bring out the facts pertinent to the hearing—and he said he did not care for a vote. As I recall, he asked if I was opposed to his amendment, and I said, "Forget that. Call for a vote if you desire." However, he did not do it. And I am not complaining. I emphasize that.

So we went on to mark up the bill. That was the last day for markup. Then here comes the proposal in the form of an amendment on the Senate floor with not one scintilla of evidence to support it—not one bit. The Senator's statement is in the record of the hearings, of course.

It is a highly important subject matter, as I indicated to the Senator when I encouraged him to go into the matter.

The first major point we considered in our talk was to get the Comptroller General into the matter of the estimates for the big weapons such as a submarine or a new plane. We found out that he did not have the machinery and did not have the staff to go in and check on those estimates. We found that it would take a

large number of economists and a large number of other men versed in various fields.

Somewhere they got into the amendment this provision for the Comptroller General to have subpena power to go into the records of all of the contractors that might be doing business with the Department of Defense just by applying to a district court, and so forth.

I read from the bottom of page 4:

> The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after the final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, . . .

I put emphasis on the word "subpena." That is the very power that the committee has now, and that is where the responsibility ought to remain.

I do not favor voting here in any form for such far-reaching powers, powers as wide as the English language can make them, to authorize the General Accounting Office to go into every book and file of any business in the land merely by getting a subpena. I do not approve of that form of government.

There are two reasons why I do not approve of it. It would totally change the concept and prerogatives and responsibilities of the entire General Accounting Office. It just is not right on its face. We have that responsibility. It is our obligation, and we must follow up on it.

That is part of my ticket, as I have already said. However, there is another reason. It just is not American to have a so-called bureaucrat—and I use that term in its best concept—with such unlimited power. More particularly, it may be necessary at some time. We may have to do this very thing, but only after the most minute, careful, and exhaustive hearings to determine where the deficiency is and what avenues it is necessary to take to give this power, how it will be exercised, and what restrictions will be placed on it. We should have all of that spelled out in very definite words, followed up by a carefully drawn report of the committee. The matter should then be brought to the Senate floor and passed on in accordance with the judgment of the Senate.

I warn the Senate now that we do not have much before us. We do not have anything before us except a piece of paper and the honest and high-minded statement of the Senator from Pennsylvania.

There is another reason why this should not be passed on in this way. I have had many conferences with Mr. Staats, the Comptroller General this year and before, but this year especially. He came in the other day and we had a conference, at his request. He talked with great earnestness about the bill and how it would change his whole office and the whole concept of his office. He was not happy with it at all. I did not call for him. He called for me.

I have talked with him some about the matter before. He just does not want to have the bald statement of that subpena power. He does not want it under the circumstances of the amendment. So, I think it would be a dreadful mistake, and I told the Senator from Pennsylvania in the committee meeting that I would never agree to the granting of this subpena power and the changing of the nature of the office without a hearing so that we would know exactly what we were doing.

I believe that if we go ahead and agree to the amendment with that power contained in it, as soon as the business fraternity—and I have no affiliation with them and I am not trying to protect them—realize what is contained in the bill, they would be up here turning things upside down for a chance for a hearing and a definition of the terms and the formulation of something specific and definite in that field.

I warn the Senate to go slow on the matter. High motives and purposes are not enough. I hope that the Senate will give our committee more of a chance than it has had to pass on such a far-reaching matter as this amendment which so materially affects the Department of Defense, or any other department involved.

I am not just trying to plead for the Department of Defense.

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

Mr. STENNIS. Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I should like to ask a question that I think is basic to the matter. I think we all must admit that, especially in view of the revelations this year by the Proxmire committee and the Armed Services Committee, we would all be inclined to want legislation to tighten up and control spending.

Am I not correct in thinking that, because the pending amendment would affect the General Accounting Office, the amendment should be heard not by our committee, but by the Committee on Government Operations?

Mr. STENNIS. Undoubtedly. It ought to be referred to the Committee on Government Operations. And then perhaps it ought to come to our committee later, if the matter just pertained to the Department of Defense. However, the pending amendment goes to the whole basic fundamentals of the General Accounting Office. And we certainly need the opinion of that committee. As it is, we do not have the opinion of the Armed Services Committee.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, if the idea is good as applied to the general area of military spending, would it not also be good to apply it to all areas of spending? We are not doing that in this case.

Mr. STENNIS. The Senator is correct. I want to catch up with waste, if there is any waste. I am anxious to do so. However, the concept of the amendment would not apply to other agencies. The Senator is correct. The provision ought to apply to many of these agencies, I will not say to all of them.

Mr. GOLDWATER. The idea is a very intriguing one. It is sort of being against mother love and wide roads and free beer, if one wants to put it that way. It does sound good.

There was a time when I was inclined to support it. However, when I realized that this requires subpena action and takes away the prerogative of the General Accounting Office without first having consulted them, I, too, joined my chairman in hoping that the amendment would be rejected.

The idea, however, should be kept alive and sent to the Government Operations Committee for hearings. There is no question that we have to have a closer observation of spending in the military and all through our Government.

But I do not like this approach, and I do not like taking such a great step without first having any hearings on it. I have been as critical of the financial reporting from the Pentagon as anyone. I have been opposed very violently to the idea that Mr. McNamara started doing his own auditing and finally acquiring an auditing department bigger than the General Accounting Office. I do not think that is right. Now that he is gone, perhaps we can get into some intelligent operation of that department, and I think we are. The idea is good. The suggestions in it, on the whole, with the exception of the power of subpena, are good. But I have to agree with the chairman that this is not the place to decide such an important measure, and I hope it will be rejected.

Mr. STENNIS. I thank the Senator very much.

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

Mr. STENNIS. I yield.

Mr. COOK. Mr. President, one of the things that bothers me, which the chairman of the committee and the Senator from Arizona have stated, is that they dislike in this amendment the power of subpena.

Sell it to everybody in the country that somebody who has a defense contract does not have to be subjected to the power of subpena, but that I do, because I filed my income tax return, and that every individual in America who files his income tax return is subject to the power of subpena by the Department of Internal Revenue, to take his books, to ask for him to appear, to ask anybody else to appear, to go in and get his books; but that, somehow or other, if he has a defense contract, he does not have to do so.

I might suggest to the Senator from Mississippi and the Senator from Arizona that the power of subpena, the power to secure records, has been given by law to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, the Small Business Administration, the Department of Defense, the Department of Agriculture, the Department of Labor, the Federal Deposit Insurance Corporation, the National Labor Relations Board, and the Internal Revenue Service—to go in and look at any individual taxpayer's tax return, books, and records. But, somehow or other, a few contractors in the United States do not like this amendment because they have Federal contracts, they have defense contracts, and they do not

want to give this body the privilege to extend the power of subpena.

Is it not true that in this bill, on which we will vote either next week or next month, there is a figure in the vicinity of $1½ billion of the overruns on defense contracts? Did Senators not read in the newspapers, not too long ago, that the Department of the Navy decided that it would give a contract for several more million dollars to a company that was under Federal indictment for the contracts that it previously had?

Then we say that we object to the power of subpena. Yet, everybody in this Nation who files a tax return must subject himself to the same power of subpena by the Internal Revenue Department. And we are saying here today that we object to sustaining the power of subpena against a contractor in the United States who has a defense contract, if the General Accounting Office wants to look into that contract to see whether the taxpayers of this Nation or their Government got a fair deal.

Mr. STENNIS. Mr. President, will the Senator yield to me in order that I may respond on that point?

Mr. COOK. I yield.

Mr. STENNIS. As to the general charge about the contractors being against it, I do not know whether or not they are against it. I have not heard from any of them.

The present situation is that any time the General Accounting Office wants the power of subpena or to use it, under arrangements with them on defense contracts, they can get it from the same committee, this committee, the Committee on Armed Services. We have that power, and we can let them use it, under our general supervision.

Second, I emphasize that it is not just the granting of the power of subpena alone in this language. It is doing it without any hearing, without any measuring of the need or the guidelines and all that goes with it. It has been granted to some of the other agencies from time to time. Some of that is in a limited field of operation only. But I would think that was done after a microscopic examination.

I just cannot see the idea of jumping in here and granting this power, with no hearings, no recommendations of a committee, nothing—just somebody speaking on the floor.

Mr. COOK. Mr. President, I want the RECORD to show that the agencies that I enumerated have the power of subpena authorized by law, not authorized by a committee that may want to give it to the agency or not give it to the agency, but authorized by this body, as a part of the statutory law of this Nation, to operate its will and perfect its wisdom, as it sees it, through the power of subpena, in regard to books, records, and witnesses.

In essence, what we are saying today is that all these agencies have that right, including—I emphasize again—the Department of Internal Revenue, as to every individual and corporate taxpayer in this Nation. But, somehow or other, we do not want to give the same authorization to the General Accounting Office in regard to a defense contractor.

Mr. STENNIS. Mr. President, I do not care to continue to hold the floor, if another Senator wants the floor in connection with this matter.

Mrs. SMITH. Mr. President, I want to take this opportunity to commend the distinguished junior Senator from Pennsylvania—he is an active and informed Member and colleague of mine on the Senate Armed Services Committee—for his effort in attempting to find a more efficient accounting system for the Defense Department. The Senator has made a very thorough study of this subject. His is a fine objective.

Mr. President, this is a very broad subject, as already has been said; and while I feel there is a need for a change, I have to agree with the able chairman of the Committee on Armed Services (Mr. STENNIS) that extensive hearings should be held. We should get testimony from the Defense Department, from the Comptroller General, and from others who would be involved in this undertaking.

This amendment merits a great deal of time, much more time than we are able to give it on the floor without the hearings to which I have referred. The many facets that must be explored would require extensive hearings.

I think it could have far-reaching consequences. The new bureaucracies in each of the services, the Defense Department, the General Accounting Office, and Congress would mushroom out of proportion.

Mr. President, again I applaud the distinguished Senator for his efforts toward better fiscal management. As our distinguished chairman already has stated, much of this work is now being carried out under the supervision of the Armed Services Committee. The committee is now getting quarterly reports on the costs, schedules, and performance characteristics of 31 major weapons systems. Already, reports on 26 have been received and are being examined. This closely parallels what the amendment seeks to accomplish.

I would be most reluctant to agree to the subpena powers as provided in the amendment until the thorough hearings that I am asking for are reported on.

Mr. President, again I wish to commend the distinguished Senator for a job well done. It has brought this matter to our attention. I hope the chairman will find time to have some hearings.

Mr. STENNIS. Mr. President, I think the Senator from Maine has made a splendid suggestion. I would be delighted to set the matter up for hearings and have representatives from the General Accounting Office and the Department of Defense come in.

I really think that the committee which has jurisdiction over the General Accounting Office should have some consideration in this matter to hold hearings from their viewpoint and get estimates as to the cost of carrying out this program, and how many employees would be required. I know under the present situation the General Accounting Office is overlooked and that they do not have enough employees now.

There should be some kind of idea as to what we are authorizing in the way of manpower and additional cost.

For example, I will read the language which appears on page 5:

> There are hereby authorized to be appropriated such sums as may be required to carry this section into effect.

That is just a blanket authorization, and not for 1 year but for years to come. I have no idea how many additional employees would be required. It may be a good investment but we are walking around in the dark.

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

Mr. STENNIS. I yield.

Mr. MONTOYA. Mr. President, during the last few weeks I have been conducting hearings with respect to the manpower requirements of the General Accounting Office. It has become crystal clear to us that the General Accounting Office really does not have enough manpower to perform surveillance under the law as an agent of Congress over expenditures in the Department of Defense and other agencies of the Government.

I am inclined to agree with the principle of the amendment and the objectives. However, I think it is of the utmost importance that hearings be conducted so that representatives of the General Accounting Office can come in and tell the Committee on Armed Services as well as the Legislative Appropriation Subcommittee what its manpower requirements might be in order to carry out the directives of this amendment. Until that is done I think the amendment would be premature, and I am inclined to agree with the Senator from Maine and the Senator from Mississippi that this amendment should go before the Committee on Armed Services for a thorough hearing.

Mr. STENNIS. I thank the Senator.

I wish to inquire of the Senator from Pennsylvania, if he is willing to answer, as to his estimate of how many additional employees would be required in the annual cost of carrying out the effect of the amendment.

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

Mr. STENNIS. I am glad to yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I went into quite a bit of discussion with the Comptroller General on this issue. So my colleagues will understand some of the legislative history of the amendment, I went to the Comptroller General with a suggestion on how to perform an audit and have an accounting for it. I suggested originally that the Comptroller General come in on some quarterly basis to look at these programs.

The Comptroller General said that this was not a practical way to proceed and that if I really liked this idea he would revise the language of the amendment, through his general counsel, in a way that they could live with it, to be compatible with the requirements of his office, and to meet their policies and procedures.

The Comptroller General and his attorney did exactly that. They, frankly, have suggested the language of this amendment. It was they who asked for

the subpena power because they believe if there is to be the responsibility there must also be the authority. They asked for the subpena authority. If they are going to be held accountable they would like to have the authority.

As far as cost is concerned, they said, on the original suggestion I had, that it might involve a couple hundred employees; but then when we reversed the procedure so that they would only act as overseer and DOD would do the work and they would only come in and audit the system, if they saw fit to do so, they said it would be less than several hundred employees. However, they could not fix the number of employees. Who can foretell a matter such as the C–5A, or the submarine matter, or some iceberg revelation?

Therefore, they simply say it would be a couple hundred employees and they could not give an accurate estimate. I suggest it will cost only 10 percent of what we spend compared with the $1.5 extra billion involved in the C–5A going down the drain before anything happened.

I thank the Senator.

Mr. STENNIS. I thank the Senator for his statement. The Senator has worked on this matter in a very splendid fashion, but there is illustrated the need for hearings. This matter must be pinned down. What are the facts? What are the effects of the provision and what will be the cost?

Mr. President, I have before me a letter dated August 1, 1969, from Elmer B. Staats. For the benefit of those who have just entered the Chamber, I wish to say that I have had a great deal of contact with him since January 1. I am interested in the subject matter of this amendment and the whole scheme of following these dollars. That is part of my philosophy of life. I pledge to the committee and to the Senate that we will have a program to that end.

In the course of all these discussions I asked him to review these matters. The Senator from Pennsylvania conferred with him and I know that members of his staff conferred with him. I wish to read portions of the letter of August 1, 1969, addressed to me as chairman of the committee. I shall not read all the letter but I shall put it in the RECORD in its entirety later. If anyone requests, I shall read all of it. The letter consists of three pages:

As you know from our recent discussions, the General Accounting Office is planning to give increased attention to Defense procurement, with particular reference to the procurement of major weapon systems. This area has long been an important one for the General Accounting Office, but I believe that it deserves increased attention in view of the fact that more than one-third of the Defense budget is devoted to procurement.

Passing on some of the more controlling parts, the letter continues:

Preliminary plans of the GAO contemplate that its reports on major weapon systems will include the following:

1. Currently estimated costs compared with the prior estimates separately for (a) research, development, and engineering, and (b) production.

2. The reasons for any significant increase or decrease from cost estimates at the time of the original authorization and the original contract.

3. Options available under the contract for additional procurement and whether the agency intends to exercise any options, and the projected cost of exercising options.

4. Changes in the performance specifications or estimates made by the contractor or by the agency and the reasons for any major change in actual or estimated differences from that called for under the original contract specifications.

5. Significant slippages in time schedules and the reasons therefor.

We are aware that several legislative proposals have been advanced to provide for differing types of reports and reviews by the General Accounting Office relating to the Defense procurement, with particular reference to weapon systems.

Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this Office and the needs of the interested committees of the Congress need further development and exploration.

Mr. President, I have not read from this letter until this time because it did not come to my personal attention because of other matters concerning the bill. But that is the very thing, I say, we are getting into. The President has ordered the Budget to get into it more. We will and we can bring a complete picture here. If the Senator introduces his bill, we will hold hearings on it to bring in a picture of it. But we do not have that today.

Continuing reading from the letter:

For these reasons we believe that legislation prescribing a particular form of reporting at this time would be unwise.

I repeat, "would be unwise."

That is not the committee talking, or its chairman. That is Mr. Staats, the Comptroller General of the United States.

Continuing reading from the letter:

In general, we believe that the basic authority of the General Accounting Office is adequate to carry out the program which we have outlined.

I am sending a similar letter to the Chairman of the House Armed Services Committee.

I have previously advised in testimony before the House and Senate Appropriations Committees of our general plans to increase our effort in the Defense procurement area.

Mr. President, I ask unanimous consent to have the entire letter from Mr. Staats printed in the RECORD.

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

AUGUST 1, 1969.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: As you know from our recent discussions, the General Accounting Office is planning to give increased attention to Defense procurement, with particular reference to the procurement of major weapon systems. This area has long been an important one for the General Accounting Office, but I believe that it deserves increased attention in view of the fact that more than one-third of the Defense budget is devoted to procurement.

Assuming the Congress acts favorably upon the 1970 budget request for the General Accounting Office, we anticipate increasing the staff devoted to Defense procurement from an average of 250 to 425 employees. This increase will be allocated principally to the acquisition of major weapon systems by the Department of Defense where we will give particular attention to the following:

1. Possible improvements in cost estimates at the time the authorization request is presented to the Congress.

2. Providing greater assistance to the Armed Services and Appropriations Committees in the timeliness and completeness of information on the status of major weapon systems.

3. Reviewing and presenting to the Congress on a selective basis major problems identified which may be of assistance to the Congress in acting on future appropriations and authorizations for major weapon systems.

As you know, the Department of Defense is improving its information reporting on major weapon systems through its Selected Acquisition Reporting System. We understand this information will contribute to and supplement the action of the Senate Armed Services Committee, already underway, to develop a reporting system to keep the Committee advised on the status of weapon system acquisitions. The GAO proposes to work with the Armed Services Committees, the Appropriations Committees, and the Department of Defense in developing a system which will assist in meeting the needs of the Congress. Subsequently, the GAO proposes to review from time to time the operation of the reporting system from the standpoint of improvements which may be needed to assure its timeliness, accuracy, and adequacy.

Tentatively, the GAO proposes to submit to the Congress at the beginning of the congressional session and at such later points in time as might be useful during the period when authorizations and appropriations are under consideration, status reports on major weapon systems, excluding those systems which are substantially completed. To the extent practicable, the GAO hopes to come into agreement with the Department of Defense on cost definitions. The General Accounting Office will advise the Department of Defense of the weapon systems to be included in the report for this purpose at an early date. It will also be necessary to reach agreement between the Department of Defense and the General Accounting Office on access to records. In addition, there should be discussions on the classification of data and the handling of such data in GAO reports which is classified in nature.

Detailed reviews of the problems involved in acquisition of weapon systems will give first priority to the requests of authorizing and appropriating committees. For example, the GAO has been requested by the Senate Armed Services Committee to provide information for the Committee with respect to the Cheyenne Helicopter, the Condor, and the SRAM. The GAO will advise the Department of Defense of future similar requests when received or of additional reviews initiated within the discretion of the GAO.

Preliminary plans of the GAO contemplate that its reports on major weapon systems will include the following:

1. Currently estimated costs compared with the prior estimates separately for (a) research, development, and engineering, and (b) production.

2. The reasons for any significant increase or decrease from cost estimates at the time of the original authorization and the original contract.

3. Options available under the contract for additional procurement and whether the agency intends to exercise any options, and the projected cost of exercising options.

4. Changes in the performance specifications or estimates made by the contractor or by the agency and the reasons for any ma-

jor change in actual or estimated differences from that called for under the original contract specifications.

5. Significant slippages in time schedules and the reasons therefor.

We are aware that several legislative proposals have been advanced to provide for differing types of reports and reviews by the General Accounting Office relating to the Defense procurement, with particular reference to weapon systems. Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this Office and the needs of the interested committees of the Congress need further development and exploration. For these reasons, we believe that legislation prescribing a particular form of reporting at this time would be unwise. In general, we believe that the basic authority of the General Accounting Office is adequate to carry out the program which we have outlined.

I am sending a similar letter to the Chairman of the House Armed Services Committee.

I have previously advised in testimony before the House and Senate Appropriations Committees of our general plans to increase our effort in the Defense procurement area.

Best wishes.

Sincerely,

ELMER B. STAATS.

Mr. SYMINGTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. I congratulate the able Senator from Pennsylvania for what he is aiming to do; namely, obtain more efficient management of our gigantic purchases in the military field.

May I say to him, with great respect, that I do not believe we should depart in broad and different fashion, without hearings. Hearings where the GAO people, including the Comptroller General himself, could be examined with respect to this matter.

Many years ago, as some of us will remember, there was an effort made to, in effect, cut the GAO into the procurement procedures. At that time, many of the problems I believed might come up under this kind of legislation, did come up.

The GAO in effect is the watchdog of Congress. It is the one agency totally independent of the executive branch. The Comptroller General is appointed for 15 years and cannot be dismissed from office, to the best of my knowledge, except through malfeasance.

If we utilize the GAO abnormally, then, in effect, we cut them into the functions of the executive branch.

I would hope this one agency would stay in a position where it could constantly check all operations and costing, because as soon as we give them authority, we automatically give them responsibility.

If I may say so, for the first time since I became a member of the committee, the distinguished chairman, the Senator from Mississippi (Mr. STENNIS) has made additional arrangements whereby he could further utilize the GAO in checking contracts.

The Comptroller General has told me personally that he is pleased with this present arrangement and looks forward to cooperating with the Armed Services Committee.

Mr. President, I could go on for some time on this subject, but based on experience in private business, in the executive branch, and as a member of the committee for some years, I would earnestly hope that the Senate would not pass this legislation today. The idea was presented to the committee, but not approved and to date there have been no hearings. As I understand the distinguished chairman, he is entirely willing to hold hearings; is that not correct?

Mr. STENNIS. Oh, yes; absolutely.

Mr. SYMINGTON. Under those circumstances, I believe it would be a mistake to cut the GAO to this extent into the responsibility of the executive branch.

Mr. STENNIS. I thank the Senator from Missouri very much for his fine remarks.

Mr. President, let me say as a general proposition that I have not had a chance to get into this matter before. I say that for the benefit of the Senator from Pennsylvania.

Mr. PERCY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. PERCY. Mr. President, I have two questions, one pertaining strictly to military contracts. Would it not be logical to have it referred to the Armed Services Committee for hearings, but, as it involves the Comptroller General, would it not also be logical to refer it to the Committee on Government Operations for their investigation?

Mr. STENNIS. I agree heartily with the Senator. He is correct. I believe this could well be referred to each committee. Perhaps the one that has jurisdiction over the GAO, because otherwise it would change the whole concept of the GAO. If they were courteous enough to do so, if they referred it to us, we could hold additional hearings and look into it from the viewpoint of doing our duty.

Mr. PERCY. The workload in the Government Operations Committee is not so heavy as in the Armed Services Committee.

We might be able to take an objective view, and I think we could probably have early hearings. What would be the opinion of the distinguished chairman of the Committee on Armed Services as to how soon, if we had hearings, this arrangement might become law, if a committee aproved it and the Senate approved it? Would enactment be possible this year?

Mr. STENNIS. It would be entirely possible. Probably it would not be possible to attach it to this bill, but I have no doubt that with all the probings and pushings that are going on during this calendar year, something will come of it.

I think the experience from those probings and from what we have learned in this debate and in other matters will make it possible to report a much better bill to the Senate, if it is decided to report one.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. I have asked the Senator from Mississippi to yield so that I might ask a question of the distinguished Senator from Pennsylvania, in order to clear up a question that was raised, in part, by his prior statement, when he referred to the Department of Defense system of reporting, or something like that.

Section 501(a) reads:

The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

Throughout that section there is reference to Department of Defense reporting. I invite attention to the top of page 4 of the amendment, paragraph (e):

(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

The question that comes to my mind is raised because, if my understanding is correct, this is pretty much the system under which the Department of Defense has been operating for the last several years; namely, an auditing system of its own, which is occasionally audited by the General Accounting Office. Would the Senator's amendment call for a separate auditing besides the auditings that have been done by the Department of Defense?

Mr. SCHWEIKER. First of all, Mr. President, they do not have a central auditing system now. That is one thing I mentioned a moment ago. The Comptroller General was shocked that, in order to get the figures on the larger contracts, he could not even go to one central office or one central person who was responsible. It was diversified through many branches of the Pentagon and many offices. There is no central office in the Pentagon where those figures are available. So this amendment would force such an office to be established.

Mr. GOLDWATER. In a way, I am glad to see that system done away with, which was partially due to the huge overruns on the C–5A, which was first reported as happening as early as December 1967. I was wondering whether it would not be a better idea to have the GAO itself directly responsible for setting up the system of audits in the Defense Department—in other words, not create a creature over there that could again be manipulated or controlled by someone who did not want the true figures coming out.

Mr. SCHWEIKER. That was my original suggestion, and the Comptroller General said it was not practical; that it would cost too much and demand too much of their energies; that he could accomplish the same thing—and that is why I accepted his wording on the amendment—if they would let the Department of Defense be basically responsible for setting up the system, but they would oversee it. It was as a matter of economy and not trying to throw their operations out of gear that I accepted his suggestion.

Mr. GOLDWATER. Did the Senator confer with the Department of Defense as to what their feelings might be to his suggestion?

Mr. SCHWEIKER. Frankly, I did not feel the Department of Defense would be very responsive to having any auditing in their system, so I did not. It would be something like asking the fox to watch the henhouse.

Mr. GOLDWATER. I could understand that had the Senator been faced with the prior administration in the Pentagon. I think this administration is very, very heavily in favor of its being done. That is why I thought the Senator might have asked them if they had any idea or had reached any idea from the committee appointed under Mr. Packard to study this whole program. If he has not, I can certainly understand why. I would hope, however, that, if the amendment is defeated and he desires to introduce it as a separate piece of legislation, officials of the Defense Department would come before us. I am sure, just as much as he does and just as much as the Senator from Arizona does, they would like to see a better watchdog setup over this whole matter. I thank the Senator from Pennsylvania for his indulgence.

Mr. YARBOROUGH. Mr. President, in recent months, it has become clear to me and I am certain to other Senators, that the present provisions for supervising contracts between the Department of Defense and private industry are not adequate to insure that the public interest and the public purse will be protected. I refer specifically to the shocking increase in the cost of the C–5A transport aircraft. On July 29, 1969, there appeared in the Washington Post, an article entitled, "AF Lists Cost Rise of C–5A." This article carefully explains the circumstances under which the cost of this plane has risen by nearly $2 billion. I ask unanimous consent that this article entitled, "AF Lists Cost Rise of C–5A" be printed at this point in the RECORD.

Mr. President, Senator SCHWEIKER's amendment would empower the General Accounting Office, an arm of the Congress, to audit contracts entered into by the Department of Defense. I believe that this will be a major step toward preventing this type of waste that has been going on in the past. I support Senator SCHWEIKER's proposal.

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

AF LISTS COST RISE OF C–5A

(By James G. Phillips)

An Air Force study ordered by Defense Secretary Melvin R. Laird reported yesterday that costs of the giant C–5A transport aircraft have increased by $1.7 billion and may go up even more.

The Pentagon added that some of the cost increases reflected its decision to modify the aircraft (increase its size) and add additional spare parts that had not been contemplated in the original purchase.

The expected final cost for the 120 planes built by Lockheed has been the subject of continuing controversy over the last few months. Critics of the C–5A have estimated the price tag at $5.3 billion, an overrun of $1.9 billion.

The Pentagon report, prepared by a task force under Assistant Air Force Secretary Philip N. Whittaker, revealed that the total cost of the program had increased from $3,369,000,000 at the time of the contract award in 1965 to a current total of $5,125,000,000. This represents an overrun of more than $1.7 billion.

In a Pentagon press conference unveiling the report, Air Force Secretary Robert C. Seamans Jr. criticized "ambiguities and deficiencies" in the original contract for the plane and hinted that the remaining 39 aircraft in the original 120-plane package may not be purchased unless contract revisions are made.

Asked whether the threat of curtailing the purchase amounted to a negotiating weapon, Seamans replied: "It certainly is."

But Seamans added that the Air Force was satisfied with the plane's performance and hopes it can follow through on the full original purchase.

The main feature of the contract that Seamans criticized was the plane's repricing formula—the so-called "golden handshake" under which Lockheed can make up its losses on the first order of 58 planes by charging a higher price on the second purchase of 62.

He said the Air Force would open immediate negotiations with Lockheed to revise this formula and other provisions of the contract involving the amount the company can charge for spare parts and the amount the Government can penalize the company for deficiencies or late delivery.

The report, prepared by 11 different Air Force committees and a four-man outside civilians review group, was ordered by Laird on April 30. It covered the entire eight-year history of the program, from the beginning of its planning in 1961.

In his letter submitting the report to Seamans, Whittaker said his aim had been "neither to conduct a witch hunt nor to perform a whitewash."

Despite its criticisms of the original contract, the panel emphasized that it "by no means represents a windfall" of profits for Lockheed. In comparison to other aircraft programs, the report said, it was questionable whether Lockheed would reap even normal profits, "let alone excessive" ones.

Nonetheless, the report said, the repricing formula was a "reverse incentive" that should be dropped from the contract.

If this and other controversial provisions weren't revised, the report added, there was a "distinct possibility" that the plane's cost overrun could increase.

The report noted that the $5.1 billion estimate for the total program was a 52 per cent increase over the original target costs. It said this was mostly attributable to inflation and the addition of $295 million for spare parts and aircraft modifications not included in the original cost projection.

While the report cleared Lockheed of any charges of profiteering on the aircraft, it was sharply critical of the company's procedures in estimating original costs.

It said the company had been "overly ambitious" in underbidding its two competitors, Boeing and McDonnell Douglas, and had erred in assuming that the project was just a scaled-up C–141—another large cargo plane produced by Lockheed.

But in response to reporters' questions, Seamans and Whittaker denied that the company had deliberately "bought into" the program with low initial cost estimates in order to get "bailed out" later with a higher price for the second production run.

Whittaker said the company's thinking had been marked by too high a degree of technical optimism, too low a projection of inflation, and a desire to keep its plant fully operating after the final production run of C–141s.

"What the various interplay of those factors was is anybody's guess," he concluded.

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, I have conferred with the Senator from Pennsylvania. It is agreeable with us, if it is agreeable with the Senate, to have just 5 minutes to each side for debate now, and then proceed to a vote. I make that request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Who yields time?

Mr. SCHWEIKER. Mr. President, for the life of me I cannot understand why it is that the largest operation that the Government has going, namely, the Department of Defense, would not subject itself to some kind of certified public accounting or some kind of auditing system or some kind of statutory authority that insures the figures will be accurate and honest. I had the privilege in the other body of serving for 6 years on its Committee on Armed Services, and for a short time I have served on the same committee in this body.

Frankly, our decisionmaking process is totally related to the accuracies of details and fiscal figures and accounting presentations. After the inquiries into the C–5A and other matters in this body and the other body, it is obvious to me that we have been making many false assumptions and making many decisions based on erroneous facts.

What is so objectionable to having an auditor check into these matters? What is so objectionable to having the General Accounting Office have subpena power, as the Senator from Kentucky pointed out, to call in contractors? We do it with respect to some other programs, but when 40 percent of our national budget goes to defense, why do we not have a fiscal watchdog in this area?

As far as costs are concerned, the cost of an $80 billion operation is one half of one one-hundredth percent. That is what the cost would be, even if everything went wrong with the system, according to their estimates. I would like to repeat that. The cost of the proposal at the outside would be something like $4 million for 200 people—about one-half of one one-hundredth percent.

If we look at the C–5A for a second, we see where we would have saved thousands more than that. What is wrong with investing a little of the taxpayers' money to get a dividend that would return into their pockets perhaps a million times the investment, or perhaps be devoted to other activities of the Federal Government?

The chairman of the committee has been most cooperative. I wrote the committee and the chairman and advised them on June 18 that I was preparing this amendment for the consideration of the committee. We had 2 weeks in which to have hearings or in which to suggest hearings. On the floor today was the first time I ever even heard the word "hearing" mentioned. I think it is important to point out that we have had plenty of time to hold hearings. I canvassed the senior members of the committee. It was obvious they were against the amendment. So I did not press it to a vote. I thought, in good conscience, there was not much point in pushing it to a vote when the chairman

expressed complete opposition to my amendment. But I think it is important to note that we did not have hearings, that I was not offered an opportunity for hearings. I think this is the first time I have heard the word "hearing" discussed.

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

Mr. SCHWEIKER. I yield.

Mr. DOLE. First, I commend the Senator from Pennsylvania, with whom I had the pleasure of serving in the House of Representatives for 8 years. There are those of us on both sides who see a great deal of merit in the amendment, but, unlike the Senator from Pennsylvania, we have not had an opportunity to give it serious study or consideration. I would hope there would be hearings on the proposal. I heard the chairman state that he is willing to have hearings at the earliest possible time.

I would not want to prejudge the amendment, but I believe we would be in a better position if we had hearings and the opportunity to hear testimony not only from the Defense Department but from contractors and the GAO.

While many of us are sympathetic with the general idea of what the Senator would hope to accomplish, I trust the Senator agrees that the proper way to proceed would be to first have hearings, if the amendment is defeated, and then see what should be done.

Mr. SCHWEIKER. I thank my distinguished colleague. I appreciate his comments. I think we had ample opportunity to hold hearings, but I was not given that opportunity, and we did not hold hearings.

I think the amendment is pretty much self-explanatory. It is a question of whether we want to accept the basic principle of having a fiscal watchdog over the Defense Department. In view of what we read in the news media today, I do not know how anyone could suggest anything other than that we should have a watchdog when we consider what is happening in the Defense Department.

I think the issue is clear. The distinguished Senator from Mississippi says he does not want to give them subpena power. How in the world can we ask somebody to be accountable for something, and then not provide the authority to back it up? How can we ask them to be auditors, and then say, "we do not give you the responsibility or the authority to see that the facts are available"?

I think it is important also that this concept was evolved and devolved by the Comptroller General himself. I was surprised to hear of his letter to the Senator from Mississippi, because when I talked to the Comptroller General some 6 or 8 weeks ago and asked him the same question, he told me that this was a matter of basic policy for Congress and the Senate itself to decide, that this was our issue.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. Mr. President, if the Senator needs more time, I will give him a minute.

Mr. SCHWEIKER. No. I am through.

Mr. STENNIS. In reply to the statement that the Senator has just made, I shall review the matter briefly.

This proposed amendment, with no hearings and no report on it, with no committee having passed on it, and recommended by no committee, would change the whole structure of the concept and mission of our General Accounting Office. I have said we should have hearings, and I meant every word of it, of course. I believe the other committee that has jurisdiction over the General Accounting Office should have hearings before making such a far-reaching change as this amendment would effect. That can be handled.

There is no definition of terms, and no estimate on the number of people who would be required as new employees, nor of the cost of the operation.

The head of the General Accounting Office, Mr. Staats—and I think he is an exceptionally fine and capable man, and a real administrator, doing splendid work—has looked into all of this and come to his own conclusions. I did not try to influence him. I shall quote briefly from a letter which, after we had talked about the matter a few days ago, I asked him to write. I simply said to him, "Well, if you don't mind, just put that down in the form of a letter." I read briefly, for those who were not here before:

> Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this office and the needs of the interested committees of Congress need further development and exploration.

That is exactly what I had said about it before I read his letter.

The letter continues:

> For these reasons, we believe that legislation prescribing a particular form of reporting at this time would be unwise. In general, we believe the basic authority of the General Accounting Office is adequate to carry out the program which we outlined.

He had outlined a proposed program in the first two pages of his letter.

Mr. President, in view of the fact that we have readily agreed, and wanted to agree, to have hearings on the whole concept of this matter, hearings which it was just not possible to hold at the late date it was mentioned to me, and in view of the fact that I, as chairman of the committee, have pledged myself to institute such hearings and consider the matter on its merits; in view of the fact that this subpena power will have to be measured and carefully drawn; and since I believe everyone has had all the time he needs to consider the matter here, I believe, if we are going to take further action, it would be better just to move now to table the amendment, and have a vote on that motion.

May I have the attention of the Senator from Pennsylvania? I just stated that, in view of the fact that we have agreed on the need for hearings and a continuation of this matter, I believe it would be better just to have a motion to table, and vote on that; and, if that does not dispose of the matter, we could have another vote, but if it did dispose of it, then we would agree to go on with the hearings.

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

Mr. STENNIS. I yield.

Mr. SCHWEIKER. First, there was some indecision in the Senator's mind as to which committee the matter should come before; so there is not much sense in holding hearings in our committee before that matter is settled.

Mr. STENNIS. That will all be taken up. I think it ought to be voted upon, but we could use that as a start.

Mr. GRIFFIN. Mr. President, I believe the concept embodied in the amendment offered by the Senator from Pennsylvania is excellent. I am strongly inclined to support what he is trying to do.

On the other hand, a responsible legislator cannot help but be impressed by the complexity of the issues raised and by the need for committee hearings on such a legislative proposal.

In view of the assurances given by the Chairman of the Armed Services Committee that hearings on this proposal will be conducted and that it will be carefully considered, I believe it would be best at this time to afford the committee that opportunity.

At the same time, I wish to commend the Senator from Pennsylvania for presenting the amendment and for the outstanding leadership he is providing. He is moving in the right direction, and I hope we will soon be in a position to vote approval of such an amendment.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has only seconds.

Mr. STENNIS. I have concluded my remarks; and in the spirit of the premises, I move to lay on the table the amendment proposed by the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Mississippi (Mr. STENNIS) to lay on the table the proposed amendment of the Senator from Pennsylvania (Mr. SCHWEIKER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS) is detained on official business, and if present and voting would vote "yea."

The result was announced—yeas 44, nays 51, as follows:

[No. 69 Leg.]

YEAS—44

Allen	Ellender	Long
Allott	Ervin	Magnuson
Anderson	Fannin	McClellan
Baker	Fong	McGee
Bennett	Goldwater	Miller
Bible	Griffin	Montoya
Boggs	Gurney	Russell
Byrd, W. Va.	Hansen	Smith
Cannon	Holland	Stennis
Cotton	Hollings	Symington
Cranston	Hruska	Talmadge
Dirksen	Inouye	Thurmond
Dole	Jackson	Tower
Dominick	Jordan, N.C.	Young, N. Dak.
Eastland	Jordan, Idaho	

NAYS—51

Aiken	Hatfield	Pearson
Bellmon	Percy	Hughes
Brooke	Javits	Pell
Burdick	Kennedy	Prouty
Byrd, Va.	Mansfield	Proxmire
Case	Mathias	Randolph
Church	McCarthy	Ribicoff
Cook	McGovern	Saxbe
Cooper	McIntyre	Schweiker
Dodd	Metcalf	Scott
Eagleton	Mondale	Spong
Fulbright	Moss	Stevens
Goodell	Mundt	Tydings
Gravel	Murphy	Williams, N.J.
Harris	Nelson	Williams, Del.
Hart	Packwood	Yarborough
Hartke	Pastore	Young, Ohio

NOT VOTING—5

Bayh	Gore	Sparkman
Curtis	Muskie	

So Mr. STENNIS' motion to lay Mr. SCHWEIKER's amendment on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. STENNIS. Mr. President, I think this matter should be discussed further, for the information of Senators, and I ask unanimous consent that additional time of 15 minutes to each side be allotted.

The PRESIDING OFFICER. Is there objection?

Mr. SAXBE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Is there objection, Mr. President?

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, I would not have made that request, except——

Mr. MANSFIELD. Mr. President, will the Senator make his request again?

Mr. STENNIS. I do not care to pursue the matter against the will of the Senate.

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

The PRESIDING OFFICER. Does the Senator renew his request?

Mr. STENNIS. Mr. President, I ask unanimous consent that we have additional debate on the question of this amendment and that 15 minutes be allotted to each side, under the usual control.

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

Who yields time?

Mr. STENNIS. Mr. President, the Senator from Florida has an inquiry. I yield to him for that purpose.

Mr. HOLLAND. I would like to have 5 minutes.

Mr. STENNIS. Mr. President, this is a far-reaching amendment.

Mr. KENNEDY. May we have order, Mr. President?

Mr. STENNIS. It provides for certain quarterly reports to be made by the General Accounting Office regarding major contracts, and it includes a power of subpena for the General Accounting Office in that field.

Mr. President, I will be as brief as I can. The General Accounting Office has been over this matter many times, and I have a letter from Mr. Staats in which he says that he has reviewed the entire matter and that he thinks present legislation gives him abundant authority, and he does not favor the adoption of this amendment.

Referring now to the contents of the amendment—I think this is highly important—it would change the whole nature, concept, and mission of our General Accounting Office.

Mr. YOUNG of Ohio. Mr. President, may we have order? I ask that the Sergeant at Arms be directed to clear the corridor——

Mr. LONG. I object.

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. YOUNG of Ohio. I ask that the Sergeant at Arms clear the aisle.

Mr. STENNIS. Objection is heard, Mr. President. I do not want to be charged with the time.

My concern about this matter is the loose language that changes the very nature of our General Accounting Office, as I have said, and gives the most far-reaching subpena power to the General Accounting Office to go into all the files and the records of all the contractors concerning any contract it may select. That, in itself, is not bad. The committee has that subpena power. Congress has that responsibility. This committee is pledged and dedicated to following up that money. We already have the machinery in operation. We have on our staff highly qualified men, now on a reimbursible basis from the General Accounting Office, but it is going to be made permanent with some personnel. I am satisfied that they will have the capacity to make these quarterly checks and then report to us.

The Department of Defense has gone into the matter by having their own quarterly checks into these contracts. They have also put this matter under the scrutiny of the Budget Bureau, but I merely mention that in passing.

The President has set up a blue-ribbon panel to go into this subject. I am sure that the experiences of this year are going to culminate in making it possible to know where we are and what we should do.

There have been no hearings with respect to this amendment; there is no record here. It does not have the recommendation of the Committee on Armed Services, because it was withdrawn and no vote was requested. There is no estimate of what it would cost or how many new employees would be involved; and the language is very loose, indeed, as to how far it would go in granting this tremendous authority.

This is a vital subject. Let this matter be introduced as a bill, and let us get some qualified people to testify about it—for example, the General Accounting Office, the Department of Defense, and outside witnesses. Then we will know where the problem is and what the best solution is. The General Accounting Office tells us now that this is not the best solution, that it is not the way to go at it. No one is telling us that it is the best solution, except for the general statements on the floor, unsupported by any kind of testimony.

If that is the way to run far-reaching affairs such as this, it is a new chapter in the book. We have members of the committee who are qualified to pass on matters of this kind, and they have not had a chance to do so. They are qualified to make recommendations. Members of the committee have jurisdiction over the General Accounting Office. They are qualified in every way. They have not had this opportunity. There has been no testimony—just a lick and a promise and a hope and a demand that something be done. I, too, want something done. I am pledged over and over to follow up any dollars that are authorized.

But I think by all standards the committee should have a chance to pass on this matter. They know something about the problem and they should be able to make a recommendation.

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

Mr. STENNIS. I yield.

Mr. SYMINGTON. Mr. President, I would respectfully urge the Senate to give full consideration to the inherent danger which could lie in agreeing to an amendment of this character without hearings.

I have had experience with the General Accounting Office as an industrialist, as a member of the executive branch, and as a Member of Congress. The General Accounting Office is the watchdog of the Congress, and as a result of the decision of the chairman of the Armed Services Committee we are already moving into a more direct relationship.

If the Comptroller General of the United States, who would function as a result of this legislation in a new field, object to this legislation, should we not, before we consider this bill, want to know why he objects, why he thinks it would be less favorable to the taxpayers?

Another aspect occurs. I have respect for the new Secretary of Defense, a former Member of Congress, and the Deputy Secretary of Defense, as successful businessmen as we have in the country today. They are trying to see that the taxpayers get the most for their dollar in this defense field.

A contract was mentioned on the floor of the Senate recently by advocates of this amendment. That has little to do with current efforts being made in the Department of Defense today to tighten control.

Mr. President, I do not believe it wise to cut into current functioning, unless it is clear just what his new authority and responsibility would be, the Comptroller General.

For those reasons, I would urge Senators, after this constructive statement made by the chairman, who is already using more than ever before General Accounting Office people in committee work, that we have hearings before reaching any conclusion about this legislation.

There are two witnesses I would like to hear. First, the Secretary of Defense. Second, the Comptroller General of the United States, who for some 20 years or more was Deputy Director of the Bureau of the Budget and therefore has had more experience than most with respect to contractual relationships with the Government.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. STENNIS. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, we talked about whether there should be hearings on no more than an auditing procedure, and the fact that the Comptroller General with the Secretary of Defense is developing a reporting system. This occurs in many other departments of the Government. One of the major arguments of the Senator from Mississippi, the chairman of the committee, when we first started the debate, when there were three Senators in the Chamber, was that he absolutely abhorred the idea that this bill had in it the power of subpena. He said that was not the way to do it; and he said that was not the American way to do it.

Mr. President, I want every Senator to know that many of us have given the authority to many agencies, which I have already listed. I will list them again. We have given the power of subpena and to bring witnesses, to seek books and records, to the Civil Aeronautics Board, to the Federal Communications Commission, to the Federal Trade Commission, to the Commerce Department, to the Securities and Exchange Commission, to the SBA, the Department of Justice, the Department of Agriculture, the Department of Labor, the Federal Deposit Insurance Corporation, the National Labor Relations Board, and last, but not least, we have given it to the Internal Revenue Department. We have given that authority to the Internal Revenue Department, the power to subpena, to go into anybody's records or tax returns, to get anybody's books. We are sitting here today saying that the power of subpena to the average American individual has been given as a matter of law, but the chairman has said the power of subpena rests with the committee, and we can do this if we want to but we are not going to make it a matter of law that the Department of Defense and its contractors must subject themselves to the power of subpena when we want to look into whether they abided by their contracts.

Mr. STENNIS. Mr. President, I think my statement was that after hearings and decision in this matter, I might favor giving this power.

Mr. COOK. Mr. President, I do not wish to argue with the chairman of the committee, but he made clear he did not want to give it to such an agency as this, that it rested in the committee, and that he wanted to have hearings.

On many occasions the Senate has said that the power of subpena is already a matter of law to many agencies of the Federal Government; but to the Department of Defense and its contracting officers, it is not given.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. Mr. President, there has been a lot of talk about hearings. There has been a lot of talk about study, and there has been a lot of talk about consideration.

I would like to set the record straight in this regard. I wrote to fellow members of my committee on June 18, 2½ weeks before the bill was reported. At that time, was anybody willing to have hearings? Was anybody willing to talk about hearings? Was anybody interested in studies, or anything but being opposed to the amendment? As far as bringing the amendment to a vote, we did take an informal showing around the table, and obviously I was outnumbered. Of course, I did not force the matter to a rollcall vote for obvious reasons. It was obvious I was opposed by the senior members of the committee, and I did not force a rollcall vote.

I do not understand why we need hearings. I do not understand why we need a study to see if the Department of Defense should have an auditor. It is as simple as that. Should we have a fiscal watchdog to see where the $80 billion being spent is going, or where 41 percent of our budget is going? Why do we need hearings to determine whether an auditing function is called for?

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

Mr. SCHWEIKER. I yield.

Mr. COOK. Is it not a fact that in the defense bill on which we are about to vote, or will vote next week or next month, there is an item of $1.5 billion of Defense Department contractual overruns and, had there been a watchdog, an auditing system in effect long before this, perhaps we would not have to make up for such errors and inconsistencies by substitute legislation in the future?

Mr. SCHWEIKER. The Senator is correct. Other things also came to light. I will not mention the weapons system. We have in this bill $20 billion for weapons systems.

We found one weapon, which the particular service involved did not want, that involved $1.5 billion. Only because one of the members of the committee was a pilot and knew something about it did we take $1.5 billion from the bill and reverse the error. That is the kind of matters we are confronted with when we do not have an actual up-to-date auditor to tell us what is going on.

To vote on $20 billion and not know fiscally what is in it is a matter of conscience with me, and it is a matter which can be rectified only by auditing and fiscal responsibility. I do not understand why we are not ready to spend $4 million at the outside, which is the Comptroller General's figure, and 200 people at the outside, which is what they might need to establish this responsibility. That is one-half of one one-hundredths percent of our defense budget. Why are we not willing to put an investment in auditing like any other large corporation, like any other operation in the country that deals with $80 billion? For the sake of our taxpayers, if for no one else, we should do that.

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

Mr. SCHWEIKER. I yield.

Mr. JAVITS. I have two questions I should like to ask the Senator. I notice his time period for the Secretary of Defense to review his 3 calendar months.

Business experience would indicate—and I am not saying this in a hostile manner because I am sympathetic to the amendment—but business experience would indicate that causes every review to run into every other review.

I wonder whether the Senator has had any experience on this which makes the 3 months preferable, or whether he would be interested in making it 6 months.

The other question I have is whether subdivision F on page 4 of the amendment was really clear, that there should be spot audits? There is something in the minds of business people, kind of being crawled over by different sets of audits. It seems to me what the Senator had in mind, rather than any mandatory audit, would be a spot audit on the part of the Comptroller General.

Now those two points go to the practicality, I am sure, of what the Senator is trying to bring about. I think, if I divine the Senator correctly, that he does want control of oversight, which we really cannot give because we are not organized for it; but he does not want, either, inordinate costs to creep into the manufacturing itself, because we will be paying for all of it in the contract, and if he has to, the contractor will charge for it, and he does not want to interfere with efficient operation by an inordinate amount of paperwork, which is vexing to the contractor.

Mr. SCHWEIKER. Yes. I concur, and thank the Senator for his constructive remarks. Three months was selected because in a number of the major weapons systems, a 6-month lag is too long.

The C–5A option was exercised several months ago. We will never be on top of an exercise of an option in a major contract properly if we have that 6-month lag.

The amendment affects only large, major weapons systems. I ask the Senate to keep that in mind. We are talking primarily about weapons systems that account for more than $100 million a year each. This involves only about 55 contracts. Thus, we are not talking about 90 percent of the burdensome reporting. We are also talking about spot audits at the request of the Comptroller General.

We worded the amendment in his language, in his way, so that he would live with it, so that it would be practical. He suggested this language to overcome the problem the Senator from New York is concerned about.

Mr. JAVITS. On page 4, line 10 "the costs incurred and to be incurred," does the Senator have in mind the same order of magnitude of major contracts in the $100 million range that he refers to?

Mr. SCHWEIKER. Yes. This is correct.

Mr. JAVITS. I thank the Senator.

Mr. STENNIS. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, the pending amendment just came to my attention this noon. I did not know that it was going to be submitted. I had a chance to look at it with a sandwich in one hand and the amendment in the other.

I thought it was a far-reaching proposal that certainly deserves a lot more consideration than it will get in this discussion.

I heard it pointed out earlier today that this should go to the Government Operations Committee for hearings and then subsequently to the Appropriations Committee, or to the Armed Services Committee—either one.

The Government Operations Committee is the oversight standing committee in the Senate. It is the oversight standing committee also in the House of Representatives. If we want to note how much authority and jurisdiction it has, all we have to do is look in the rule book and see where it spells out the jurisdiction of every one of the standing committees of the Senate.

That is the oversight committee.

What this is, in essence, is an oversight operation on major Federal contracts as provided in section 1 of the bill. It goes awfully far and perhaps there has to be modification of the language if we are going to do exactly this.

To what extent it modifies our concept of the General Accounting Office and the Comptroller General is not too readily apparent until the matter is given far more study than it has had up to this point.

Thus, I share with the chairman of the committee the belief that this should not be put in this bill until it has had further consideration.

For that reason, I think that the amendment should be voted down because there will always be an opportunity to go before the Government Operations Committee and see what should be done.

I served on that committee years ago and I know what its jurisdiction is. I know the latitude of its power. The sky is almost the limit, so far as that committee is concerned. That is the proper place for an amendment of this kind. It only adds to my conviction that it should be rejected at this point and given much more consideration than it has had up to this good hour.

Mr. STENNIS. Mr. President, I yield myself the remaining 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I have already read the letter from the Comptroller General, Mr. Staats.

When the pilot of an airplane says that he had better not fly the plane today because of adverse weather conditions, and so forth, we take his advice. On that same basis, I read from Mr. Staats' letter again:

> For these reasons, we believe that legislation prescribing a particular form of reporting at this time would be unwise.

Mr. President, this is an important matter. I have no personal concern about it except my obligation to the Senate. But I say right now that we had better stop this matter here, and get it before the Government Operations Committee which is the parent committee of the GAO of which the Senator from Arkansas is chairman. I have learned that the Senator from Connecticut is chairman of one of the outstanding subcommittees in that group. Let them analyze and make recommendations. If the Senator from Pennsylvania wants it to come over, we would like to have it come over to the Armed Services Committee, too, and let us analyze and perhaps make recommendations—whatever we want to. But I say that we are dealing with deadly stuff here, dealing in shotgun methods when no one knows, as the Senator from Illinois pointed out, what the phrases mean, and no one knows how far it will go to change the nature of the GAO, about which the Senator from Missouri has advised us.

No one knows what a major contract is. What is a major contract? That is what the amendment says. It goes to major contracts. Can anyone say what is a major contract—with no proof, with no record, with no hearings, with no report from the committee, and no kind of recommendations.

Let us not go off the deep end here on one of the most important matters we have, on something we all are trying to do something about.

The PRESIDING OFFICER. The Senator from Pennsylvania has 4 minutes remaining.

Mr. YARBOROUGH. Mr. President, will the Senator yield 1 minute to me?

Mr. SCHWEIKER. I yield 1 minute to the Senator from Texas.

Mr. YARBOROUGH. In answer to what the Senator from Mississippi has just said, in subsection (c) on page 3 of the amendment, beginning on line 14, the language reads:

> The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

So the chairman of the committee will be a part of those determining what a major contract is. This agency of the Government, which has these big war contracts, owes some responsibility to the people of the United States, such as in the case of the C–5A, which rode in with a bill $700 million more than it was supposed to cost the people of the country. It is about time that the Congress exercised the power of the purse strings. This Department should be accountable, like all the rest, to the people of the country. This Department has a special largesse. They go scot-free. It is about time that the people in that Department were made responsible for it.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. SCHWEIKER. I yield to my colleague from Pennsylvania.

Mr. SCOTT. Mr. President, the phrase "scot free" was used. I want to make it clear that, as far as I am concerned, the Pentagon is not to be freed of me or my ideas. I think the junior Senator from Pennsylvania is quite right that there ought to be a willingness to account, a willingness to avoid overruns, a willingness to operate the Defense Department for the primary concern of the taxpayers, and we should give the Congress and the Comptroller General the right to have something to say about it. Therefore, I support the amendment offered by my colleague from Pennsylvania.

Mr. SCHWEIKER. Mr. President, the point has been brought out about the Comptroller General's expressing a certain view in a letter. I would like to point out that, 6 weeks prior to that letter, the Comptroller General was in my office. When I asked him exactly the same question, he said it was a matter of policy for the Senate to decide whether we should place the auditing function in the Comptroller General. I am delighted to see that letter, but 6 weeks ago, verbally, he gave me that very answer.

We talk about whether this amendment should go to the Armed Services Committee or should go to the Government Operations Committee or should go to other committees. All I can say is that I, as a member of the Armed Services Committee, am asked to vote for a $20 billion bill. How on earth can I meet my responsibility if I do not even know the figures are honest? How can I meet my responsibility if I do not know whether that $20 billion figure has any meaning in terms of being audited, or going through the process of certified public accounting, or having some kind of relation to giving us the basic tools of the trade that we have lacked so long to enable us to ride herd on the Pentagon?

Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has not expired. He has 2 minutes.

Mr. SCHWEIKER. It is suggested that this proposal should go to this committee for hearings or to that committee for a report or to that committee for study. All I say is that we have had no hearings, we have had no report, and we have had no study. I suggest that if we go the course suggested, we will have no bill as well.

The issue is very simple. Are we going to take some fiscal responsibility for supervising these huge amounts of money, as is done for other departments? Are we going to decide priorities for spending the money as we do in our domestic programs?

I may add that this amendment has been on the desk since the 18th of July. Every Member has had an opportunity to see it or study it. It is not a matter of a new amendment or a quick amendment. I think this amendment was on the desk of each Senator for a longer time than most amendments are. It is clear. It is simple. The issue is whether we are going to supervise fiscally an $80 billion budget and exercise our responsibility.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, offered for himself and other Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAGLETON (after having voted in the affirmative). On this vote, I have a pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "nay"; if I were

at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), and the Senator from Tennessee (Mr. GORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), and the Senator from Alaska (Mr. STEVENS) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER) and the Senator from Nebraska (Mr. CURTIS) would each vote "nay."

The result was announced—yeas 47, nays 46, as follows:

[No. 70 Leg.]

YEAS—47

Aiken	Hughes	Pearson
Bellmon	Javits	Pell
Brooke	Kennedy	Percy
Burdick	Mansfield	Prouty
Byrd, Va.	Mathias	Proxmire
Case	McCarthy	Randolph
Church	McGovern	Saxbe
Cook	McIntyre	Schweiker
Cooper	Metcalf	Scott
Fulbright	Mondale	Spong
Goodell	Montoya	Tydings
Gravel	Moss	Williams, N.J.
Harris	Muskie	Williams, Del.
Hart	Nelson	Yarborough
Hartke	Packwood	Young, Ohio
Hatfield	Pastore	

NAYS—46

Allen	Fannin	McGee
Allott	Fong	Miller
Anderson	Goldwater	Mundt
Bennett	Griffin	Murphy
Bible	Gurney	Ribicoff
Boggs	Hansen	Russell
Byrd, W. Va.	Holland	Smith
Cotton	Hollings	Sparkman
Cranston	Hruska	Stennis
Dirksen	Inouye	Symington
Dodd	Jackson	Talmadge
Dole	Jordan, N.C.	Thurmond
Dominick	Jordan, Idaho	Tower
Eastland	Long	Young, N. Dak.
Ellender	Magnuson	
Ervin	McClellan	

PRESENT AND ANNOUNCING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Eagleton, for.

NOT VOTING—6

Baker	Cannon	Gore
Bayh	Curtis	Stevens

So Mr. SCHWEIKER's amendment (No. 85) was agreed to.

Mr. SCHWEIKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

Several Senators asked for the yeas and nays.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The yeas and nays have been requested. Is there a sufficient second?

The Chair is in doubt as to whether there is a sufficient second. The Senate will be in order, and the clerk will count.

The Chair is satisfied that there is a sufficient second. The clerk will call the roll. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The assistant legislative clerk proceeded to call the roll, and Mr. AIKEN answered in the affirmative.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AIKEN. Mr. President, I had already voted "no."

Mr. FULBRIGHT. Mr. President, a point of order. The Senator from Vermont had already voted.

The PRESIDING OFFICER. The Chair is of the opinion that the rollcall had started. The rollcall will continue.

The assistant legislative clerk resumed the call of the roll, and Mr. ALLEN answered in the negative.

Mr. GOODELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOODELL. Mr. President, may we have the question stated again?

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. An affirmative vote will lay the motion on the table. A negative vote will not.

The assistant legislative clerk resumed the call of the roll.

Mr. METCALF (when his name was called). On this vote I have a pair with the Senator from Tennessee (Mr. BAKER). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. EAGLETON (when his name was called). On this vote I have a pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), and the Senator from Tennessee (Mr. GORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS) and the Senator from Alaska (Mr. STEVENS) are detained on official business.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The respective pairs of the Senator from Tennessee (Mr. BAKER) and that of the Senator from Nebraska (Mr. CURTIS) have been previously announced.

The yeas and nays resulted—yeas 46, nays 45, as follows:

[No. 71 Leg.]

YEAS—46

Aiken	Hatfield	Pell
Bellmon	Hughes	Percy
Brooke	Javits	Prouty
Burdick	Kennedy	Proxmire
Byrd, Va.	Mansfield	Randolph
Case	McCarthy	Saxbe
Church	McGovern	Schweiker
Cook	McIntyre	Scott
Cooper	Mondale	Spong
Ellender	Montoya	Tydings
Fulbright	Moss	Williams, N.J.
Goodell	Muskie	Williams, Del.
Gravel	Nelson	Yarborough
Harris	Packwood	Young, Ohio
Hart	Pastore	
Hartke	Pearson	

NAYS—45

Allen	Fannin	McClellan
Allott	Fong	McGee
Anderson	Goldwater	Miller
Bennett	Griffin	Mundt
Bible	Gurney	Murphy
Boggs	Hansen	Ribicoff
Byrd, W. Va.	Holland	Russell
Cotton	Hollings	Smith
Cranston	Hruska	Sparkman
Dirksen	Inouye	Stennis
Dodd	Jackson	Symington
Dole	Jordan, N.C.	Talmadge
Dominick	Jordan, Idaho	Thurmond
Eastland	Long	Tower
Ervin	Magnuson	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY REPORTED—2

Metcalf, for.
Eagleton, for.

NOT VOTING—7

Baker	Curtis	Stevens
Bayh	Gore	
Cannon	Mathias	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further amendment?

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, are there any amendments at the desk?

The PRESIDING OFFICER. There are a number that have been submitted and printed. They have no parliamentary standing. They have not been called up.

Mr. MANSFIELD. Does any Senator desire to call up an amendment now? If we are going to stay late and get through with this bill, hopefully by August 13, now is the time for all good men on both sides of the aisle to come to the aid of their party. [Laughter.]

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

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Some eight amendments on chemical and biological warfare are pending. We are trying to work out now with Senator MCINTYRE an agreement on these amendments, and some of us who have amendments feel that these amendments should go first.

Mr. MANSFIELD. I see.

Mr. PROXMIRE. For that reason, I would appreciate it if we could have a little hiatus.

Mr. LONG. Then, may I put something in the RECORD at this time?

Mr. MANSFIELD. Yes.

TAX REFORM

Mr. LONG. Mr. President, the lead editorial of the Wall Street Journal today deals with the tax reform package. It is a very thoughtful editorial and deserves the attention of every Member of the Senate. It is entitled "From Confusion to Chaos," and describes the bill in its present form, as voted on by the House of Representatives, in the nature of a tax reform measure.

I ask unanimous consent to have the editorial printed at this point in the RECORD.

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

FROM CONFUSION TO CHAOS

One thing can be said with certainty, anyway, about the new tax bill. It was born in

confusion, and if it is passed in its present form, it will spice confusion with chaos.

Beyond that, certainty fades even among tax experts in or out of Government. As Edwin S. Cohen, Assistant Secretary of the Treasury, ruefully put it, the House tax "reform" bill might better be known as "the lawyers and accountants relief act of 1969."

If the members of the House Ways and Means Committee didn't quite know what they had put in the bill when they approved it, which they didn't, and if the Treasury Department officials aren't quite sure yet what some of it says, which they aren't, pity the poor taxpayer trying to figure out what has been done to him. Or, for that matter, the newspapermen, poor wretches, trying to explain it all to their readers.

What happened, in case you got lost in the news, was that the Ways and Means Committee approved the bill last Friday in a great rush to answer the clamor for "reform," which is of course something that everybody's for.

Since many of its provisions had been announced piecemeal, at least in principle, there was a general understanding that the bill would help the low income taxpayer and soak the wealthy taxpayer; but since many of the provisions had not been put into precise language, and no committee report was available, there was considerable confusion as to what had actually been done. In a tax bill, the exact words are more important than the generalities.

Indeed, even Chairman Mills, one of the oldest hands in the taxing business, had to confess himself confused. On Tuesday he had to reassemble his committee to amend the rate schedules for low income taxpayers because of what Mr. Mills called a "misunderstanding." As it turned out, a $2.4 billion misunderstanding.

So don't expect from us this morning any definite explanation on what it all means. A summary of the bill was finally made available this week (minus, of course, the changes made on Tuesday) but it takes time to digest 226 pages of tax prose and another 143 pages of "technical explanation" even if you're a Philadelphia lawyer.

But a few observations may not be out of order.

One is that there are a lot of happy things proposed, for the future if not the present. By the end of 1972, if you can dream so far ahead, the general tax rates will be reduced by an average of about 5%. If you're in the lowest tax bracket the exemptions have been increased so that you may not have to pay any taxes at all; about 5.2 million people will be removed from the tax rolls entirely. If you're in the top tax bracket, you can keep 35% of your top earnings instead of just 30% as at present—maybe, if you have the right kind of income.

Moreover, if you earn your own income—as distinguished from those lazy fellows, retired or otherwise, who live off of dividends of savings account interest—your top tax won't take more than half of what you earn.

Another observation is that it is a canard to label this a soak-the-rich tax bill, in spite of its heralded provisions for a minimum tax aimed at the rich. Short of Castro confiscation it's hard to write a tax bill that will be more than an inconvenience to Fords, Rockefellers or Kennedys.

The man who gets dunked is the man in the middle, the corporate executive or the doctor or lawyer who may have no real wealth but high earnings for a brief span of years. That is, the man with mixed income, some from salary, some from savings; the man with some capital gains that he has been counting on for his retirement years.

For all the rules on such things as deferred compensation, stock options, many forms of pension plans and almost everything else on which the retirement plans of such men might be based—all these rules would be changed. Some of these changes would even penalize those already retired who planned in good faith on the rules at the time; almost all of them would penalize younger men planning now for retirement. Hardly anybody can figure out yet precisely how the new rules would affect particular cases, but it is clear enough that the punishment is aimed not at the rich but at the successful.

Yet however all this may affect individuals, happily or otherwise, other changes are sure to have far-reaching effects, though uncertain ones, rippling out through the economy.

No one, for example, can anticipate the effects of the new treatment proposed on heretofore tax exempt bonds of states, municipalities, school boards and the like. The uncertainty is acknowledged in the proposed provision that these local authorities will be eligible for a Federal subsidy to offset the effects—but there is a sociological and political effect, as well as an economic one, in forcing them to go hat in hand to Washington. An unmeasurable effect.

Unmeasurable also are the effects of provisions in the bill which would revamp the tax treatment of charitable contributions, stock dividends, the handling of corporate bonds and debentures, depreciation charges for utility firms, cooperatives, foundations, multiple corporations. Some of these may be worthy reforms, some not. The point, rather, is that no one can anticipate now what unexpected, and perhaps untoward, effects all these things may have on that most complicated of mechanisms, the ecology of a complex economy.

Chairman Mills himself admits as much. He has promised that his committee will "later" analyze the impact of the bill he now proposes.

Somehow "later" seems not quite soon enough.

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

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

Mr. MANSFIELD. Mr. President, there may well be votes.

Mr. MAGNUSON. If there is no amendment, is the bill not automatically up for third reading?

Mr. MANSFIELD. No, Mr. President. In that case, I ask——

Mr. MAGNUSON. I just asked the question. The Chair has not answered the question. When there are no amendments to be offered, does the bill automatically go to third reading?

Mr. MANSFIELD. Mr. President, I have the floor.

I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of Calendar No. 214, H.R. 7206, an act to adjust the salaries of the Vice President of the United States and certain officers of Congress. There will be votes.

Mr. STENNIS. Mr. President, reserving the right to object, I want to inquire what the situation will be now. If we are going to have any other amendments this afternoon, it seems to me that we should take them up now.

It is correct, as the Senator has said, that a number of amendments, at my suggestion, are in conference with one of the subcommittee chairmen. But there are many other amendments that can be taken up, and we certainly will not get through before the August recess unless we keep working on this bill. Simply because it is inconvenient for someone to call up this amendment, I do not think is sufficient reason. I am speaking now in the interest of keeping the bill moving.

The PRESIDING OFFICER. In answer to the question, there is a pending request of the Senator from Montana. As to the bill (S. 2546), the Chair will bring the bill to a third reading, if no one, after a hiatus, seeks recognition to speak or to bring up an amendment.

Mr. MANSFIELD. Mr. President, if I have to do it myself, I will offer an amendment in order to prevent third reading. I have no amendments, but I hope this matter is not pushed, because the right of every Senator must and will be protected.

Mr. President, I renew my request.

Mr. STENNIS. Mr. President, reserving the right to object, I did not suggest third reading.

Mr. MANSFIELD. I know the Senator did not.

Mr. STENNIS. I just wanted it understood——

Mr. MAGNUSON. I did not suggest it, either. I just asked what the rule was. And I got the right answer. [Laughter.]

Mr. STENNIS. One more question: Does the Senator from Montana expect extended debate on the salary bill?

Mr. MANSFIELD. No. I understand that the distinguished Senator from Delaware will offer an amendment relative to the pay raise commission. The yeas and nays will be requested. I do not know whether there will be any, but I would hope that we could dispose of this bill within an hour, and that, if there is any argument, we could have rollcall votes as soon as possible, so that we can all be on record.

Mr. HOLLAND. Mr. President, the Senator from Florida was not able to make his opinion heard on the last amendment, and he wishes to speak 4 or 5 minutes on it, because he thinks this will be a matter in conference which should require the expression of opinions of Senators who have strong opinions on it. After he has made that statement, he would be very happy to agree to the request of the majority leader.

Mr. MANSFIELD. Mr. President, I withdraw my request. I thought this had been cleared. The Senate was given notice on this. A decision has been made on the previous motion, and I had hoped, in the interest of comity with the other side and with the Committee on Post Office and Civil Service,

which had agreed unanimously to something or other, that we could tend to this and give the chairman of the committee a chance to eat. He has not had a bite since breakfast. I had hoped we could get on with this bill and have the other comments later. But, on the basis of the request made, I reluctantly withdraw the request.

The PRESIDING OFFICER. The Chair has heard no objection to the request of the Senator from Montana.

Mr. HOLLAND. I shall object unless I am allowed to speak 4 or 5 minutes on the subject I mentioned.

Mr. MANSFIELD. The Senator can get the time on this bill if he wants it, but if he wants it separate, I will withdraw the request.

The PRESIDING OFFICER. Objection is heard.

The question recurs.

Mr. HOLLAND. Mr. President, the decision just made by the Senate, by a cliff-hanger vote, is a decision on a matter which I think should be fully discussed in the RECORD, because surely it will be in conference and surely all reasonable arguments should be heard on it.

The Senator from Florida had asked for time to be heard, and the amount of time available was not sufficient, so he was not allowed to make his statement.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. Mr. President, I can speak a good deal longer than 4 or 5 minutes, if it is necessary, but I would prefer to confine my remarks to the shortest possible time.

Mr. President, I had asked the Presiding Officer to recognize me as soon as the result of the vote was announced. I did not realize that I had to go further than that in order to exercise my rights in this matter.

Mr. President, I think the Senator from Mississippi, the chairman of the Armed Services Committee, and the Senator from Missouri, one of the ranking members of the committee, and others who spoke were exactly within their rights and exactly stated the facts that the so-called Schweiker amendment materially changes the functions of the General Accounting Office.

It was for that reason that I thoroughly agreed that the matter required and was intended to have full study by the Committee on Armed Services and also by the Committee on Government Operations before it should be seriously considered by the Senate.

The Senator from Florida would like to see an act passed under which the General Accounting Office was more fully availed of in connection with checking on defense contracts. He wants that to be made clear but he is not willing to take that action in the overriding of the two fine committees that the Senator from Florida has mentioned; nor is he willing to take it in this action which has been taken which materially changes the function of the General Accounting Office.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of the members of the Committee on Armed Services, which is so ably headed by the Senator from Mississippi as chairman of the committee and by the Senator from Maine (Mrs. SMITH) as the ranking minority member.

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

ARMED SERVICES

John Stennis, of Mississippi, *chairman.*
Richard B. Russell, of Georgia.
Stuart Symington, of Missouri.
Henry M. Jackson, of Washington.
Sam J. Ervin, Jr., of North Carolina.
Howard W. Cannon, of Nevada.
Stephen M. Young, of Ohio.
Daniel K. Inouye, of Hawaii.
Thomas J. McIntyre, of New Hampshire.
Harry F. Byrd, Jr., of Virginia.
Margaret Chase Smith, of Maine.
Strom Thurmond, of South Carolina.
John G. Tower, of Texas.
Peter H. Dominick, of Colorado.
George Murphy, of California.
Edward W. Brooke, of Massachusetts.
Barry Goldwater, of Arizona.
Richard S. Schweiker, of Pennsylvania.

Mr. HOLLAND. Mr. President, I next ask unanimous consent to have printed in the RECORD the list of members of the Committee on Government Operations which is so ably headed by the senior Senator from Arkansas (Mr. MCCLELLAN) and by the senior Senator from South Dakota (Mr. MUNDT) as the ranking minority member.

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

GOVERNMENT OPERATIONS

John L. McClellan, of Arkansas, *chairman.*
Henry M. Jackson, of Washington.
Sam J. Ervin, Jr., of North Carolina.
Edmund S. Muskie, of Maine.
Abraham A. Ribicoff, of Connecticut.
Fred R. Harris, of Oklahoma.
Lee Metcalf, of Montana.
Eugene J. McCarthy, of Minnesota.
James B. Allen, of Alabama.
Karl E. Mundt, of South Dakota.
Jacob K. Javits, of New York.
Charles H. Percy, of Illinois.
Robert P. Griffin, of Michigan.
Ted Stevens, of Alaska.
Edward J. Gurney, of Florida.

Mr. HOLLAND. Mr. President, in the first place I do not believe the Senate realizes what it has done has been to render a vote of no confidence. The vote of the Senate is a vote of no confidence in these two fine committees and their members.

The Senator from Florida has the fullest confidence in the membership of both of these committees. Incidentally, the distinguished Senator from Pennsylvania, who offered the amendment, is a member of the Committee on Armed Services, and the Senator from Florida has confidence in him. I would like to see this subject matter seriously considered by the appropriate committees before the Senate is required to act upon it.

In the second place, I wish to call attention to the language in the amendment, which has just been agreed to by a majority of one vote of the Senate, which I think completely changes the nature of the General Accounting Office. I will read, therefore, from page 4 of the amendment of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) beginning at line 8 under subsection (f):

(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committee on Armed Services and the Committee on Appropriations of the Senate and of the House of Representatives.

Mr. President, the Senator from Florida has used the General Accounting Office a good many times. I see present in the Chamber the distinguished senior Senator from Nebraska (Mr. HRUSKA) who is the ranking minority member of the committee of which I am chairman. The Senator from Nebraska will well recall that our subcommittee has on various occasions used the General Accounting Office to investigate matters which we thought required investigation. It has done so ably, and its opinions have been very fine opinions, and they have been very helpful to the members of the committee and Congress.

I have been here for 23 years and never has it been even remotely suggested that the Comptroller General shall be the moving party, shall be the policymaker, shall be the decisionmaker on the question of where he goes with his investigation. Yet the wording which I have read from the amendment just agreed to makes it clear that, "the Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits . . .".

I know of no such provision in any other act ever passed in Congress, at least in these 23 years, or any action ever taken by Congress or any committee of Congress in these 23 years, which even approaches this degree of giving complete discretion, complete judgment, complete decision, complete power to the General Accounting Office, and the means to the Comptroller General, as to where he shall go in a vast agency of Government which spends something like $80 billion.

I thoroughly agree with the letter of the Comptroller General to the distinguished chairman of the Committee on Armed Services which made it very clear that he thought that such matter was a serious matter, would represent a serious departure, did require long hearings, did require decision on how many additional employees might be required, did require decision as to just what would be the function of Congress and what the function of the Comptroller General in this vast field of expenditures of the Department of Defense would be, which every one of us agrees should be carefully supervised by Congress.

But, Mr President, note carefully the independent decision and independent judgment this amendment just passed gives to the Comptroller General, no matter how fine a man he is, because the whole concept of the setting up of the General Accounting Office was to set up an office which would be an arm of Congress, not the head, not the guide, not the leader, not the one determining pol-

icy, but the arm of the Congress to investigate where Congress felt investigation should be made. The General Accounting Office has uniformly been so used in all of the cases in which I have had any information at all as to their various activities, which have been many.

Therefore, the Senator from Florida simply wants the RECORD to show he completely agrees on the two major points with the position taken by the distinguished chairman of the committee: First, that hearings are absolutely necessary, that this is a vital, very important, and serious matter; and, second, as agreed to, the amendment means a very great change in the functioning of the General Accounting Office and makes of it instead of an arm of Congress the leader and guide of Congress in various major fields of expenditure.

The Senator from Florida would have no objection at all to the granting of subpena powers in proper cases, and he has voted on many occasions to give subpena powers to various investigating committees and various regulatory agencies and the like. That is not a part of the objection of the Senator from Florida, but he does object to this kind of handling of such an important matter and particularly when this matter marks a complete change of the character of the General Accounting Office. It is an important arm of the legislative department, and not of the executive department. It is an arm to which we can refer matters which Congress thinks should be investigated and reported upon.

To turn the Comptroller General loose without any guidance except the language here relating to—in his opinion—which is the wording, he can move as he pleases in any area looking for matters he thinks important.

Mr. President, I wanted this statement to appear in the RECORD because I have very strong feelings in the matter, and because I think I have as strong a desire as any in this Chamber to have properly reviewed and properly supervised the expenditures of vast amounts of money which we entrust to the Defense Department for expenditures. But I am not willing on this floor, without a committee report, without committee hearings, particularly when it is clear the amendment was offered to the committee and then withdrawn without the committee's being given a chance to pass upon it. I am not willing to vote for such a far-reaching amendment which, in effect, is a vote of no confidence as to the Armed Services Committee and the Government Operations Committee and is, in effect, a vote which would change completely the nature of the GAO which is one of the very important agencies belonging to the legislative branch and which we may regard as our investigating arm. That is what it is.

I thank the Senator from Mississippi for yielding to me.

Mr. STENNIS. I thank the Senator for his fine remarks. I am sorry he did not have an opportunity to speak before this time.

Mr. HOLLAND. I thank the Senator. I realize the difficulties under which he is operating. I have no feeling about the matter at all. I simply wanted to have in the RECORD a clear statement of my opinion on this matter because, may I respectfully say, I differ with the majority of Senators who have voted for this amendment without hearings, as far-reaching as it is, that it should be adopted and written into law.

GREAT PLAINS CONSERVATION PROGRAM

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10595.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10595) to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. HOLLAND, Mr. JORDAN of North Carolina, Mr. AIKEN, and Mr. COOK conferees on the part of the Senate.

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.

PUBLIC TRANSPORTATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–145)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

Public transportation has suffered from years of neglect in America. In the last 30 years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service and decrease in passengers.

Transit fares have almost tripled since 1945; the number of passengers has decreased to one third the level of that year. Transit industry profits before taxes have declined from $313 million in 1945 to $25 million in 1967. In recent years 235 bus and subway companies have gone out of business. The remaining transit companies have progressively deteriorated. Today they give their riders fewer runs, older cars, and less service.

Local governments, faced with demands for many pressing public services and with an inadequate financial base, have been unable to provide sufficient assistance.

This is not a problem peculiar to our largest cities alone. Indeed, many of our small and medium-sized communities have seen their bus transportation systems simply close down.

When the Nation realized the importance and need for improved highways in the last decade, the Congress responded with the Highway Act of 1956. The result has been a magnificent federally-aided highway system. But highways are only one element in a national transportation policy. About a quarter of our population lack access to a car. For these people—especially the poor, the aged, the very young and the handicapped—adequate public transportation is the only answer.

Moreover, until we make public transportation an attractive alternative to private car use, we will never be able to build highways fast enough to avoid congestion. As we survey the increasing congestion of our roads and strangulation of our central cities today, we can imagine what our plight will be when our urban population adds one hundred million people by the year 2000.

We can not meet future needs by concentrating development on just one means of transportation. We must have a truly balanced system. Only when automobile transportation is complemented by adequate public transportation can we meet those needs.

THE PUBLIC TRANSPORTATION PROGRAM

I propose that we provide $10 billion out of the general fund over a 12-year period to help in developing and improving public transportation in local communities. To establish this program, I am requesting contract authorization totaling $3.1 billion for the first five years starting with a first year authorization of $300 million and rising to $1 billion annually by 1975. Furthermore, I am asking for a renewal of this contract authorization every two years so that the outstanding contract authorization will never be for a shorter period than three years. Over the 12-year period, $9.5 billion is programmed for capital investments and $500 million for research and development.

The program which I am recommending would help to replace, improve and expand local bus, rail and subway systems. It would help to develop and modernize subway tracks, stations, and terminals; it would help to build and improve rail train tracks and stations, new bus terminals, and garages.

The program would authorize assistance to private as well as public transit systems so that private enterprise can continue to provide public services in urban transportation. It would give State governments an opportunity to comment on project applications in order to improve intergovernmental coordination. It would require local public hearings before any major capital construction is undertaken. And it would permit localities to acquire rights-of-way in advance of system construction in order to reduce future dislocation and costs.

Fares alone cannot ordinarily finance the full cost of public transit systems, including the necessary capital investments. Higher fares usually result in

fewer riders, taking much of the "mass" out of mass transit and defeating the social and economic purpose of the system.

One problem with most transit systems operating today is that they rely for revenues on people who *must* use them and make no appeal to those who have a choice of using them or not. Thus we have the self-defeating cycle of fewer riders, higher fares, lower revenues, worse facilities, and still fewer riders.

The way to break that cycle is to make public transit truly attractive and convenient. In this way, more riders will provide more revenues, and fares can be kept down while further efficiencies can be introduced.

In addition to assistance for capital improvements, I am proposing substantial research and technology efforts into new ways of making public transit an attractive choice for owners of private cars. These would include:

—Advanced bus and train design to permit easier boarding and dismounting.
—Improved interiors in bus and trains for increased convenience and security for riders.
—New traffic control systems to expedite the flow of buses over streets and highways.
—Tracked air cushioned vehicles and automated transit.
—Flexible bus service based on computer-forecast demands.
—New bus propulsion systems which would reduce noise and air pollution as well as cost.
—Systems such as moving sidewalks and capsules to transport people for short distances within terminals, and other major activity.

In summary, this public transportation program I am recommending would give State and local governments the assurance of Federal commitment necessary both to carry out long-range planning and to raise their share of the costs. It would meet the challenge of providing resources that are adequate in amount and it would assure adequate duration of their availability.

The bus rider, train commuter and subway user would have better service. The car driver would travel on less congested roads. The poor would be better able to get to work, to reach new job opportunities and to use training and rehabilitation centers. The centers of big cities would avoid strangulation and the suburbs would have better access to urban jobs and shops.

Most important, we as a Nation would benefit. The Nation which has sent men to the moon would demonstrate that it can meet the transportation needs of the city as well.

RICHARD NIXON.

THE WHITE HOUSE, *August 7, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting the nomination of Louis R. Bruce, of New York, to be Commissioner of Indian Affairs, and withdrawing the nomination of George E. Woods, Jr., of Michigan, to be U.S. attorney for the eastern district of Michigan, which nominating message was referred to the Committee on Interior and Insular Affairs.

TEMPORARY EXTENSION TO OCTOBER 31, 1969, OF AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949

Mr. MUSKIE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 864.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 864), to provide for a temporary extension to October 31, 1969, of the authority conferred by the Export Control Act of 1949, which was read twice by its title.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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

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

Mr. MUSKIE. Mr. President, what is involved here is the authority of the Commerce Department to regulate exports from the United States. The Senate has before it on the calendar a bill which has been considered by the Committee on Banking and Currency and reported to the Senate which deals with the expansion and regulation of exports. However, in order to give that bill proper consideration, we need temporary extension for the second time of the present law.

This joint resolution would have that effect. The House has approved it. We have cleared it with both sides of the aisle.

I therefore ask that the Senate approve this resolution at this time.

Mr. BYRD of Virginia. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. BYRD of Virginia. What is the length of time for the extension?

Mr. MUSKIE. It is a 60-day extension from August 31. The first temporary extension expires then. This joint resolution extends it to October 31, in order to allow consideration of the principal legislation which is on the calendar.

Mr. BYRD of Virginia. I thank the Senator from Maine.

The resolution (H.J. Res. 864) was read the third time and agreed to.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. JAVITS. Mr. President, with the consent of both sides, I ask unanimous consent that the Subcommittee on Education of the Committee on Labor and Public Welfare may meet for 15 minutes to report a bill to the full committee at this particular time.

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

LEGISLATIVE SALARY ADJUSTMENTS

Mr. MANSFIELD. Mr. President. I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 214, H.R. 7206.

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

The LEGISLATIVE CLERK. H.R. 7206, to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

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

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

AMENDMENT NO. 39

Mr. WILLIAMS of Delaware. Mr President, I send to the desk my amendment No. 39 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place insert a new section:

That (a) section 225 of the Federal Salary Act of 1967 is hereby repealed.

(b) Section 216 of such Act is amended by striking out "and subject to the operation of section 225 of this title,".

Mr. WILLIAMS of Delaware. Mr. President, on April 29 this amendment was approved by a rollcall vote, and the vote was 49 to 36. I see no reason to debate the issue again. Surely there will be an equally favorable vote again. It is being offered on behalf of the Senator from Virginia (Mr. BYRD), the Senator from Colorado (Mr. DOMINICK), and myself.

It merely repeals the President's commission under which congressional salaries are fixed every 4 years. I am ready to vote.

Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

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

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

Mr. YOUNG of Ohio. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the pending bill, which was passed in the other body and was reported by the Post Office and Civil Service Committee, proposes to increase the salary of the Vice President from $43,000 a year to $62,500 a year.

Earlier in this session the Congress increased the salary of the President of the United States by 100 percent, from $100,000 per annum to $200,000 per annum.

I recall that an amendment was offered to increase the salary of the President by only $50,000 per annum. I supported that 50-percent increase. However, that

vote was a voice vote, and mine was a very weak voice indeed, because mine was a minority voice.

Also, Congress increased the salaries of a great many appointed officials of our Government, and the salaries of Members of Congress to the extent of some 42 percent.

When that matter was before the Senate, and I realized that the superintendent of schools of the city where I live in Ohio received a larger salary than the then salary of Members of the Senate and the House of Representatives, I voted in favor of the 42.5 percent increase.

Today, I wish the RECORD to state, right at the outset, that I favor increasing the salary of the Vice President of the United States from $43,000 to $62,500 a year. I approve of that, and I shall vote in favor of that part of the bill.

However, I desire to speak on other aspects of the bill. Having served for 8 years in the other body and more than 10 years in the Senate, I know something of the history of the Congress. I am aware of its great traditions and history. I know it is the American way that every Member of the Senate and every Member of the House of Representatives is regarded as an equal. We are all equal, whether we are in the other body or this body. However, this bill proposes to increase the salary of the Speaker of the House of Representatives from $43,000 to $62,500 a year, and to increase the salaries of the President pro tempore of the Senate and the majority and minority leaders of the Senate and the House of Representatives from $42,500 to $55,000 a year.

Mr. President, the Members of the minority party in the Senate have selected the minority leader and assistant minority leader. Those of us in the majority party have selected our majority leader, assistant majority leader, and Secretary of the Senate Democratic Conference. But we are all equals here. That is the way our Government works. We honor one of our Members by selecting him as our majority leader. Another Member is honored by being elected minority leader. Others are honored by being elected as assistant majority and minority leaders. Nevertheless, they are all Members of the Senate, the same as any other Senator here.

May I say in passing that I hold the majority leader of my party in the Senate in the highest admiration. He is truly a great American, one of the great Americans of our time. I am glad that the distinguished senior Senator from Massachusetts is our assistant majority leader. I am happy that the distinguished junior Senator from West Virginia is the Secretary of the Democratic Conference in the Senate. I am glad that I supported those colleagues and friends of mine.

I admire the minority leader of this body. I served with him years ago in the other body, and we have been longtime friends. The distinguished assistant minority leader and I were first elected to the Senate in the same year, and we have been close personal friends.

Mr. President, I say again that I, of course, have great affection and admiration for the majority and minority leaders. Frankly, I do not believe that they desire the increase in salary that is embodied in the pending bill. The fact is that it does not cost the Speaker of the House of Representatives or the President pro tempore of the Senate or the majority leaders or the minority leaders of the Senate and the House of Representatives any more to live in Washington and this area than it costs other Senators and Representatives.

They are already provided with additional staffs, facilities, and transportation necessary to enable them to carry out expeditiously the responsibilities and duties of the high offices to which they have been elected by their colleagues. We have honored our colleagues and friends by placing them in these positions.

Of course, if they are required, as I am quite certain they are on some occasions, to do some official entertaining, they should be provided with adequate expense accounts to meet any expenses in connection with entertaining foreign officials who come to this country and to the Capital of our country.

However, when it comes to increasing salaries, where are we going to stop? Are we soon going to say that the Secretary of the Senate and other officials of the Senate and House of Representatives should also have their salaries increased?

The Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of both the Senate and House, after all, are Members of the Congress and were honored by their colleagues who elected them to their high positions.

I think the bill sets a precedent which, if followed to its logical conclusion, will mean increased salaries for the assistant majority and minority leaders of the House and Senate, for those elected to leadership positions in caucuses of both parties, and perhaps even for others who may be honored by a caucus of the Democratic Party or the conference of the Republican Party.

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

Mr. YOUNG of Ohio. I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I compliment my friend on the speech he is making. We have just been asked to increase taxes, and we have had a multiplicity of salary raises recently, including one of almost 50 percent for the Members of Congress.

I think if there is one thing the people of this country are fed up with, it is salary raises for officials of the Government who are already drawing, by their standards, extremely high salaries. I compliment the Senator from Ohio. I heartily share his views.

Mr. YOUNG of Ohio. I thank very much the distinguished Senator from Georgia, the former Governor of that great State. Of course, what he says is the absolute factual situation.

Over a year ago, there was imposed a 10-percent surtax—a tax on a tax—an atrocious, obnoxious burden on the already overburdened taxpayers of this country. We were told it would stop inflation; and during the year it has been in effect, we have had more inflation than before.

It is true that the heavily taxed citizens of our country have a right to resent these continuing increases in salaries. I feel that only the part of this bill that applies to the Vice President of the United States should be approved. That is fair to the Vice President and to his office.

I repeat that in my view we must confine any salary increases simply to the Vice President. I wish to say again that I believe that all Members of the House of Representatives and all Senators are equals, and should be treated as equals.

Mr. McGEE. Mr. President, I wish to state, very clearly and quickly and to the point, what the pending legislation is all about. We have been working on it, working with the House of Representatives, working with all groups in this body, to try to arrive at something that it might be possible to agree upon. We have come a long way in our basis for agreement.

This bill would increase the salary of the Vice President and that of the Speaker of the House of Representatives to $62,500.

One of the points of some difference has been what to do as to the minority and majority leadership in the two Houses. That point has been of interest to the Senator from Colorado, who has offered amendments on it. We have worked out a compromise that is acceptable on both sides—namely, that would limit the increase for the leadership to $49,500, rather than the $55,000 that is provided in the bill. This proposal likewise has been received with acceptance by the House of Representatives.

The one issue on which there is still contention is that which has been raised by my distinguished colleague, the Senator from Delaware, which has to do with attaching a proposal to abandon or abolish the commission that was earlier set up, and about which there has been a great deal of discussion in this body, that would fix upon proposals for executive and legislative salary adjustments, with the one reservation that Congress would have the right, if it initiated a proposal, to reject it or veto it.

I think I have put that fairly, but in any case, it is my personal judgment that the only way that we can resolve this question satisfactorily, and with the agreement of all who are involved and feel strongly about it, is that we have the amendment of the Senator from Delaware put before us, and that we would likely have a rollcall vote on it, I would suspect, and thus vote the amendment up or down.

My own judgment would be that this may get us into deep complications once again, but our goal and target here is to try to move out the Vice President's pending salary increase. I respect the comments of the Senator from Ohio, who did single out the Vice President alone. I have reason to believe that if we were to do that, we would lose the House support for the move, or a considerable portion of it; that the time already spent in trying to find some middle ground

that we could all stand upon has been very considerable, and we are close to that kind of an agreement.

Therefore, I would urge this body to move with whatever dispatch we can now muster to proceed to the consideration of this measure, and hopefully to act favorably upon it. I think the Vice President is long overdue, and I think the Members of the House of Representatives feel that the Speaker is long overdue. We have arrived at the compromise by which we have yielded some ground in exchange for some other ground with respect to the increases for the leadership. It would be my hope that we might dispose of this measure this afternoon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Wyoming suggests that he believes it would be well to debate first whether we do or do not support an increase in the salary of the Vice President.

That issue is not involved in this particular amendment. This amendment proposes to repeal the Commission which was established in 1967 for the purpose of raising congressional salaries as was set up under Public Law 90–206 and approved on December 16, 1967, as a rider on an appropriation bill.

The Senator from Wyoming in describing the Commission stated that the President makes these recommendations to Congress each 4 years, which is correct, but that Congress could veto his proposals. He is wrong on that point; that is the joker.

It is possible that neither House of Congress would even have an opportunity to vote on the question of whether congressional salaries would or would not go into effect. I cite as proof of that the manner in which this was handled last year. The President sent to Congress his recommendation for proposed salary increases for Members of Congress, judges, and top executive officials.

Under the parliamentary situation in the House of Representatives, notwithstanding the fact that many Members tried, they were unable to get the matter to a vote. Here in the Senate I offered a resolution of disagreement with the President's recommendations. As has been the custom with respect to the reorganization acts that resolution was referred to the Senate Post Office and Civil Service Committee, of which the Senator from Wyoming is chairman.

But what happened? It was bottled up. There was no action taken by his committee on that resolution. They refused to report to the Senate either affirmatively or negatively, and the Senate was almost caught in a box where we would not get a vote at all. The only manner in which the Senate did get a rollcall vote on those proposed salary increases was that we were able through parliamentary maneuvers in the Senate to force it before the Senate over the objections of the committee.

That is not good legislation. When this measure was originally passed it was explained to Congress on the premise that if there were a disagreement or if anyone wanted to call the roll in the Senate on a vote of disagreement it would be possible. But that is not the way it worked. It is possible to escalate these salaries every 4 years without ever having a rollcall vote taken in either the House of Representatives or the Senate, and every Member of Congress would then be in a position of having his salary increased and being able to go home to his constituents and say, "That gang would not give me a chance to vote. I was against it." There should be no place in the Senate for such hypocrisy.

Conceivably we could have 100 Senators telling their constituents they are against the salary increases, yet there would never be a rollcall vote to prove they were wrong. That is not the way to legislate. We should act on our own salaries on a rollcall vote as has always been done heretofore.

The Senate decided this question on April 29, as it appears on page 10731 of the CONGRESSIONAL RECORD, Legislative No. 25. This same amendment which proposes to repeal this Commission was approved by the Senate on a rollcall vote, 49 Senators voting for the amendment and 36 Senators voting against it.

Mr. President, I ask unanimous consent that the rollcall vote taken on that date, April 20, 1969, on an identical amendment be printed in the RECORD at this point.

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

The result was announced—yeas 49, nays 36, as follows:

[No. 25 Leg.]

YEAS—49

Aiken, Allen, Allott, Bellmon, Bennett, Bible, Boggs, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Church, Cook, Cooper, Cotton, Curtis, Dole.

Dominick, Ellender, Ervin, Fulbright, Gore, Gurney, Hartke, Hatfield, Holland, Hollings, Hruska, Jordan, N.C., Jordan, Idaho, Mansfield, McClellan, Miller, Mundt.

Murphy, Packwood, Pastore, Pearson, Proxmire, Smith, Sparkman, Spong, Stennis, Symington, Talmadge, Tower, Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—36

Anderson, Baker, Bayh, Brooke, Case, Cranston, Dirksen, Dodd, Eagleton, Eastland, Fong, Goodell.

Gravel, Griffin, Hart, Hughes, Inouye, Jackson, Javits, Kennedy, Long, Magnuson, McGee, McGovern.

McIntyre, Mondale, Montoya, Moss, Pell, Ribicoff, Saxbe, Schweiker, Scott, Stevens, Williams, N.J., Yarborough.

NOT VOTING—15

Fannin, Goldwater, Hansen, Harris, Mathias, McCarthy, Metcalf, Muskie, Nelson, Percy, Prouty, Randolph, Russell, Thurmond, Tydings.

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. DOMINICK. Mr. President, I am happy to cosponsor the amendment of the Senator from Delaware. I have felt for a long time that the responsibilities for the salary levels of Members of Congress should be in the hands of the Congress and not in a commission.

I was happy to sponsor the amendment before and to support it. I intend to do so again.

It strikes me that if we can get this authority back into our own control, perhaps we could work out salary rates for the future, if any change seems desirable, at any time because of the financial structure of the country. We should not raise our own salaries while we hold office.

I am happy to support the amendment of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Colorado for his support.

Mr. President, as I pointed out before, as that law was interpreted by both the House and the Senate it is conceivable that the Members of the Senate can be denied a vote on future salary increases if a majority of the members of the Post Office and Civil Service Committees of the two Houses desire to do so. They can bottle it up in committee and take no action at all, as happened earlier this year.

It was only because we were fortunate enough to maneuver the Senate into a parliamentary situation where the Members had to stand up and face a rollcall on that issue that we prevailed, but this vote was taken in spite of and not as the result of any cooperation from the Senate committee. I do not think that is a proper type of law and it should be repealed.

Mr. President, I shall make one other point, and then I shall yield to my friend, the Senator from Virginia (Mr. BYRD), who cosponsors this amendment.

I think it is a dangerous precedent for Congress to establish when we confer upon any President of the United States, with all due respect to the Presidents, the power to fix salaries of Members of Congress. Certainly we want to keep the three branches of the Government entirely separate, and we should not give to the President the right to say at any time, "If you are good boys and approve my programs I will raise your salaries. If not, I will recommend that they be lowered."

I think that as Members of Congress we have a responsibility to fix our own salary schedule, as is provided under the Constitution and as has been done for the past 175 years.

I hope that Congress will reaffirm its earlier decision and accept the amendment, repealing the law.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GURNEY. Mr. President, I subscribe to the argument presented by the Senator from Delaware.

I was a Member of the House of Representatives at the time the measure was considered by the House.

I can only reiterate the arguments that the Senator has made. However, essentially, what I feel most strongly about is that the salaries should not be set by the President and a commission acting under him.

I think that Members of Congress should stand up and be counted and should vote on a pay raise. In fact, I was

delighted when the Senator from Delaware used his parliamentary maneuver to place the matter before the Senate earlier in the year. I will certainly support the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Florida.

Mr. President, I yield to the Senator from Virginia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield so that I might ask for the yeas and nays?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from West Virginia for that purpose.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I concur fully in the remarks just made by the distinguished senior Senator from Delaware.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, I concur fully in the remarks just made by the distinguished senior Senator from Delaware. I am pleased to join with him and with the Senator from Colorado (Mr. DOMINICK) as a cosponsor of the amendment.

Mr. President, the Senate on April 29 voted on this issue and expressed itself in a rollcall vote.

An amendment identical to the one now being offered by the Senator from Delaware was approved by a vote of 49 to 36. It was after that was done that the chairman of the Committee on Post Office and Civil Service asked that the bill be returned to his committee.

I wish to express disappointment in the fact that the Committee on Post Office and Civil Service gave no consideration to the action of the Senate itself in adopting that amendment by a vote of 49 to 36. Despite that vote, the committee has again reported the bill to the Senate without the amendment deleting the commission which gives to the President the power to set the salaries of the members of a coequal branch of the Government.

This is one of the worst pieces of legislation that Congress has been asked to enact in recent years. It turns over to the President the right to set the salaries of Members of Congress and of the Justices of the Supreme Court and other Federal judges. This gives the President additional power over both the Congress and the courts.

I realize that in recent years more and more Senators and more and more Members of the House of Representatives feel that the way to get along is to turn over more and more power to the executive branch.

I do not know why a person would want to serve in the Senate or the House if he were not willing to fulfill his own responsibilities and make his own determinations. It seems that every time a tough issue comes along, it is said, "Let us give that responsibility to the President. Let us give away our power." And Congress has given away its power.

I have the feeling that the 200 million people of the United States are becoming a little fed up with the determination of Congress, year after year, to turn over more and more of its constitutional responsibilities to the Chief Executive.

We are supposed to have three coequal branches of government. But the people of our Nation know that the Supreme Court has usurped power to which it is not entitled; the people of the United States know, I believe, that the President of the United States has usurped power which rightly belongs to Congress; and I believe the people of the United States are beginning to figure out, too, that it is not all the President's fault, because Congress, itself, has voluntarily given away to the President the power and responsibility which rightly rests with the elected representatives of the people.

On April 29, the Senate faced this issue clearly, and by a recorded vote of 49 to 36, after a long debate, said that the Commission should be abolished—a Commission which was established several years ago. This was the first time in history that any such commission had been established. The Senate voted to abolish that Commission. Yet, the Committee on Post Office and Civil Service sends back this bill, without any regard to how the Senate voted on April 29.

As a result of legislation establishing this Commission, the fires of inflation have been fed; and I do believe that the tremendous increases in salaries which have been given to the top officials of our Government have added much to the inflationary fires of the last 6 months.

The President's salary has been doubled.

The congressional salaries have been increased by 41 percent.

The judicial salaries have been increased from 60 to 70 percent.

How can inflation be brought under control unless there is example at the top? I say that the example at the top by Congress, in this year of 1969, has not been conducive to bringing inflation under control.

Just last week, this body of 100 voted to continue a surtax of 10 percent—10 percent on top of all the other taxes—on all the people of the United States. If we are going to ask the people of the United States to make that sacrifice, it seems to me that we should show greater restraint among ourselves.

But the money itself is not the important part, in my view. The most important part is whether or not the Senate will adopt the amendment just offered by the senior Senator from Delaware, on behalf of himself, the Senator from Colorado, and the Senator from Virginia.

If that amendment is adopted—identical in language and identical in purpose to what the Senate voted on April 29 by a vote of 49 to 36—then that would return to the House of Representatives and to the Senate a power and a responsibility which the House and the Senate previously turned over to the President. So I support the amendment of the Senator from Delaware.

I should not think that it would even be necessary to take the Senate's time again to have this amendment presented. I have great regard for all the committees of this body, but I do believe that the Committee on Post Office and Civil Service should have given greater consideration—some consideration, at least—to the views of the large majority of the Senate who voted, by a vote of 49 to 36, just a few months ago, to add to the pending measure the proposal now being offered by the distinguished senior Senator from Delaware.

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

Mr. BYRD of Virginia. I yield.

Mr. McGEE. Because of the allusions of the distinguished Senator from Virginia to the activities of the Committee on Post Office and Civil Service, I think the RECORD should show that the committee has weighed very carefully all of the ramifications of the points he makes so well in regard to the pending measure. But the committee also felt that it had a responsibility, as a committee, to try to find some common denominator by which they could adjust the Vice President's salary, which most agree was only inadvertently not included; and we have conscientiously striven to arrive at that agreement. We have met repeatedly with our colleagues on the other side of the Hill; we have met constantly among all of us in this body to find that common denominator.

I can say to my friend, the Senator from Virginia, that the issue this afternoon is not the issue posed by the amendment of the senior Senator from Delaware. The issue is, how can we move out the pending equities for the Vice President? It is my honest judgment that we are the closest to making that possible. If this amendment were to be added, I fear that we would be out of business in getting that job done.

So I would not want the members of our committee to be called into the kind of question that has been raised about some dereliction of duty. Believe me, we have tried the other approach. We met long hours, taking the vote we had on April 29, and sat down to discuss how far we might get and how many votes would result. Would it be enough in order to get this job done? Failing at that, we have had to take the next step and then the next and the next again. I can only say that I think we are about where, alone, we can expect a chance to move in behalf of the Vice President.

Mr. BYRD of Virginia. May I comment briefly on that? Let us analyze the situation.

The Senator from Wyoming said he had to make accommodations in order to get the Vice President's salary increased.

I doubt that there is very much opposition to increasing the salary of the Vice President. I have heard no opposition. Some Senators may vote against it but I have heard no real opposition expressed in the Senate because it is generally recognized that the salaries of Senators have been increased, the salaries of Representatives have been increased, the salary of the President has been increased, but the salary of the Vice

President has not been increased. So I do not think that is any great point.

Let us see where this bill differs from the bill which the Senate had on the floor and sent back to committee on April 29. The Senator from Wyoming will correct me, if he will, when and if I make an error.

The salary in this bill for the Vice President is precisely the same salary as was in the other bill. Am I correct on that statement?

Mr. McGEE. The Senator is correct.

Mr. BYRD of Virginia. A fundamental difference is that the amendment agreed to dealing with the salary commission is taken off. That is no longer in the bill. Am I correct in that statement?

Mr. McGEE. The Senator is correct.

Mr. BYRD of Virginia. Just where did the accommodation come about, other than taking off this amendment?

Mr. McGEE. The first amendment came in connection with the amendment proposed by the Senator from Colorado affecting the salaries of the minority leader and the majority leader in both Houses. The bill would set those salaries at $55,000. The compromise among all the group involved would set that salary, instead, at $49,500 in the belief that this was giving or yielding a concession on the House bill, which is the vehicle we are considering here.

Mr. BYRD of Virginia. Then, there is no difference in what was done in regard to the Vice President's salary. There is the difference between $55,000 and $49,500 in what was done for the other salaries.

Mr. McGEE. The Senator is correct. The Vice President's salary and the Speaker's salary remained unchanged.

Mr. BYRD of Virginia. Yes. The other difference was taking off the Williams amendment.

Mr. McGEE. Yes. The abandonment finally after losing on this in terms of finding a place where we could move and to get enough votes to pass the bill required a yielding.

Mr. BYRD of Virginia. The Senator mentions losing. That amendment carried in the Senate by a 49 to 36 vote.

Mr. McGEE. I am talking about getting it passed into law.

Mr. BYRD of Virginia. We are talking about what we are going to do in the Senate.

Mr. McGEE. Yes. We are talking about trying to get the Vice President's salary increased. I am satisfied that if this amendment were to continue on the bill, and if backed by committee action on that, the bill would be dead and, therefore, we would have failed to advance this cause. That is why I repeat what I think is the main focus, the main issue. The issue is trying to make these limited adjustments on salaries that have been pending some time and arguing that the rider on the bill does not assist us to arrive at that goal. It may have great merit in its own right but it does not move us along toward this goal.

Mr. BYRD of Virginia. Mr. President, the Senator from Wyoming must attach very great importance to this amendment, and I do. What the Senator from Wyoming just said makes me all the firmer in my conviction that this amendment should be agreed to.

He believes the only way he can get the Vice President's salary increased is to agree we will not abolish this Commission. So there must be tremendous interest in keeping this Commission.

The information given me by the Senator from Wyoming, which I appreciate, increases my belief that this amendment should be approved.

I say again that I think there is little opposition to permitting the Vice President and the Speaker of the House to have increases in salaries which have been granted to all the other high officials of Government, so I do not follow the Senator's argument. He attempts to guess what the House will do.

His is just a guess, none of us will know until the roll is called what the House will do. The Senator substantiates my view that it was a very important amendment and should be agreed to.

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

Mr. BYRD of Virginia. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, this is the same amendment, as I understand, that the Senate agreed to heretofore repealing the present Commission on salaries. Is that correct?

Mr. BYRD of Virginia. The Senator is correct.

Mr. STENNIS. I commend the Senator from Virginia highly for being interested in this matter and for his continued interest in it.

We complain on the floor of the Senate a great deal, at least most of us have complained, about the executive branch of Government usurping power and going too far. We call attention to the department bureaucrats writing their own rules and regulations, more or less. We complain at times about the court going beyond its proper power and responsibility.

But if there is anything in our Constitution which is clearer than that we have the responsibility of setting our own salaries, I do not know what it is. I think if we abdicate that power, and I think we have largely, when we do abdicate that power we take out from under our foundations with the people of this country a certain amount of their confidence in being willing to meet their problems. We are not willing to meet our own problems, and it is a problem to set our own salaries that way. It is not easy at all. However, if we are not willing to meet that responsibility, I believe it will gradually get into the minds of the public that we are not ready to meet their needs. That will be an unhappy day for the country.

I congratulate the Senator for his fine work and I support him in this field.

Mr. BYRD of Virginia. I thank the Senator from Mississippi, who is one of the ablest constitutional lawyers in the Congress. His assertions of a few moments ago add so very much weight, it seems to me, to the argument that the Congress is and has been voluntarily giving away a great deal of its responsibility and power and thereby weakening the elected representative branch of Government.

Mr. President, I ask unanimous consent to have printed in the RECORD some of the more detailed statements I made in the debate on July 19, 1968, when the matter of funding presidential commissions was before the Senate. I shall not take the time of the Senate to go into those arguments now, but I would like to have them printed in the RECORD.

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

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. Yesterday, the Senator from Virginia submitted an amendment striking lines 8 through 14 on page 8. My inquiry is this: In lieu of calling up that amendment, if the motion is put to reject the committee amendment, does that have the same effect?

The PRESIDING OFFICER. If the motion were put positively, the rejection would accomplish the same result. That is the way the questions are put.

Mr. BYRD of Virginia, Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. In accordance with the procedure under which we have been operating, the motion has been put to approve the committee amendment, in which case a negative vote, if that vote prevailed, would strike out the following committee amendment on page 8. Is that correct?

"COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

"Salaries and expenses

"For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642–645), $100,000."

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of Virginia. I thank the Chair.

Mr. President, this committee amendment would provide $100,000 for the expenses of the Commission on Executive, Legislative, and Judicial Salaries, which Commission was authorized by the Postal Revenue and Federal Salary Act of 1967.

It is significant, I think, that when this bill was before the House of Representatives, neither the House committee nor the House of Representatives included this provision. This provision was inserted by the Senate committee.

I shall undertake to indicate why I feel this is a very undesirable proposal and why I feel that the appropriation should be stricken from the bill.

The Commission would be appointed as follows: Three members would be appointed by the President, two members would be appointed by the President of the Senate, two members would be appointed by the Speaker of the House of Representatives, and two members would be appointed by the Chief Justice of the United States.

The purpose of the Commission is to study the salaries of the Members of Congress, members of the Cabinet, and members of the judiciary.

Then, the Commission will bring in a report and submit that report to the President. The President may adopt the recommendations of the Commission or he may go beyond the recommendations of the Commission.

The legislation which this $100,000 would fund, provides that the President shall include in the budget next submitted by him to the Congress his recommendations with respect to the exact rates of pay which he deems advisable for the Members of Congress, the judiciary, and Cabinet officers.

Mr. President, a public hearing has been going on for about two weeks, considering the qualifications of a Presidential appointee to the Supreme Court. Yesterday and the day before Senators raised questions as to the propriety of the President consulting with a member of the Supreme Court.

I happen not to share the view that there is a great impropriety in this matter, provided as the court nominee asserted, no matters pertaining to the court were discussed by the President or by the Justice. But, Mr. President, if there is any impropriety in a President consulting with a member of the Supreme Court, how much more impropriety is there when the President, under the legislation which this proposal would fund, is given the power and the authority, in effect, to set the salaries of the Supreme Court Justices, and set the salaries of Members of Congress.

It is correct that the President's recommendations will not take effect if the Congress specifically overrides him. I will read the exact language at this point.

The President's recommendations in regard to salaries for Supreme Court Justices and in regard to salaries for Senators and Members of the House of Representatives shall become law if:

First, there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations.

Second, neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

Third, both.

Mr. President, to put the matter another way, if the $100,000 to fund the new Commission is left in the bill the President will submit his recommendations as to what the salaries shall be of Members of the Senate, Members of the House of Representatives, and the Supreme Court Justices. It seems to me that when so many Senators have spoken out so clearly and loudly on the floor of the Senate that we are giving too much power to the President, this proposal tends to give him more power, as a practical matter.

I think we all agree, as a practical matter, what we are doing is giving the President the right and power to set the salaries of a coordinate branch of Government. It seems to me that is not a desirable thing to do. The President already has too much power; Congress already has given him too much power; he already has taken too much power.

I would hope that this proposal to fund the Commission would be stricken from the bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I support the position of the Senator from Virginia, I think the Senator is correct. Congress heretofore has always regulated the salaries of the executive branch, the legislative branch, and the judicial branch. It should be done by the Congress.

As I have said, I believe the Senator from Virginia is correct. We should not delegate this responsibility or power to the President because certainly, to some extent, a man who can regulate salaries of the executive, the legislative, and the judicial branches, has some control.

As I understand the manner in which this provision would work, the President could appoint the Commission, the Commission could make recommendations to the President in a range, but he would make the final recommendation and submit it to Congress. Unless Congress rejects it, it would automatically become law, as the Hoover Commission report did heretofore. Negative action would be required to reject the President's recommendation.

I opposed the proposal at the time it was suggested in the salary increase bill last year. I still feel the same way, and I join the Senator from Virginia in expressing the hope this proposal can be stricken. If we delete the financing for the Commission we would kill the Commission.

Mr. BYRD of Virginia. I thank the Senator from Delaware.

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

Mr. BYRD of Virginia. I yield.

Mr. ALLOTT. Mr. President, I would like to provide a little background for the Senator from Virginia on this matter. Like the Senator from Delaware, I opposed this particular measure when it was passed. The subcommittee did not include any money for the financing of this Presidential Commission. When it came before the full committee, the full committee did decide to finance it, by either a voice vote or a show of hands, I am not sure which. However, the full committee did decide to include it.

I do not agree in any degree with the law which the Senator has just read. The Senator has the reference to the law before him.

I believe that if the members of the judiciary and the Members of the House and Senate need a salary raise—and Heaven knows, there is plenty of indication they do—then I believe it is our responsibility here, and in the other body, to stand up on this floor and either vote for or against that raise.

The worst part of this piece of legislation, which has already become law, is that it is not just for this time but endlessly in the future that the salaries would be adjusted through the backdoor method which the Senator has described. To my mind, that is the bad part of it. However, it is law. Congress made a law of it. For myself, I shall have to vote with the Senator from Virginia on his motion, because I did in committee.

The reason for my saying anything at this time is that the only solution to the problem is a bill to repeal that law; because, otherwise, it will go on endlessly in the future and we will have the salaries of the judiciary and House and Senate, as well as the officers of the Senate, the Secretary, Sergeant at Arms, and so forth, and the House officers, set in this manner.

Personally, I am not in accord with it. When the time comes, we can consider it directly on its face. I should like to vote either for a salary increase or to vote against one, as my conscience will dictate at that time. But I am certainly in accord with him that this is a bad piece of legislation. But it is a piece of legislation hastily considered and passed by Congress, so that I cannot say in any respect that those who in the full committee voted to put in the $100,000 were doing anything different than Congress has already told them to do. Whether we put in the $100,000 or not in the bill to finance the Commission, it is my opinion, unless the Senator can correct me from some citation in the bill, that the Commission will be financed and that the report will come up next spring and the President will make his recommendation.

Mr. BYRD of Virginia. Mr. President, this financing of the Commission, as I understand it, is the proposal we are considering today, and the method by which it will be financed unless there is some backdoor method to finance it.

Mr. MAGNUSON. I did not hear all of the Senator's remarks because I had to leave the Chamber for an important telephone call, but let me say to the Senator that there is no backdoor proposal here. We passed a law.

Mr. BYRD of Virginia. What I am getting at is that the——

Mr. MAGNUSON. The backdoor method would be that since we passed a law, if we do not give it any money to function, as a practical matter, we would repeal that law.

Mr. PASTORE. Mr. President, will the Senator from Washington yield?

Mr. BYRD of Virginia. I have the floor.

Mr. PASTORE. Will the Senator from Virginia yield to me?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. That is precisely the argument that was made in committee that if we knock out the $100,000, that would knock out the Commission and that would be the end of it. In other words, the argument is made that we legislate by strangulation to the law by taking out the $100,000. Now, let it be clear that this is the law that was passed by Congress, and these individuals have been commissioned to carry out their responsibilities under that law, so whatever the expense is, it should be met. There should be no subterfuge. It should not be done with any contingency fund. Let the Commission function. Then, if we do not like the findings of the report, and one feels that he is not worth the money they may recommend, let him stand up and vote against it. That is the way I feel about it.

Mr. MAGNUSON. The backdoor deal is what we are proposing to do by defeating the committee amendment.

Mr. BYRD of Virginia. Mr. President, let us get this in perspective for a moment. The Senator from Colorado expressed the view that this was the way the Commission would be funded. I also think that is the way it would be funded. I do not think it would be funded in any other way.

Mr. MAGNUSON. That is right.

Mr. BYRD of Virginia. So, if we knock out this provision, as the Senator from Rhode Island just stated, that, in effect, would knock out the Commission because it would not have money on which to operate.

Thus, those of us who oppose the bill, as the Senator from Colorado does, and many other Senators do—the way to knock out the Commission is to kill this amendment, which will knock out funding of the Commission.

Mr. MAGNUSON. Then why did everyone in the Senate vote for it?

Mr. BYRD of Virginia. Everyone in the Senate did not vote for it. It passed just the same. I did not vote for it.

Mr. ALLOTT. I think my friend from Rhode Island disagrees with this point of view, and probably some do——

Mr. MAGNUSON. No. I do not disagree with the amendment. I am merely pointing out——

Mr. ALLOTT. Probably some agree with the point of view that if we knock out the $100,000, then we knock out the law. However, I think that this could be financed from the President's contingency fund, could it not?

Mr. PASTORE. Will someone tell me how? Where is the authority? The President of the United States cannot begin to allocate money not lawfully appropriated by Congress. He has no right to do that.

Mr. ALLOTT. But he has funds to do it with.

Mr. PASTORE. He cannot do that if we now vote to knock it out, because our action would be a mandate to the President not to do it. Anyway, why should he be worried, if we are not? I do not know where the courage of the Senate is, the courage to decide our own value. If anyone feels that he is not worth it, then let him stand up and face it, when the report comes in.

Let me say that many Senators have to depend upon their Senate salary to live. They have to maintain two homes. They cannot

practice law, if they are lawyers, because that would subject them to conflict of interest.

We can go around making speeches and lectures. That gives us a little money. Or we can get tied up with a law firm where we would not do any work, but just have our names on the door, and receive some form of compensation. Those who are lawyers but do not choose to do this have a right to stand up and say, "This is what I think we are worth," when that report comes in. If we feel we are not worth it, then we should stand up and say we are not worth it.

But, so far as the Senator from Rhode Island is concerned, he is willing to assume the responsibility at the proper time and say "I am" or "I am not."

The idea seems to be prevalent that we have got to make big money in order to stay in the Senate with all its demands, unless we happen to come in here as wealthy men, unless we happen to have oil wells, or own a television station, or a radio station, or a law practice which is only a facade. If we are going to make this an institution of the rich, then let the rich stand up and say, "I do not want it because I am not worth it." Many Senators do not even need the $30,000 salary they now get.

There are many Senators here whose Senate salary is their only means of livelihood. The Senator from Rhode Island happens to be one of them, and he is willing to stand up in this Chamber and say so.

I have had to put three children through college at one and the same time. A father has to go out and really try hard to make both ends meet to do that, as well as to maintain a home in Washington and one in Rhode Island. There are some in the Senate who have a voting residence in their home States but do not have a home in that State. In my State of Rhode Island, a Senator is required to have a home in his State.

All I am arguing here is: Let the men on the commission do their job. Let them come back with the report and then if we do not like it, stand up and vote against it. But the back-door method of killing it off, I say, is just trying to catch a headline or trying to play Captain Courageous on a false premise.

Mr. BYRD of Virginia. Mr. President, I should like to comment on the remarks just made by the Senator from Rhode Island.

I am not in disagreement with him in any respect in regard to salaries for Members of Congress. I think that the American people want their Senators and Representatives, Supreme Court Justices, as well as Cabinet officers, to have adequate salaries. I believe that that is what the American people want. But I think that under our form of government, the way to do it is for the legislative branch to do what the Senator from Rhode Island has said, we should stand up and be counted by recorded vote.

That is our responsibility. What I object to in this proposal is that we are not assuming our responsibility.

We are delegating our responsibility to somebody else.

We are delegating it to a presumably coequal branch of Government.

We are delegating it to a President, whoever he may be, when the Presidency already has been delegated too much.

So while I am not in disagreement with anything the Senator from Rhode Island has had to say—as a matter of fact, I think he hit the nail on the head when he said he thought we should vote one way or the other on Senators' salaries—the Senator from Washington mentioned how this bill passed the Senate. I am taking this from my memory, and if my memory is inaccurate, I will have the RECORD corrected; but as I recall the day this came about, the legislation was handled by the senior Senator from Oklahoma (Mr. MONRONEY).

I presented an amendment to knock out the provision we are talking about. My recollection is that it was knocked out by the Senator from Oklahoma [Mr. MONRONEY] and his committee. When the bill passed the Senate, this proposal, as I recall, was not in the bill. The bill went to conference. This item had been in the House proposal. The bill came back from conference with the item in it. The Senate had to vote upon the conference report, and the conference report contained the entire postal program with the increase in postal rates and increase in postal employees pay.

That is the recollection of the Senator from Virginia. If that is inaccurate, as I say, I will correct the record; but it seems to me there is a matter of policy involved here.

It is a matter of great policy when the executive branch can, in effect, determine the salaries of Members of Congress, recommend the salaries which shall go into effect unless affirmative action is otherwise taken by the legislature.

It would apply to the salaries of Members of the National Legislature, but the recommendations would also apply to members of the Supreme Court. The President appoints the Supreme Court Justices, and they are appointed for life.

So it seems to me we wind up with a problem far bigger than just the $100,000 involved, and far bigger even than the matter of salaries for Members of the House and Senators.

I express the hope that the Senate would give consideration to knocking out this committee amendment, because, by knocking it out, the Senate would be saying that we disapprove of this way of raising salaries of Members of the House, Members of the Senate, and members of the Supreme Court.

I do not pass judgment on whether those salaries should or should not be greater, or what the figures should be.

All I am saying is that it is a legislative function, and not a function that we should turn over to the President of the United States. We have already turned over too much power to him.

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

Mr. BYRD of Virginia. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall support the amendment of the Senator from Virginia. I want to be direct and frank in my view that this method of increasing the wages of Members of the Senate, the House of Representatives, and the Judiciary is an indirect method, taking the place of the responsibility of the Congress to deal directly with the granting of increased salaries to the categories of officials I have just mentioned.

We are constantly being belabored to increase the salaries of Federal employees. Every 2 years since I have been here we have granted increases. It is proposed that we grant increases to ourselves in the indirect manner provided for in the procedures of the bill. I point out that the bill was paseed on December 16, 1967. The postal rate measure was used to include in it the subject of salaries for Members of Congress and members of the judiciary.

I frankly say that today is the first time that I learned of the fact that this bill was passed. I have spoken to my colleague, and he states that this is the first time he has heard of its passage. I suppose there are other Members on the floor who find themselves in a similar position.

Reading the transcript of the testimony on this item, I note that the Senator from Louisiana [Mr. ELLENDER], in questioning Mr. Macy, asked the question:

Was that created in the last pay bill we passed?

I infer from that that he did not know when we adopted this indirect method of raising our salaries. The reference to that testimony is on page 1344 of the hearings on the bill.

I have sent for the CONGRESSIONAL RECORD of December 16. I take the word of the Senator from Virginia that this item came back in a conference report, in which the conferees of the Senate accepted the position taken by the House on that subject.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. BYRD of Virginia. I want to emphasize that I am taking it from memory. I did not look it up today. I am taking it from memory.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, for the information of the Senate that is correct. This amendment was in the House bill. It was stricken in the Senate Civil Service and Post Office Committee based on the amendment of the Senator from Virginia. It was not offered on the floor of the Senate. It was adopted in agreeing to the conference report, along with salary increases and all the rest.

Mr. BYRD of Virginia. I thank the Senator for setting the record straight and confirming my memory.

Mr. LAUSCHE. Mr. President, the conference report came back to the Senate on December 16, 1967, toward the end of the session. I do not know what the record will show concerning the number of Senators who were here at that time or whether this item was specifically discussed on the floor of the Senate on the day it was passed; but I appeal to my colleagues that if the argument is sound that we ought to directly approach our responsibility of fixing our salaries, then we ought not to assign that responsibility to a commission, with that Commission fixing the salaries but giving Congress the right to veto it.

I note from the testimony in the hearings, on page 1344, that a nine-member commission will make the study and the recommendations. Of the nine members of the Commission, three members will be appointed by the President. They are as of now, Mr. Frederick R. Kappel, who has been designated as Chairman and would have been present at the time the testimony was taken if he had been able to; Mr. George Meany; Mr. John J. Corson. The President of the Senate has named two members to the Commission. The Speaker of the House has named two members. The Chief Justice of the Supreme Court has named three members.

We, the beneficiaries of the increase, designate the Commission members. They will be our assignees. They will make the recommendation as to what should be done. They make their study and their recommendation as our appointees and our assignees, send it back to us, and say, "Now, approve it or veto it."

Mr. President, that is not a direct approach to our responsibilities. It is an indirect approach. It indicates a fear on our part to face the problem directly.

If we keep increasing our salaries, how can we ever deny the demands of other groups of Federal employees when they ask for increases? I believe, Mr. President, that if we are to obtain the increases which have been suggested, we should do it directly.

I say respectfully that I have no law office. I concur with what the Senator from Rhode Island has said about individuals maintaining law offices with their names on the door as a fiction, doing no work and drawing down salaries.

This is a bad method of providing for ourselves the increases that might be justified, and for that reason, Mr. President, I support the Senator from Virginia in the motion which he has made.

Moreover, when the Senate approached this problem, it knocked out the provision for fixing salaries in this manner. Then in conference, they put it back in, and in the closing days of the session, it was approved, at a time when the probability is that prac-

tically no Senators were present in the Chamber, and I venture to say there was not a rollcall vote when the conference report was agreed to. I will check that point for the record later.

I thank the Senator for permitting me to speak on this subject.

Mr. BYRD of Virginia. Mr. President, I might say in that connection that even if there had been a rollcall vote, it involves a very complicated major piece of legislation; and I do not know whether the Senate would have been justified in knocking down that whole piece of legislation to strike at this one item.

So, as a practical matter, today is the first time the Senate has had an opportunity to pass judgment directly on the wisdom or lack of wisdom of creating such a commission.

I might note also, Mr. President, that last year or the year before, I cannot remember which, the Senate agreed to an amendment to the Reorganization Act—that, too, being presented and handled on the floor by the senior Senator from Oklahoma—saying exactly what the Senator from Rhode Island mentioned a moment ago, that increases in congressional salaries should be enacted only after a record vote in the Senate or in the House of Representatives. I think what the Senate did applied only to the Senate, with the recommendation that the House of Representatives take the same action.

So this proposal runs directly counter to what the Senate has already voted to do a year and a half or so ago. I repeat, Mr. President, this is the first time that Members of the Senate individually have had the opportunity to go on record as favoring or opposing this roundabout method of bringing about salary increases for positions in the Cabinet, in Congress, and in the judiciary.

I should like to read at this point testimony by Mr. John W. Macy, Jr., from the U.S. Civil Service Commission, when testifying before the Independent Offices Appropriations Subcommittee. He says, speaking of the proposal we are now discussing:

"This establishes a study on a statutory basis so that every 4 years this is done in order to make sure that there is a regular review of these salaries."

So, as the Senator from Colorado so ably pointed out a little while ago, if the Senate goes on record today as approving this type of procedure and approving this Commission by funding it, the effect will be that it will become a permanent Commission, and every 4 years the President of the United States will submit what salary he thinks Members of Congress and Supreme Court Justices should receive.

Of course, I emphasize again that Congress, by an affirmative vote, can turn down his recommendations, but Senators will find it is very complicated to do that. I shall read into the RECORD exactly what would have to be done; but before doing that, I wish to return to a point made by the Senator from Ohio.

This Commission would submit its recommendations to the President, but the President could completely disregard them and say, in effect, "Look, you fellows in the Senate and in the House of Representatives, be good to me and I will not follow this Commission report and give you $40,000. I will give you $50,000."

I do not suggest that the present President would do any such thing as that; as a matter of fact, I am sure he would not. But we do not know who will be President 5 years from now, 4 years from now, or even next year.

I believe that, as a practical matter, the President would be setting the salaries, because here is what the Senate and the House of Representatives would have to do if they did not wish to follow his recommendations. Public Law 90-206, dated December 16, 1967, provides as follows:

"(1) Effective date of Recommendations of the President: (1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations to the Budget."

So, in the first place, there would be only 30 days for both Houses of Congress to act, and only to the extent that, between the date of transmittal of such recommendations and the beginning of such first pay period: First, there has not been enacted into law a statute which establishes rates of pay other than those proposed in the recommendation; second, neither House of Congress has enacted legislation which specifically disapproves; or third, both.

I wish to say again, Mr. President, that I feel that Members of Congress, members of the courts, and members of the Cabinet should be adequately compensated.

I do not know of any other group of men who work as hard for the salaries they receive as do the men in this Chamber.

I am looking at the Senator from West Virginia (Mr. BYRD), who is the deputy majority leader; I think he has been present on the floor of the Senate every day, and perhaps every hour, that this Congress has been in session.

I believe that Members of Congress deserve adequate and proper compensation. What I object to is establishing a commission to make a recommendation to the President, and the President then, whether he takes the advice of the Commission or goes beyond that advice, putting into effect what really becomes a salary for the members of the legislative and judicial branches of the Government. I cannot help but believe that that is a very unwise procedure to follow over any extended period of time.

Mr. MAGNUSON. Mr. President, I do not think there is any Senator who would find himself in substantial disagreement with the Senator from Virginia.

I opposed this amendment in the committee. The subcommittee opposed it and did not include it in its report. But after we discussed the matter further in full committee, we found that this Commission has been appointed.

A great number of able Americans are on the Commission.

Mr. BYRD of Virginia. Will the Senator yield?

Mr. MAGNUSON. I will finish first and then yield.

We are not a legislative committee. We were faced only with one proposition: Shall we provide funds for a lawful Commission to operate, a Commission which has been appointed?

The full committee decided the matter, but not with my vote. All of the statements about who have offices and who do not is beside the point as far as the Appropriations Committee is concerned. This is an active, ongoing, permanent Commission. We were just submitted an item from the budget to finance the Commission, to make the study and the report.

I think what we should do here is to have someone introduce a bill pronto and abolish the Commission.

The law is still on the books, and these people are able to work for nothing. The law would still apply. They do not have to have this money particularly. If the Senator saw the list of eminent people on the Commission, he would realize they could work for nothing. We do not need to give them any money with which to operate. What we should do is to repeal the law.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. In a moment. We are not a legislative committee. We are an Appropriation Committee. The subcommittee voted to strike this. I voted to strike it. The full committee after some discussion decided that as long as they are there, we should give them a small, modest amount to operate with. They do not need it. They could still function without the funds. I do not know whether they would or not, but they might.

I took a look at the membership list again. I know two or three of them by reputation. I imagine that they could very well work for nothing.

I now that we talk a lot about the fact that Members of Congress could recommend anything. They could recommend an expense account. The Members would not have to touch the salaries. They could recommend all kinds of things. They could even recommend—I do not think it would happen—a decrease. Maybe we are not worth what we get. Then the President would have to act. Congress could not touch it under the law that we passed until the President sends up a recommendation.

We were faced with that issue, and the subcommittee finally decided it would give them a modest amount to operate with as long as the Commission was set up.

I agree with the basic tenets espoused by the Senator from Virginia. However, this is an Appropriation Committee. It is not a legislative committee.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of Virginia. Mr. President, I point out that the House Appropriations Committee did not appropriate a single dollar. The House of Representatives did not appropriate a single dollar.

Mr. MAGNUSON. The matter was never submitted to the House. It was only considered by the Senate.

Mr. BYRD of Virginia. The date of enactment was December 16, 1967, 8 months ago.

Mr. MAGNUSON. The appropriation was never considered by the House. It was never submitted by the Bureau of the Budget to the House. It came to us as a Presidential communication after the House had passed this bill. It is in Senate Document 80 for the record. The House never considered this at all.

Mr. BYRD of Virginia. That is what I am pointing out.

Mr. MAGNUSON. One of the arguments made by those who wanted the $100,000 put back in is that as long as the House did not consider it and it was small, we might do this and take it to conference and see what they might want to do with it. However, this Commission could get to work tomorrow if they wanted to, and the law still exists. If we do not do something about their recommendations and the President sends up something, it would be the law.

I suggest that we introduce a bill to repeal the law.

Mr. BYRD of Virginia. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. BYRD of Virginia. Mr. President, I think that the outcome of this vote today will determine whether the Members of the Senate are interested in repealing this law. This is a policy vote. This is a matter that goes far beyond the $100,000.

Mr. MAGNUSON. I understand that. What I am trying to talk about is the responsibility of the Appropriations Committee. We are not a legislative committee. I would vote to repeal the law tomorrow.

Mr. BYRD of Virginia. This is a good way to get the matter settled.

Mr. MAGNUSON. If we should do this, then we could pass all of the laws we wanted to pass here and just not give them any money but repudiate them after the laws have been

passed. We could just refuse to give them the wherewithal with which to operate.

Mr. BYRD of Virginia. With relation to some laws, it would be a very good thing, and particularly this one.

Mr. MAGNUSON. Then we should abolish some things by giving them no funds. There are a lot of things that we appropriate money for that I voted against in the legislative proposal. However, when the measure becomes law, I have a responsibility to see that it functions.

Mr. BYRD of Virginia. It did not come to a vote.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays now.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I think the RECORD should be clear that the Appropriations Committee is not a legislative committee, and if Congress establishes a Commission, we surely have the responsibility to take a look at it and see how much money we should give them with which to function once they are established.

In this case the subcommittee said, "No. We do not need to do it now." However, they have been appointed. It is not a question of our determining the policy or the wisdom of Congress in passing a law.

The vote of the full committee, for the benefit of the RECORD, was 14 to 8.

Mr. BYRD of Virginia. This will be the first time that the Senate, as a Senate, will have had a chance to vote on the matter.

Mr. MAGNUSON. To make a clear-cut decision on it. The Senator is correct.

Mr. BYRD of Virginia. It will be the first time the Senate has had a direct vote on the issue. When the postal pay bill of 1967 came to the Senate, the Senate committee took out this provision that the House had inserted. So, when it came to the Senate for a vote, it did not contain this provision. It was put in in conference with the House.

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

Mr. MAGNUSON. I will yield in a moment. That is our legislative process, whether we like it or not.

Mr. BYRD of Virginia. The Senator is correct. However, it is also correct that this is the first time we will have had a direct vote on the issue.

Mr. MAGNUSON. I believe that would be true. But it is not on the policy issue. It concerns the money to run a legally authorized Commission.

Mr. LAUSCHE. Mr. President, I have found in the RECORD of December 12, 1967, on page 36102, exactly what happened with respect to this item.

Mr. MONRONEY, who was in charge of the postal rate increase bill, stated:

"May I say that from the first day until the last day, and almost every hour on the hour, the conferees on the House side tried to keep the junk mail rate at the lower rate. The House provided 3.6 cents. They also insisted on the House passed version of the Presidential Commission. We were just as adamant. In fact, as those matters were taken up and as we saw the quarreling and the snarls, I was reminded of the old law of physics that the Senator and I learned in our universities—that when an irrestible force meets an immovable object, something has to give."

The fact is that it was in conference; the House conferees insisted upon the Presidential Commission. Senator MONRONEY said, "I had to give in."

Mr. BYRD of Virginia. The Senate conferees were unanimous in opposition to it.

Mr. LAUSCHE. They had to give in in order to get any type of bill, and that is why they gave in.

Mr. MAGNUSON. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. For the clarification of the Members of the Senate, the motion is being made by the subcommittee chairman according to customary procedure to adopt the committee amendment. Is that it?

The PRESIDING OFFICER. The question is actually on the adoption of the committee amendment.

Mr. MAGNUSON. It would be to knock out the $100,000.

Mr. BYRD of Virginia. Those who favor knocking out the $100,000 would vote "nay."

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. The Byrd amendment is not pending, then?

The PRESIDING OFFICER. No.

Mr. ALLOTT. So if a Senator desired to vote to strike out the $100,000, he would vote "nay."

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from Alaska (Mr. BARTLETT), the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. CLARK), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. LONG), the Senator from Minnesota, (Mr. MCCARTHY), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

On this vote, the Senator from Pennsylvania (Mr. CLARK) is paired with the Senator from Alaska (Mr. BARTLETT). If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Alaska would vote "nay."

Mr. KUCHEL. I announce that the Senator from Illinois (Mr. PERCY) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 46, nays 41, as follows:

"[No. 217 Leg.]

"YEAS—46

"Anderson, Baker, Brewster, Brooke, Burdick, Cannon, Case, Church, Dirksen, Dodd, Fong, Gore, Harris, Hart, Hartke, Hatfield.

"Hayden, Hollings, Jackson, Javits, Kuchel, Long, La., McGee, McGovern, McIntyre, Metcalf, Miller, Monroney, Montoya, Morse, Morton, Moss.

"Muskie, Nelson, Pastore, Pearson, Pell, Proxmire, Scott, Smathers, Smith, Sparkman, Tydings, Williams, N.J., Yarborough, Young, N. Dak.

"NAYS—41

"Aiken, Allott, Bennett, Bible, Boggs, Byrd, Va., Byrd, W. Va., Carlson, Cooper, Cotton, Curtis, Dominick, Eastland, Ellender.

"Ervin, Fannin, Gruening, Hansen, Hickenlooper, Hill, Holland, Hruska, Jordan, N.C., Jordan, Idaho, Lausche, Magnuson, Mansfield, McClellan.

"Mundt, Murphy, Randolph, Ribicoff, Russell, Spong, Stennis, Symington, Talmadge, Thurmond, Tower, Williams, Del., Young, Ohio.

"NOT VOTING—12

"Bartlett, Bayh, Clark, Fulbright, Griffin, Inouye, Kennedy, Long, Mo., McCarthy, Mondale, Percy, Prouty."

So the committee amendment was agreed to.

Mr. COTTON addressed the Chair.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Chair recognizes the Senator from New Hampshire.

Mr. COTTON. Mr. President, first I want to say I agree wholeheartedly with every word the distinguished Senator from Virginia (Mr. BYRD) has said.

Last year, or whenever it was, I voted for the amendment of the distinguished Senator from Delaware to abolish this Commission. I have always felt that the Congress should have the intestinal fortitude to stand up to questions propounded to it and vote frankly, freely, and fearlessly for such salaries as Congress felt were appropriate and justified.

Mr. President, I am troubled today, however, and I do not wish to be presumptuous. Nothing is further from my mind. I do not wish to try to put any Member of the Senate, much less the chairman of one of the committees, on the spot.

I wonder whether I could ask the distinguished Senator from Wyoming, chairman of the committee, a question. It is my understanding that there is pending in the committee a separate bill, offered by the distinguished Senator from Delaware, doing this very thing; that is, abolishing the commission; is that correct?

Mr. McGEE. That is correct.

Mr. COTTON. Would the chairman be willing to indicate whether he thinks it likely, or that we could expect the committee would report that bill either favorably or without recommendation, so that the Senate would have an opportunity to work its will on that particular question at a separate time before this session is over?

Mr. McGEE. I would say that any measure that comes in like that, including the pending one, will receive the careful, considered judgment of members of the committee. The chairman could not commit himself alone on that because the committee, as a group, would have to arrive at a decision. But I would say, from the chairman's point of view, that I would be glad to proceed on that and to try to agree upon a schedule of hearings, so that we could get the thing thrashed out, and then proceed on it through committee channels.

I am sure that the Senator from New Hampshire appreciates that would be as far as I would dare to make a commitment. It is procedural.

Mr. COTTON. I did not expect that the distinguished chairman would attempt to pledge his committee to anything. I can understand that. Perhaps all I can expect would be an indication that the bill would receive various kinds of attention. There is the careful attention that a warden in a penitentiary bestows upon his charges. There is also the kind of attention given to many bills which come before committees.

The thing that troubles me is this: It may be just scuttlebutt, but it is my

understanding that the trouble is, if the present bill, aimed at justice for the Vice President of the United States and for the high office he occupies, went to the House with the Williams amendment, it is expected that the House would turn it down. Is that the cold fact of the case?

Mr. McGEE. The feeling is, to put it as bluntly as my colleague has, that the House does not believe this should be made relevant to the basic issue on which they have already acted and that, therefore, an attempt to force them on this issue, with a rider to the bill, would be regarded unfavorably as a proper issue on this particular piece of legislation.

Mr. COTTON. I have even heard it said that Members of the House have indicated they would not even go to conference on the bill if it contained the Williams amendment.

Mr. McGEE. The members of the House committee would have to affirm that. I think the indications are very strong that that kind of affirmation would be forthcoming, but I would pledge to the Senator from New Hampshire that the committee and all its members would give the attention to this that its importance merits and requires, and that it would not be dilatory. We have not been able to do that in the last few weeks, for the simple reason that we have in front of us some rather pressing things being urged upon us by the administration with regard to reorganization, but consistent with doing a careful and conscientious job on it, that would be the intent of the chairman of the committee, at least, and would be subject to the collective judgment of all committee members.

Mr. COTTON. I thank the chairman for his courtesy. It has been the experience of this Senator over many years in this body and the other body that almost every time I have voted against something I believe in, in the hope that I would have a chance by and by to vote for it, that that chance never came. In saying that, I am not impugning the sincerity of my good friend from Wyoming. He knows that I would not do that. He knows the confidence I have in him. But I am always a little leery of casting a vote against something I believe in with the expectation that by and by I will have a chance to vote for it.

On the other hand, I find myself—and I think many other Senators do also—very much in doubt about this particular vote. The Senator from Delaware knows that I have supported him in this, and I believe in his position, as I do in the position of the Senator from Virginia. But it is most unfortunate that the Vice President, whose office requires more compensation—I think everyone agrees on that—than he has been receiving, should be caught in this situation and be the victim of a renewal of the fight over this commission and, of course, possible disagreement with the House and loss of the bill.

So that I almost feel I have not entirely made up my mind. I almost feel that I cannot vote with my good friend from Delaware this time, because I hate to see the Vice President caught in the squeeze and this injustice done to him—which may well be done. On the other hand, my colloquy with the distinguished chairman of the committee leads me to be a little skeptical whether I will have a chance to vote on this proposition.

Mr. WILLIAMS of Delaware. I can assure the Senator that this is the chance to vote on the bill. It is about the only chance he will get. Let us face it. The question of whether the Vice President will or will not get a salary increase is not being debated here at all. I do not know of any objection to that part of this bill. I certainly will support it. I did oppose the exhorbitant salary increases that were approved for Congress earlier this year, and I am opposed to the other salary increases in this bill before us here today.

However, when this bill was before Congress on April 29, 1969, that is several months back, by a rollcall vote of 49 to 36 the same amendment repealing this Commission was approved. The bill could have passed then and could have gone to the House of Representatives. What happened? The Senate committee said, "Oh, no, we do not want to repeal this Commission which gives us the salary increases without having to go on record." So they sent the bill back to committee. What did they do? They deleted this one amendment, so that we now know what the position of the majority members of the committee is. They are opposed to repealing this Commission. Let us face it. If the Senate wants to repeal the law establishing this Commission we can do it tonight. Why be afraid to approve the amendment and send it over to the House? Are Senators afraid they will accept it?

As I said earlier, one big objection to the Commission is that it is possible that salary increases for Members of Congress and the executive branch can go into effect without a single Member of Congress ever answering a rollcall vote on the question. It almost did that last year. House Members did not get a chance to vote on it because the committee would not report a resolution in disagreement.

In the Senate I introduced a resolution in disagreement with the President's plan this year. What happened? The Senate Post Office and Civil Service Committee pigeonholed it. It took no action whatsoever, either affirmatively or negatively. It was only as a result of maneuvering on the floor of the Senate that we did get a rollcall vote.

I say that is not good legislation. Certainly by any line of reasoning Members of Congress should be permitted to vote on resolutions in disagreement. The committee could approve it or disapprove it, but at least it should report the resolution back to the Senate with its recommendation. This would give to the Senate an affirmative or negative recommendation. The Senate is entitled to a vote, but under the law, as it has been interpreted, such a vote is not possible.

I likewise express the opinion, with all due respect to those who feel differently, that if the Senate wants to vote on this measure to repeal this Commission this afternoon is their chance.

Mr. COTTON. I appreciate that.

Mr. WILLIAMS of Delaware. And the Vice President's salary increase is not affected by any action we take on this amendment.

Mr. COTTON. I appreciate the expressions of the Senator from Delaware, but, in order that the record may be clear—because this is a matter of importance to the Vice President and to all of us who want to see that office dealt with justly and properly—the Senator from Delaware does have a bill pending before the Committee on Post Office and Civil Service that would abolish the Commission. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. It has been before the committee for 6 months.

Mr. COTTON. Has the Senator requested hearings?

Mr. WILLIAMS of Delaware. Yes. I told the committee I would be glad to testify. At the time of the President's recommendations earlier this year for a 41-percent increase in congressional salaries I introduced both a resolution of disagreement with the Commission's recommendation as forwarded to us by the President and also a bill repealing the act. I told the committee I would be glad to appear at that time on behalf of either or both. To date I have not heard from the committee.

The committee is on record in favor of this method of raising congressional salaries; therefore they are not interested in repealing this law.

Mr. COTTON. I am appreciative of the Senator's zealous efforts. This might affect my vote. Has the Senator from Delaware been refused a hearing on his bill by the Committee on Post Office and Civil Service?

Mr. WILLIAMS of Delaware. No; I would not say refused; they just ignored the request. There just have not been any hearings. The chairman of the committee has indicated clearly—and I respect his position—that he is opposed to repeal. I respect his position. For that reason I suppose he has not gotten around to calling hearings or to reporting the bill. This matter has been before the committee for several months. It took no action except to delete a Senate-approved amendment from the bill and reported it back. I think that is an answer to the question. At least, give the Members of the House a chance.

Mr. COTTON. I thank the Senator.

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

Mr. COTTON. I yield.

Mr. DOMINICK. Just one point in connection with what the Senator from Delaware said. I have been in touch with two of the Members of the House—I do not care to name them at this time—but when I was discussing what differential there should be between Members of Congress and the distinguished leaders, they indicated at that time they thought part of the package deal was going to be acceptance of the abolition of the Commission. I certainly received no indication that the House was unanimously opposed to that, by any means.

Mr. COTTON. I appreciate the Senator's statement. Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I am in general agreement with the philosophy which has been expressed by several Senators, the Senator from Virginia (Mr. BYRD), the Senator from New Hampshire (Mr. COTTON), the Senator from Delaware (Mr. WILLIAMS), and perhaps other Senators, in reference to the membership of the Senate of the United States taking the final responsibility for increasing the salaries of Members of this body. I have so indicated, as a member of the Committee on Post Office and Civil Service, when we have had the matter of the Commission under consideration.

I have not been reluctant in meeting that individual responsibility in reference to my own obligation. I do feel, however, that the Senator from New Hampshire raises a very critical point. It is one of realism insofar as we face a conference with the House.

The Senator from New Hampshire requested the distinguished chairman of the Post Office and Civil Service Committee (Mr. MCGEE) to respond to his interest in having, within our committee, early consideration of the specific legislation on the Salary Commission. I am only, of course, speaking for myself as one member of the committee. But, I would pledge my individual efforts, in a very earnest and energetic way, to bring such consideration and hearings into being on the subject matter. It is not my purpose to suggest to the chairman what any other member may do, but it is my belief we should meet our responsibility and give attention to legislation such as that introduced by the Senator from Delaware.

In other words, I strongly feel that Senators should meet their responsibilities on the issue of salaries. I cannot speak for Members of the House. They make that decision for themselves. But I have indicated in the Post Office and Civil Service Committee again and again that on the matter of salary increases we should make the final decision through the consideration of legislation which comes from the committee to the Senate and on which the Members of the Senate may express their judgment here on the floor.

So I desire to do more than pledge my support to the consideration of legislation which goes specifically to the point of the Senator from Delaware. I desire to nail it down to a time insofar as possible.

I ask the very able chairman of the Committee on Post Office and Civil Service if we could consider this matter—not next year—but in September, so that Members, like the able Senator from New Hampshire, who are concerned with this question, could feel that a time framework has been established.

I want to return to what I said at the outset. I am just as strongly in favor, as the Senator from Virginia, the Senator from New Hampshire, and the Senator from Delaware, of having Members of this body take individual responsibility for whatever increases are made in their salaries. However, the realism of legislation and of the situation in the other body makes it desirable to deal with this issue at a later time.

Other members of the committee are present. Perhaps they would share their thinking in regard to the question I ask the chairman. If they are not in agreement with me, they may yet want to hear the thinking of the chairman of the committee in regard to consideration of this issue.

Mr. McGEE. Mr. President, I will respond to my colleague from West Virginia by saying that I have learned the hard way in the last few months, as a relatively new chairman of the committee, not to be quite so positive in my thinking; that we are a kind of prisoner of many other people's schedules and much other business that comes before this body. I have had enough of those predictions of mine thrown back in my face, because it became physically impossible to live up to those predictions, not to want to speak about a September date. I would only pledge to my colleague that we would make every effort to move to this proposal on its substance.

I assume that my colleagues on the committee who are present here share that view with me. I am only being cautious, because I do not happen to be warden of the penitentiary, and I do not think we are dealing with any prisoners today. I cannot command a time certain that we can agree on an attempt to move on the substance of the measure proposed by the Senator from Delaware.

Mr. RANDOLPH. It is my feeling, however, that we should assure the able Senator from Delaware that there will be prompt hearings on his substantive legislation.

Mr. McGEE. As the Senator knows, we have been asked likewise by the administration to be sure we run out a full string of hearings on the postal reorganization bill. We have been holding extensive hearings on the proposal to take the postmasters out of politics. We have been holding constant hearings on the dimensions of the new retirement legislation, and it is not quite as simple as simply saying "immediately." I would join in saying, as another Senator has stated, "as expeditiously as our schedule will permit." I do not want to be guilty of saying September 15, or October 1, and not being able to live up to it.

Mr. RANDOLPH. I fully appreciate what our able chairman has said. The scheduling of committee activities presents difficult problems. For several days, I have been attempting to have a conference with the House of Representatives on the Appalachian and regional commissions bill. We feel it is very important; but we just cannot get to an acceptable time for that conference. It has been set and reset. It now seems that the conference will have to come after the recess. This is important legislation. So I understand the chairman's problems, because we share as do other chairmen the same difficulty.

I do not criticize the Members of the House of Representatives in any wise, but in this instance, Senate conferees, both Democratic and Republican, have been ready. They have tried to adjust their schedules. Yet we now find that we are unable to bring the conferees of the House of Representatives together with us. So what can I do? In a sense, I am frustrated, and other Senators are frustrated. Our legislation, very frankly, should be sent to the White House prior to the recess.

I wish to underscore again, my belief that it is the responsibility of the Members of the Senate of the United States to set their own salaries by rollcall votes in this body. I cannot speak for the Members of the House of Representatives. That is for their own determination. The salary commission which was brought into being by legislation from the Post Office and Civil Service Committee does have a valuable and worthwhile program of study, investigation, and recommendations which could apply to executive positions within the structure of our Government. Its work can be meaningful and helpful for Members of Congress. But we must make that final decision on our salaries. If a Member is worthy—and I say this in good conscience—to sit in this body, he should be prepared to exercise the responsibility of establishing by his rollcall vote, the salary that he is to receive. The Senator from New Hampshire rightly raises the point of the legislative difficulty in which we find ourselves. We desire to deal justly with the Vice President and yet not deal unfairly with those who believe very strongly in the principles so well set forth by the Senator from Virginia.

I am very grateful for the time given to me. It is important, once again, to emphasize that members of the Post Office and Civil Service Committee who have attempted to clear this issue—and do it properly, in the open, with the hope that Senators might understand—are not desirous of doing anything other than securing passage of this bill, while affording Senators in a timely manner the opportunity to consider the general issue of setting salaries.

Mr. FONG. Mr. President, as the ranking minority member of the Post Office and Civil Service Committee, I join the distinguished Senator from New Hampshire and the distinguished Senator from West Virginia in seeking a speedy hearing of the bill which the Senator from Delaware introduced on this question and which is now before the Senate Post Office and Civil Service Committee.

I wish the chairman would agree to seek an expeditious time when we can discuss that matter. I do feel that the Commission is worthwhile, and I do think there are many amendments we should make to the law governing as to how to set the salaries of Members of Congress.

Mr. President, today we are faced with the problem of whether we are going to raise the salary of the Vice President from $43,000, which is only $500 more than the salary of each of us here, to the sum of $62,500. Only recently, we have increased the salary of the President of the United States to $100,000.

The Senate has listened to the colloquy between the distinguished Senator from New Hampshire and the distinguished chairman of the Post Office and Civil Service Committee relative to the feeling of the House of Representatives if the amendment of the distinguished Senator

from Delaware is attached to this bill. If the amendment is adopted, we will not have a bill, we will leave the salary of the Vice President at the sum of $43,000, and we will not be able to give him any increase in salary.

All of us realize that the Vice President of the United States is worth at least $62,500. Certainly he is worth more than $43,000, and all of us want to give him this increase. The only way we can give him the increase is not to adopt the rider which the distinguished Senator from Delaware is trying to attach to the pending bill.

In today's discussion no reason has been given to this body as to why Congress enacted the legislation providing for the salary commission. I have been a member of the Post Office and Civil Service Committee for approximately 10 years; and from time to time we have been called upon to raise the salaries of our Government employees—3 million of them. We have not been able to give to the 3 million civil servants of our Government the compensation they deserve. We wrote into the salary law of 1962 the principle of comparability—that is, that everyone working for the Government should have comparable pay with employees with similar responsibilities in private industry. Because the salary of Members of Congress was held at $30,000 prior to our last increase, we were not able to raise adequately the salaries of the civil servants, especially those in the grades of GS–10 and above. We have had a lot of compression of the salaries of those employees between the grades of GS–10 and 11 and GS–16, 17, and 18, so that those civil servants have not been given comparable salaries to their counterparts in industry. We have steadfastly refused to raise employees even if they are deserving, to salaries equal or above that received by the Members of Congress. Consequently, there has been a compression of salaries from the top down—especially down to GS–10.

Because of this problem of compression caused by our reluctance to raise our own salaries, the members of the Senate Civil Service Committee finally agreed to the proposal of the Members of the House of Representatives to go along with the idea of this Salary Commission.

Mr. President, we are not just talking about the pay of 435 Members of the House of Representatives and 100 Members of the Senate, or the 535 Members who are elected to Congress. We are talking, Mr. President, about the salaries, the just compensation, of 3 million civil servants, and another 3 million men who serve in our Armed Forces, for, when you consider that the pay of our military personnel is tied to the pay of our civil servants—because the military will not receive an increase if we do not give the civil servants an increase—it is obvious that we are talking, here, about the pay of 6 million people.

Year after year the Members of Congress have been very reluctant to raise their salaries. Facts have been presented which show that for a period of as long as 20 years Congress has refused to raise its salary because it felt that its action would be criticized by its constituents. And because of the reluctance of the Members of Congress to raise their own salaries, we have held down the salaries of 6 million people who are working for the Federal Government.

Two of the members of this Commission are appointed by the President of the Senate, two are appointed by the Speaker of the House, two are appointed by the Chief Justice, and three are appointed by the President. Their duty is to find out what the comparable pay in business is.

This Commission did valuable service for the Congress. It found out that at a time when the Members of Congress were receiving $30,000 a year, approximately 3,000 people on the payrolls of State and local governments were receiving more than $30,000 a year. Yet, the Members of Congress were reluctant to raise their own salaries.

Faced with the fact that more than 3,000 people working in State and local governments were receiving more pay than the Members of Congress, the Commission recommended to the President that the salaries of the Members of Congress be raised to $50,000.

The President met with Members of Congress on this matter. It was felt that $50,000 was too much of an increase. It was decided that the salary should be $42,500.

Mr. President, because we were able to raise the salary of the Members of Congress to $42,500, we have been able for the first time to give comparability to 6 million people who are now serving in our Government.

I realize that there are many weaknesses in the Salary Commission setup. I think we should overhaul it. I think we should give to Congress the right to say "yes" or "no" by positive votes whether the recommendation of the President should be adopted. I think that the committee should sit down and discuss the matter very thoroughly.

But we should not tie this rider to this bill, because if we do, we are not going to give the Vice President the salary that we know he deserves.

If we desire to keep the salary of the Vice President at $43,000, then we should vote for the amendment proposed by the distinguished Senator from Delaware. However, if we really want to give the Vice President a raise in salary, let us reject the amendment.

Then, with the pledges that have been made by the distinguished chairman of the committee and by the distinguished Senator from West Virginia and by me, as the ranking minority member of the committee, we will discuss the bill and bring it to the floor one way or the other.

Mr. WILLIAMS of Delaware. Mr. President, I shall be very brief, since the Senate wants to vote.

I point out that the adoption of this amendment does not in any way affect any of the 3 million civil service employees. Nor does it affect those in the military service. This amendment has nothing whatever to do with either.

Long before we ever heard of the Commission, Congress was raising or lowering the salaries as they saw fit, and we can continue to do so.

As to the pledges of the members of the committee at this late hour that they would consider reporting out a separate bill repealing this law, let us remember the pledges come from the same committee that has bottled up the measure for the past several months and did not want to give the Senate the right to vote on whether it should or should not raise congressional salaries this year. It is the same committee which refused to report the bill I introduced early this year.

The argument was made that if we do not have such a Commission the Members of Congress will never get a salary increase. Maybe we are not worth it if we do not have enough nerve to stand up and let our constituents know how we vote.

It has been said that for the past 20 years there have been no salary increases for Congress because we did not have such a Commision prior to 1967. I came to Congress in 1947. The year before I came the salaries of the Members of Congress were raised 50 percent. In 1946, the salary was $10,000, and it was raised to $15,000 effective in 1947, the year I came to Congress.

In 1954, Congress raised its salaries by 50 percent, to $22,500.

Around 1965 Congress again raised its salaries by 33⅓ percent, to $30,000 a year. Then, earlier this year, congressional salaries were raised another 40 percent, to $42,500. This increase was at a time when we were telling everyone else that they should hold the line on prices and wages and combat inflation. Congress did not have the nerve to vote on this last increase but rammed it through through this backdoor method of a Commission.

Let us not be confused—the question of raising the salary of the Vice President at this time is not involved here.

How do we know that the House would not accept the measure if the Senate approves this amendment? All I say is that if Senators are for the abolishment of the Commission they should vote for it here today. If they are not, they should vote against the amendment. However, let us decide now.

Mr. DIRKSEN. Mr. President, I had not contemplated speaking on the bill, but it seems to me that the emphasis is in the wrong place. We are making a mountain out of a mole hill with respect to the Commission. I know something about these commissions. I introduced the first resolution for the Commission under which the Senator from Delaware (Mr. WILLIAMS) got that increase in 1947. That, frankly, is the only way to get this job done, because we are up against a basic proposition.

This book, the Senate Manual, contains the Constitution, which says that all legislative power shall be vested in a Congress. Congress is the exclusive lawmaking body; there is no other. When we look at article I, section 6, we read:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law.

This is the only department, this is the only agency in Government, that is designated in the Constitution to fix its own pay. There are no others. We fix

the President's pay. We fix the Cabinet's pay. We fix the pay of all executive agencies. We fix the pay of the judiciary. Then we come along, under the language of the Constitution, and are required to fix our own salaries. That is the vexing point that is involved here.

I have been through this agony at the other end of the Capitol, when Members came and fairly begged: "I want the money, but do not ask for a rollcall."

In my case, I did not care. I was ready to go on record. But it was only 18 months from election to the next primary, and they were afraid the people would remember, and they did not want to be on the record.

That, then, is the problem. How are we going to cure it? By statute? Certainly not. So far as the Commission is concerned, it is greatly overrated. It will go by the by long before we get through. In my judgment, the only satisfactory, durable way in which the whole salary problem as it affects Congress can finally be disposed of is by a constitutional amendment. I do not propose to say how much shall be done at the moment without a good deal of further study. But if we are going to get away from the problem once and for all, let us find a vehicle. Then let us see about amending the Constitution and getting out from under the frightfully vexing problem of going home and having someone say, "Well, I see you voted to increase your own pay."

We live in a political ambit here. Nobody needs to deny the fact. I recall, when it happened in the House, Members coming to me and saying, "Come to my district and help to defend me against this pay charge, because somebody is going to run against me and this is an issue." Well, it is a good issue in rather tumultuous and feverish times. But I still say that, sooner or later, this has got to be done. Madison and Hamilton, in the Federalist, talked about this very weakness; and it has continued from that day to this.

I voted against my distinguished friend the Senator from Delaware in April when this matter came up and was carried by a vote of 49 to 36. The only reason why this is an issue is that over at the other end of the Capitol they foresee some problems under their rules. There are various ways to take it up: Take it up off the Speaker's desk; send it to the Rules Committee; send it to conference; or get a direct vote on it, if you can. But there is some disagreement over there. That is the only reason why the chairman of the Senate committee is in some difficulty. He has conferred with the House leaders and they said, "Well, do not send that repealer over here, because we are going to have trouble." Otherwise, there would not be any point in making the case.

So far as I am concerned, I could have voted either way in April on the Williams amendment, because I had no great enthusiasm one way or the other, simply because I felt that the real remedy lay in a constitutional amendment and that sooner or later that has to be done.

So today I am going to vote with the committee and I am going to vote against the Williams amendment, as I did in April. I do not think there is anything else I can very well do.

That is all I have to say on the subject, and I am ready to vote.

SEVERAL SENATORS: Vote! Vote!

The PRESIDING OFFICER (Mr. HUGHES in the chair). The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. McGEE. Mr. President, I will take just 60 seconds. Because of the number of Senators who have just arrived in the Chamber, I think the general substance of our dialog should be put before the membership.

For 2½ weeks now, we have worked with great diligence on an attempt to increase the Vice President's salary, and we have arrived at a compromise that will make possible that achievement. It will give him a salary of $62,500, and that of the Speaker will be at the same figure.

We are about to agree upon a compromise with the impending amendment of the Senator from Colorado on the salaries of the majority and minority leadership in the two Houses. Instead of a figure of $55,000, we have worked out an agreement that it would be $49,500.

We have further reasoned—and I say this in all sincerity—that if the pending amendment becomes a part of this bill, it will be impossible to move it through conference and out. Only in the interest of expediting this bill, we have to work out some kind of arrangement on it. The members of the Committee on Post Office and Civil Service have made it clear this afternoon—and as only one member of that committee, I agree—that we should proceed to move toward the measure of the substance of the amendment on the abolition of the Salary Commission, as proposed by the Senator from Delaware, and that this would go through regular channels and it would become the reflection of whatever the will of this body and the members of the committee may be.

So, with that brief summation, I would hope that the Members of the Senate would, on that basis, agree to reject the pending amendment of the Senator from Delaware at this time.

Mr. WILLIAMS of Delaware. Mr. President, I agree that the Senator from Illinois has stated this issue very clear. He is in favor of the Commission; he is going to vote against my amendment. I respect that position. All those who are against the repeal of this Commission should join the Senator from Illinois and vote against my amendment. Those who feel that the Commission should be repealed and that the vote of April 29, as taken by the Senate, 49 to 36, should be sustained should vote for the amendment.

In my opinion this is the only chance we will get to repeal the Commission. Let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware (Mr. WILLIAMS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY: I announce that the Senator from Georgia (Mr. RUSSELL) is necessarily absent.

Mr. SCOTT. I announce that the Senator from Arizona (Mr. FANNIN) is detained on official business.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The result was announced—yeas 47, nays 50, as follows:

[No. 72 Leg.]

YEAS—47

Aiken	Ervin	Murphy
Allen	Fulbright	Packwood
Allott	Gore	Pastore
Boggs	Gurney	Pearson
Burdick	Hansen	Prouty
Byrd, Va.	Hartke	Smith
Byrd, W. Va.	Hatfield	Spong
Cannon	Hollings	Stennis
Church	Hruska	Symington
Cook	Jordan, N.C.	Talmadge
Cooper	Jordan, Idaho	Thurmond
Cotton	Mansfield	Tower
Curtis	McClellan	Williams, Del.
Dole	Miller	Young, N. Dak.
Dominick	Montoya	Young, Ohio
Ellender	Mundt	

NAYS—50

Anderson	Griffin	Moss
Baker	Harris	Muskie
Bayh	Hart	Nelson
Bellmon	Holland	Pell
Bennett	Hughes	Percy
Bible	Inouye	Proxmire
Brooke	Jackson	Randolph
Case	Javits	Ribicoff
Cranston	Kennedy	Saxbe
Dirksen	Long	Schweiker
Dodd	Magnuson	Scott
Eagleton	McCarthy	Sparkman
Eastland	McGee	Stevens
Fong	McGovern	Tydings
Goldwater	McIntyre	Williams, N.J.
Goodell	Metcalf	Yarborough
Gravel	Mondale	

NOT VOTING—3

Fannin	Mathias	Russell

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. LONG. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. McGEE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Colorado proposes an amendment on page 2, line 13, strike out "$55,000" and insert in lieu thereof "$49,500."

Mr. PASTORE. Mr. President, may we have order in the Senate? We can expedite our business if we can maintain order in the Senate.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Colorado may proceed.

Mr. DOMINICK. Mr. President, when the bill first came up, the Senator from Delaware added his amendment, which was then adopted by the Senate. I supported it. Then, in conjunction with the Senator from Rhode Island (Mr. PASTORE), I offered an amendment which would have stricken pay raises for the Speaker of the House and the congressional leadership. My amendment would have authorized a pay raise only for the

Vice President. Subsequent to that time, the bill was recommitted and there never was a vote on that amendment.

I have discussed this with my legislative assistants. We have done some analysis on it. Since at least 1907, and even before, the Speaker of the House of Representatives and the Vice President have received the same salary. As a result of this historic precedent, my amendment leaves the Speaker of the House at the same level as the Vice President, that is, $62,500.

Until 1965, there was no differential between leaders of the respective Houses and Members of Congress.

In 1965, however, we gave the majority and minority leaders of both Houses a $5,000 differential. I do not know whether this does much good in view of the tax situation most of them are in; but, nevertheless, it was in recognition of the responsibilities which they carried.

I then got in touch with Members of the House to see whether the $5,000 differential would be acceptable to them. Some Senate leaders have indicated they were somewhat embarrassed about the whole thing and wished it would not be brought up. So I thought I would take it up with the House side. The House side told me that $5,000 was satisfactory to them in conjunction with repeal of the Commission.

I want to make it clear that that is what they told me, and that is what I have just finished saying to the Senator from New Hampshire when I discussed it with him.

I then offered to go ahead on the basis that the amendment of the Senator from Delaware would be accepted. However, the Senator from Wyoming did not bring the bill up, under those circumstances, and the House Members came back and said to me that a $7,000 differential would be preferable.

In the interest of trying to get this matter resolved and obtain the necessary raise for the Vice President, I said I would go along with the $7,000 differential. That is what is in the amendment at the present time. It would mean that the House majority and minority leaders, the Senate majority and minority leaders, and the President pro tempore would all get a $7,000 raise over what Members of Congress now receive.

The Speaker of the House and the Vice President would both get $62,500.

I personally feel that the Senate has made a bad mistake in rejecting the Williams amendment. I personally feel it was part of a package deal we had worked out. But in order to keep faith with the chairman of the committee, I am offering the amendment. I have no doubt that there is a good possibility that either an amendment or a substitute may be offered to it before we are through, in view of what has happened on the last vote.

I want to make my position crystal clear. I shall support the amendment, but I am deeply disappointed that, with respect to the repeal of the Commission, on which I thought there was an agreement, it turned out not to be that way.

Mr. McGEE. Mr. President, the only agreement between the Senator from Colorado and the Senator from Wyoming was an attempt to try to find a common ground on the thrust of the original amendment. I spent a great deal of time, at all levels of the House, to try to ascertain what they and what the Senator from Colorado would be willing to accept. It is my understanding that we have a firm agreement on the $7,000 figure, placing their salaries at $49,500.

If it is agreeable with the Senator from Colorado, I am willing to accept his amendment and proceed to whatever the will of this body is with regard to the passage of the pending legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. WILLIAMS of Delaware. Mr. President, as the Senator from Colorado pointed out, it was our understanding that the Senate would repeal the law creating this Commission. However, the Senate has decided—and I respect that decision—to reverse its earlier decision and keep the Commission intact. Here this afternoon all the debate has been on the basis that it was the desire to raise the salary of the Vice President, the one officer of our Government whose salary heretofore had not been affected. The Speaker of the House of Representatives has already had one large increase in salary this year. The majority and minority leaders and the other officers affected under this pending bill have had increases this year. Why raise them again? Are the taxpayers not being punished enough? In order to carry out what apparently is the will of the Senate today I send to the desk an amendment and ask the clerk to state it. This amendment would strike from the bill all proposed salary increases except that section dealing with the Vice President's salary.

The PRESIDING OFFICER. The amendment is not in order until the Senate acts on the amendment of the Senator from Colorado.

Mr. WILLIAMS of Delaware. I thought that the amendment of the Senator from Colorado had been acted on.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware will now be stated.

The LEGISLATIVE CLERK. It is proposed, on page 2, beginning on line 1, to strike all down to and including line 17.

The language sought to be stricken is as follows:

SEC. 2. (a) The second sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Speaker of the House of Representatives, is amended by striking out "$43,000" and inserting in lieu thereof "$62,500".

(b) The third sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives is amended—

(1) by striking out "$35,000" and inserting in lieu thereof "$49,500";

(2) by inserting "the President pro tempore of the Senate," immediately following "compensation of"; and

(3) by inserting a comma immediately following "Minority Leader of the Senate".

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, this amendment strikes from the bill all of the salary increases except that of the Vice President. It would still carry out exactly what the committee is recommending for the Vice President. Every Senator who has spoken on the bill here today has said that the Vice President was being left out and that his salary should be taken care of. My amendment leaves in the bill the salary increase for the Vice President as carried in the bill. Those Members of Congress, the leaders of the House and the Senate have already had one sizable salary increase earlier this year. How can we justify another salary increase at this time?

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. DIRKSEN. Mr. President, the only arrangement I know anything about was that I was quite agreeable to a rollcall vote on the Williams amendment to strike the so-called Pay Commission.

There could not be any agreement as to how it would come out. No one could tell what the Senate was going to do about it. So, Mr. President, in view of the fact that the amendment strikes out all salary increases except that for the Vice President, what an affront it is to the Speaker of the House of Representaives. I would not want to put myself in that position.

I move to table the amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois to lay on the table the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (when his name was called). Present.

Mr. KENNEDY. I announce that the Senator from Mississippi, (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) would vote "nay."

Mr. SCOTT. I announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

The result was announced—yeas 68, nays 25, as follows:

[No. 73 Leg.]

YEAS—68

Allott	Burdick	Eagleton
Anderson	Case	Fannin
Baker	Church	Fong
Bayh	Cook	Goldwater
Bellmon	Cotton	Goodell
Bennett	Cranston	Gravel
Bible	Dirksen	Griffin
Boggs	Dodd	Gurney
Brooke	Dole	Hansen

Harris	McGovern	Randolph
Hart	McIntyre	Ribicoff
Hartke	Metcalf	Schweiker
Holland	Mondale	Scott
Hollings	Montoya	Smith
Hughes	Moss	Sparkman
Inouye	Murphy	Stennis
Jackson	Muskie	Stevens
Javits	Nelson	Tower
Jordan, N.C.	Pearson	Tydings
Kennedy	Pell	Williams, N.J.
Long	Percy	Yarborough
Magnuson	Prouty	Young, N. Dak.
McGee	Proxmire	

NAYS—25

Aiken	Fulbright	Pastore
Allen	Gore	Saxbe
Byrd, Va.	Hatfield	Spong
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jordan, Idaho	Thurmond
Cooper	McClellan	Williams, Del.
Curtis	Miller	Young, Ohio
Dominick	Mundt	
Ervin	Packwood	

PRESENT

Mansfield

NOT VOTING—6

Eastland	Mathias	Russell
Ellender	McCarthy	Symington

So the motion to lay on the table was agreed to.

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

WITHDRAWAL OF TROOPS FROM VIETNAM

Mr. GORE. Mr. President, I have read that a decision may be pending soon for the withdrawal of additional troops from Vietnam. I inquired of the Pentagon today about the number of U.S. troops in Vietnam. I have been supplied by the Department of Defense with the following figures, which Senators may find interesting.

On January 18, 2 days before President Nixon's inauguration, 532,500 U.S. troops were in Vietnam. On July 17 there were 535,200. On July 26 there were 536,000. On August 2, the last reporting date for the Department of Defense, there were 537,000.

So we have 4,500 more troops in Vietnam than when President Nixon was inaugurated. If an additional 25,000 are to be withdrawn, I hope we will find quicker results than we have from the previous 25,000 which reportedly have been withdrawn.

I also call attention to the fact that since January 18, there have been 55,462 casualties of U.S. troops in Vietnam.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes.

The message also announced that the House had passed a bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, was read twice by its title and referred to the Committee on Finance.

WHY DOES THE TROOP LEVEL IN VIETNAM CONTINUE TO INCREASE?

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate very long, but I wish to address an interrogatory to the distinguished chairman of the Committee on Armed Services about a matter which I am asked about on numerous occasions, and I hope that he might throw some light upon it.

By way of background, I have the official figures of the casualties in Vietnam from January 18 to June 7. The official total is 55,462.

Of those, 25,273 have been wounded, nonhospitalized, and 22,455 were wounded seriously enough to be hospitalized. There were 7,734 killed, of which 6,607 were in hostile action, 1,127 nonhostile action.

My interrogatory is this: Approximately 6 weeks or 2 months ago, I think it was, I believe at the Midway Conference, or one of the conferences, the President announced that he was proceeding to order the withdrawal of 25,000 American troops from Vietnam. As of January 18, there were 532,500 American troops in Vietnam.

As of July 17, there were 535,200 in Vietnam.

As of July 26, there were 536,000.

As of August 2, the latest available date, there were 537,000 troops in Vietnam.

What puzzles me, and what I am asked about, is why it is, in view of the announced withdrawal of troops, and the many headlines, including one this morning, I believe, that they are contemplating further withdrawals, that we have more troops in Vietnam today—that is, as of August 2—than we did on July 17 or on January 18? I wonder if the Chairman of the Committee on Armed Services can throw some light upon this withdrawal question, and just how it operates.

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

Mr. FULBRIGHT. I would prefer to yield to the chairman, who is responsible. Then I shall be happy to yield to the Senator from Wyoming.

Mr. STENNIS. Mr. President, I can say to the Senator very quickly that we have these weekly reports, and have a file on them, but I have not made any recent study of these matters.

I am assuming that the 25,000 reduction will be carried out. Some are logistic troops, and some are men who have been in action. We deal with various units, and I think it is just the shifting around, and the time that it takes; but I certainly would not think there is anything deceptive about this figure of 25,000. I think the total is going to be reduced that much; but it does call for an explanation.

Mr. FULBRIGHT. I think it does. There are more, as the Senator can see, since July 26.

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

Mr. STENNIS. I think anyone can obtain that explanation.

Mr. FULBRIGHT. These are official figures from the Pentagon, I might say.

Mr. STENNIS. That is right. I do not have an explanation ready. I would like to have one myself, frankly, and I will follow that up, or any Senator can.

Mr. GOLDWATER. Well, I believe the Senator from Mississippi is in the best position to do that.

Mr. STENNIS. I have some responsibility. I will get something on it for the Senator right away.

Mr. FULBRIGHT. I yield now to the Senator from Wyoming.

Mr. GOLDWATER. Wyoming?

Mr. FULBRIGHT. Oh, I beg the Senator's pardon. The Senator from Arizona.

Mr. GOLDWATER. I am glad that the Senator from Texas would yield to me. [Laughter.]

Mr. TOWER. Not I. [Laughter.]

Mr. FULBRIGHT. I assure the Senator that my statement was inadvertent. I was looking at the Senator from Wyoming here, and he is such a fine looking man that the confusion was natural.

Mr. GOLDWATER. I thank the Senator from Arkansas for even remotely confusing me with the handsome Senator from Wyoming.

The senior Senator from Tennessee, earlier in the day, introduced substantially these same figures. I do not know what the inference is supposed to be. I have a suspicion that it might be that President Nixon has increased the number of troops. If that is it, let me remind my friend from Arkansas that troop movements are planned at least 6 months in advance.

I have a suspicion—in fact, I am relatively sure—that the movement of these men had been planned last fall, and that we are possibly beginning to see a reduction now.

If the Senator is not aware of the formula President Nixon is operating under, I will explain it the way I understand it. As the South Vietnamese divisions come up to line readiness, we will release a similar number of our troops.

The division strength of the South Vietnamese is different from ours. I cannot give the exact figures. However, I can say that 25,000 men make about two South Vietnamese divisions. They have 18 divisions, as I understand it, two of which were up to frontline capacity. So, 25,000 Americans were ordered to leave, but not necessarily to come back to the United States, because the Marines, I believe, went to Okinawa and others went to other places. As other divisions come into frontline readiness, similar numbers of Americans will be released.

This does not mean in my opinion that we can look for a large return of men now, because of the 500,000 other men who are over there, probably something in the nature of 150,000 at one time are engaged in ground combat operations. The remainder are supporting troops, particularly in the Air Force where we have to have such a high percentage of men in the background to support our pilots.

The Air Force troops will not be brought home—unless the war ends, of course, and we hope that it does end—probably until 1972.

The South Vietnamese Air Force has, only in June of this year, begun to fly its own missions.

It is the ground forces, the naval people, the Marines, and the infantry that will be the ones that will come home.

I think that under that formula we can expect to see a continuing number return.

I am sure that any study will show that the increase results from the ordered transportation of troops probably prior to January.

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

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

Mr. FULBRIGHT. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the troops we will withdraw from Vietnam will be combat support troops. Even though the South Vietnamese Army might get up, say, to combat readiness which will allow them to take over the job that most of our combat troops are doing, they still will not be structured to do the logistical job necessary to support their own troops in the field.

It is anticipated that we will have considerable support operations there. We will be providing their backup, their rear echelons.

As the Senator from Arizona pointed out, a lot of this troop movement is already in the pipeline. We have only withdrawn a few of the 25,000 that we intend to withdraw.

It is what is in the pipeline that brought the figure up above what it was 2 or 3 months ago. I have not seen the figures the Senator has referred to. However, I am sure that we will see a peakout as they withdraw the troops.

I should like to ask the Senator from Arkansas this question: Did the Senator put this question to the Department of Defense?

Mr. FULBRIGHT. I did not. I just got the figures. I was so surprised that it never occurred to me, being innocent of the ways of the Defense Department. I had assumed from the stories in the press and the statement of the President some 6 weeks or 2 months ago that the troops would be withdrawn. I interpreted that to mean that there would be a decline in the number of American soldiers in Vietnam. However, apparently I misinterpreted its meaning. There will be an increase in the number of American soldiers in Vietnam.

I was asking for an explanation in view of what the President has said.

Mr. TOWER. Mr. President, I would suggest that an inquiry of the President might clear up the matter.

Mr. FULBRIGHT. The Senator is a member of the Armed Services Committee. In my innocence, I thought he would know. If he does not know, I do not criticize the Senator from Texas.

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

Mr. FULBRIGHT. If the Senator from Texas is through, I will yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I assure the Senator that I think he has raised a very good question. The Senator is certainly entitled to a full answer.

I cannot give it now, but I can get it in the morning. In the meantime, we can hold over the bill.

Mr. FULBRIGHT. I can understand that. Let me say one thing about the inquiry of the Senator from Texas.

I have written three times and talked personally twice and on one occasion in public session with the Secretary of State about getting a copy of the agreement between our Government and the Government of Thailand.

I will say to the Senator from Texas that it is not easy to get an answer. They have flatly refused to give me a copy to this date. And without the proper cooperation—and I think I will have it—of the chairman of the Armed Services Committee, I do not suppose I will get it. It is not so easy to ask the Pentagon for information, because so much of their information is classified. They, of course, do the classifying, and they give you only what they want to give you.

I would not be a bit surprised if they were to tell me that this is classified and that I am not entitled to know whether they are going up when they say they are going down.

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

Mr. FULBRIGHT. I yield.

Mr. GORE. Mr. President, the distinguished junior Senator from Arizona said he did not know what inferences I intended to make by putting the statistics in the RECORD.

I wish to state to the Senator from Arizona that I did not wish to make any inferences at all. I did not make any. I did not intend to make any.

I merely read official statistics into the RECORD for the information of the Senator. I might go one step farther and say that a couple of weeks ago a friend of mine in the Pentagon passed word along to me that things were not exactly as they might seem with respect to the movement of troops in Vietnam.

So I made an inquiry. It is just as simple as that. And I got the information a week ago that I put into the RECORD to the effect that there were 3,500 more troops in Vietnam than there were January 18.

Today, I got the information that it has increased 1,000 since last week.

In the meantime we see pictures of wives and sweethearts hugging and kissing the boys who are returning. But apparently no bands are playing when more men are going. That is what I mean.

There are no inferences, I will say to the Senator from Arizona.

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

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. Mr. President, I may say to the Senator that if the Senator from Tennessee thinks for one moment that I would believe he would do anything of a political nature, his assumption is incorrect.

Mr. FULBRIGHT. Mr. President, I missed that.

Mr. GOLDWATER. The Senator can read it tomorrow morning.

I submit that if the Senator did put in the information——

Mr. PASTORE. Mr. President, may we have order so that we may hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GOLDWATER. Mr. President, I suggest that we do not know the source of the information. I assure the Senator that tomorrow morning, as soon as the Office of the Secretary of Defense opens, I personally will inquire as to the number of troops that have been in the pipeline in all of the branches since, let us say, a year ago.

It takes a long time to move a lot of people overseas. The actual movement from the United States to Southeast Asia may only entail 18 hours. But to get them there and get them ready to go and get the equipment ready, the equipment that we have been so short of up until this administration—and that is no insinuation at all—complicates the problem.

I think we can clear up the matter without any trouble and answer the intelligent question of the Senator as to why there has not been a decrease. I think the answer is going to be that it is a long way to Tipperary, and it is hard to get them there fast.

Mr. GORE. Mr. President, the source of the information is the U.S. Department of Defense. It is a long way to Tipperary, and apparently it is a long way in the wrong direction.

Mr. FULBRIGHT. Mr. President, I will be content, and to say the least, interested in the report of the chairman of the committee and of the Senator from Arizona.

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

Mr. FULBRIGHT. I yield.

Mr. MURPHY. Mr. President, I think perhaps this is a reflection of some of the problems that many of us have complained about over the last several years. It is my hope—and I am certain I am correct—that the distinguished Senator from Arizona will have a logical explanation for these figures.

Having had some experience, I believe that the explanation he has given would be the correct one. But it is, I think, an indication of the tremendously complex, serious problems that have been inherited by the new Secretary, and I think that he is probably trying to do just as much work as the Senator and I are to get them unraveled. I do know that the President of the United States wants to bring the troops home at long last.

Mr. FULBRIGHT. I say to the Senator that I appreciate his comments.

I had hoped that this would take place, and I urge him to do that. I want to sympathize with the Senator. I have said on many occasions that these problems have been inherited by this President. My fervent hope, expressed to him personally 3 or 4 months ago, was that he would disavow some of his heritage and take a new policy, and I thought he was

going to do it. The greatest disappointment is that he seems to have clasped to his breast his inherited policies, and he is continuing it beyond what I thought was reasonable. I agree that he inherited these problems, and I have been urging him to take a new policy and not accept. That is what I thought he was doing when he said he was withdrawing these troops.

I certainly hope that in the next 25,000, it is more effective than in the present 25,000.

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

Mr. FULBRIGHT. I yield.

Mr. FONG. Mr. President, I know how frustrating it is to deal with the Pentagon. Following the *Pueblo* incident, the Reserves and the National Guard were called to active military duty. Of the number called up in the National Guard and the Reserve, 17 percent were called up from the State of Hawaii. Based on population, Hawaii's quota should have been one-half percent, not 17 percent.

I have repeatedly talked to the Pentagon and have written many letters to Secretary of the Army Stanley Resor, as to why the Pentagon called so many from the State of Hawaii and urge the deactivation of these men. With less than one-half percent of the total population of the United States, the Pentagon recalled 17 percent of the 24,500 Army reservists and National Guardsmen called up at that time, from the State of Hawaii. Hawaii's fair share should have been only 8.9. At that time the Pentagon told me that 4,070 men of the 29th Brigade of Hawaii were recalled because the 29th Brigade was an efficient brigade, and they wanted it, which had trained together as a unit. The men would be kept together as a unit. When they took them to Schofield Barracks, what did they do? The Pentagon went back on its words, and broke the brigade up piecemeal and sent a few men at a time to Vietnam.

I do hope that the Pentagon, in returning these men from Vietnam, will remember that they called up 17 percent from a State that has less than one-half percent of the total population of the United States. I do hope the Pentagon will remember that it did place on the State of Hawaii, a burden 45 times larger than her just share.

Seventeen percent from my State, Mr. President is most unjust and inequitable.

Mr. President, Hawaii has contributed magnificently in defense of our country and freedom throughout the world, as the outstanding war record of her sons testify. The casualties and deaths Hawaii suffered in with the Korean and Vietnam wars are unmatched on a per capita basis throughout our country. This makes the disproportionately high levy of Reservists and National Guardsmen recalled to active duty from Hawaii even more unjust.

My colleague Senator INOUYE, a member of the Committee on Armed Services, finally asked one of the men from the Pentagon, "Why did you call up so many boys from Hawaii, when Hawaii has less than one-half percent of the total population of the United States?"

The answer was, "Because we did not expect them to riot when we called them up." They were worried that the callup would bring on riots in other States.

Mr. FULBRIGHT. What?

Mr. FONG. They did not expect to find the people in Hawaii rioting in the streets. They did it because they felt Hawaii was a docile State, because it was a law-abiding State, that was why they picked on my State. [Laughter.]

Mr. FULBRIGHT. That is a great compliment. The Senator should feel very flattered.

Mr. FONG. The Senator can see how ridiculous and assinine at times the Pentagon acts. [Laughter.]

I do hope that in the withdrawal, the Pentagon will consider that they took 17 percent of the total 24,500 men recalled nationally from my State. A State which has less than one-half of 1 percent of the population of the United States, and that the Pentagon will favorably consider my urgent appeal to deactivate the 29th Brigade and all of the men recalled to this unit in May, 1968.

Mr. FULBRIGHT. If they withdraw any more soldiers from Vietnam, Hawaii will have 25 percent of them over there.

Mr. FONG. If this happens, the Pentagon will certainly hear from me.

Mr. TOWER. Mr. President, the President of the United States said that the troop withdrawal would be down to 550,000 by the end of August. We have just had some conversation with the administration, and it appears that they intend that by the end of August it will be down to 550,000. There is a natural cyclical high of troops in the summertime due not only to the pipeline situation but also the rotational situation. That accounts for the figure the Senator mentioned.

Does the Senator have a breakdown of what kind of troops are represented—Infantry, Air Force, Navy? What is it?

Mr. FULBRIGHT. The total number of troop strength in Vietnam.

Mr. TOWER. That is the numbers game.

Mr. MANSFIELD. Mr. President, may I be recognized?

I think assurances have been given by the distinguished chairman of the committee and the distinguished Senator from Arizona that tomorrow morning answers to the questions raised by the distinguished chairman of the Committee on Foreign Relations will be here available for all.

LEGISLATIVE SALARY ADJUSTMENTS

The Senate resumed the consideration of the bill (H.R. 7206) to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The bill is open to amendment.

Mr. McGEE. Mr. President, I ask for third reading.

SEVERAL SENATORS. Vote! Vote!

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

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

The bill was read the third time.

Mr. BYRD of Virginia. Mr. President, I shall vote against this proposal.

I voted against doubling the President's salary; I voted against increasing congressional salaries by 41 percent; I voted against increasing the judicial salaries by 50 to 70 percent; and I shall vote against the increases provided in this measure.

I would have been willing to support reasonable increases, but the timing of this legislation, like the timing of the legislation we considered in January, could not have been worse.

If we are going to get inflation under control—and I submit we have got to get it under control if the average citizen of this country is to maintain the standard of living he now has—there must be example at the top. What sort of example have we in Washington set during this year 1969?

I shall vote against the pending legislation which not only substantially increases the salary of the Vice President but six other Members of the Congress as well, all of whom already have had their salaries substantially increased.

The PRESIDING OFFICER. The bill having been read the third time, the question is, "Shall it pass?"

The bill (H.R. 7206) was passed.

Mr. MANSFIELD. Mr. President, I would like to be recorded as "present."

Mr. PASTORE. Mr. President, I desire the record to show that I voted in the negative.

Mr. FULBRIGHT. Mr. President, I desire the record to show that I voted in the negative.

Mr. SPONG. Mr. President, I desire the RECORD to show that I voted in the negative.

Mr. YOUNG of Ohio. Mr. President, I desire the RECORD to show that I voted in the negative.

The PRESIDING OFFICER. The Senate is not in order.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the RECORD show that I voted "No" on the last vote.

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

Mr. ALLEN. Mr. President, I desire the RECORD to show that I voted "No" on H.R. 7206.

The PRESIDING OFFICER. The Senate is not in order.

Mr. THURMOND. Mr. President, I ask that the RECORD show that I voted "No" on the last vote.

Mr. HARTKE. Mr. President, I ask unanimous consent that I be recorded in the negative on the last vote.

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

Mr. TYDINGS. Mr. President, I desire that the RECORD show that I voted in the negative on the last vote.

Mr. PROXMIRE. Mr. President, I ask that the RECORD indicate that I voted in the negative on the last vote.

Mr. BYRD of West Virginia subsequently said: Mr. President, I voted against the bill to increase the salary of the President of the United States when that bill was before the Senate. I voted against the bill to increase the salaries of Members of Congress, judges, and Cabinet members when that bill was before the Senate. I want the RECORD to show that I voted today against H.R. 7206, the bill making legislative salary adjustments.

PROVISION OF A NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1611.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1611) to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes which was, on page 1, lines 8 and 9, strike out "located in the National Capital area."

Mr. PELL. Mr. President, this bill is identical to the bill which we passed on May 23, 1969, except for the fact that the Senate-passed measure indicated that the institution of higher education which will establish the national media center, be "located in the National Capital area," while the House bill did not. It is my understanding that the House deleted this language in order to give institutions from all areas of the country an opportunity to compete for this center.

As author of the bill and chairman of the Subcommittee on Education, I would recommend that the Senate accept the action of the House. However, I would also take the position that the National Capital area is the logical site. The federally funded high school for the deaf is located here in Washington, as is the Bureau of Education and Training for the Handicapped in the Office of Education, the Federal agency most concerned with the problems of handicapped children.

Ultimately, the Bureau for the Education and Training of the Handicapped, which has the responsibility of choosing the institution, will approve the best application. The deletion of the language concerning the National Capital area should not be construed to prejudice the selection of a Washington area institution. With this understanding, I again recommend that the Senate accept the present language rather than appoint conferees.

Mr. JAVITS. Mr. President, I am pleased to support S. 1611 to provide a National Center on Educational Media and Materials for the Handicapped as amended by the House. This measure, of which I am a cosponsor, will, as described in the Senate report, "provide a comprehensive program of activities and services designed to develop, evaluate, coordinate, and facilitate the use of existing and new educational technology, instructional materials and teaching methods in education programs for handicapped persons." The hearings revealed general agreement that this is a desirable program; the measure was approved by the Senate on May 23 without dissent.

The House amendment strikes out the words "located in the National Capital area." The House report indicates that the House committee "did not intend to indicate that the National Media Center should not be located in the National Capital area" but rather that the selection of the site should be left to the Health, Education, and Welfare Secretary acting upon the advice of the Bureau for the Education of the Handicapped which, under the bill should have operational control of the Media Center.

In testifying before the Education Subcommittee, the Bureau indicated that a site in the Washington area was both preferable and desirable. Thus, the conclusion is impelled that the Secretary will be so advised on the merits by the Bureau but that he retains a flexibility in making a final decision that the mandate language of the Senate version would not have given to him. Given, then, this likelihood of a location in this area, I am happy to support S. 1611 as amended by the House so that it might be sent to the President for signature into law without further delay.

Mr. PROUTY. Mr. President, on May 23, prior to Senate passage of S. 1611, a bill to provide for a National Center on Educational Media and Materials for the Handicapped and other purposes, I noted the commendable language in the measure, which required that the facility be "located in the National Capital area."

From the inception of this measure I assumed that the National Capital was the ideal location for the proposed Center. During hearings on the measure the testimony of experts in the handicapped field reinforced my assumption. Of particular weight was the testimony of Dr. James Gallagher, then Associate Commissioner of Education, Bureau of Education for the Handicapped, Department of Health, Education, and Welfare. Dr. Gallagher referred to language in the bill which states that the proposed Center should be one "which can serve the educational technology needs of the Model High School for the Deaf—established under Public Law 89–694."

Dr. Gallagher noted:

> The Center would be particularly useful in the National Capital area close to the Model High School for the Deaf and to the media service programs of the Bureau of Education for the Handicapped.

Later, in the hearings on S. 1611, Dr. Gallagher and others spelled out further advantages to locating the Center in the National Capital area.

Witnesses from the Department of Health, Education, and Welfare appearing before the House Committee on Education and Labor re-emphasized the advantages of locating the Center in the National Capital area.

However, the bill as passed by this body was amended in the House Committee to delete the language "located in the National Capital area" from section (c)(1) of the bill. The bill, with this amendment, passed the House and is now before the Senate. I urge my colleagues to accept the bill as amended by the House, not because I approve of the deletion of the language "located in the National Capital area," but because I consider this amendment meaningless in view of the language of the report of the House Committee on Education and Labor on S. 1611.

The report states:

> In deleting the words "located in the National Capital area" from section (c)(1) of the bill, the committee did not intend to indicate that the National Media Center should not be located in the National Capital area. The committee amendment was based on the belief that, as a matter of principle, the selection of an institute of higher education should be left to the discretion of the Secretary of Health, Education, and Welfare acting on the advice of the Bureau for the Education of the Handicapped which would have operational control of the Media Center.

As it emphasized in Senate hearings and hearings in the House, the Bureau of Education for the Handicapped believes that the interests of the handicapped can best be served by locating the Center in the National Capital area. I think there can be no doubt that the House report language leaves the Center's location up to the Secretary of Health, Education, and Welfare acting upon the advice of the Bureau, and such advice is already clearly stated in testimony before committees of both bodies. Therefore, in my judgment, the House amendment is meaningless.

I urge Senators to accept the measure now before us as amended by the other body.

Mr. YARBOROUGH. Mr. President, I want to indicate my wholehearted support for the National Center on Educational Media and Materials for the Handicapped, and I compliment the principal author, the distinguished Senator from Rhode Island, Senator CLAIBORNE PELL, for the diligence and ability and dedication with which he has pushed this bill to passage.

I hope the Senate will act quickly so that this bill may go to the President for signature and so that it may be possible for the Congress to appropriate funds this year for this project. It is a privilege to be a coauthor of this bill. I note that the only amendment by the House of Representatives was to delete the language "located in the National Capital area". However, the committee report, in explaining this amendment, stated that it was merely an effort to

grant greater discretion to the Secretary of Health, Education, and Welfare in determining where the Center would be located. The House report also stated that they would expect the Secretary of Health, Education, and Welfare to act on the advice of the Bureau for the Education of the Handicapped in locating this National Media Center.

I am willing to accept the House amendment in view of the fact that Dr. Gallagher, Associate Commissioner of Education for the Bureau of Education for the Handicapped, testified:

The center . . . would be particularly useful in the National Capital area close to the Model High School for the Deaf and to the media service programs of the Bureau of Education for the Handicapped.

* * * * *

It would be nice from the standpoint of the Bureau of Education for the Handicapped to have this close relationship between the center and our staff in the captioned films area. We do have Project Life that we are supporting that is being operated at the NEA and is a major curriculum development program in which we could take the materials from that program and put it into a production or distribution status through this center.

Mr. President, this is another step for the handicapped. When we have discharged our full care and educational duty to them, they will walk as easily and successfully in our competitive economy as those not suffering a handicap. This bill is one more landmark for the millions who need it.

Mr. PELL. Mr. President, I move that the Senate concur in the amendment of the House of Representatives and that the bill do pass.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

ESTABLISHMENT OF THE FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, COLO.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 912.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 912) to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado, which was to strike out all after the enacting clause, and insert:

That, in order to preserve and interpret for the benefit and enjoyment of present and future generations the excellently preserved insect and leaf fossils and related geologic sites and objects at the Florissant lakebeds, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map entitled "Proposed Florissant Fossil Beds National Monument," numbered NM–FFB–7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map, not exceeding, however, six thousand acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.

SEC. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums, but not more than $3,727,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.

Mr. BIBLE. Mr. President, I think I should make a brief explanation of this bill.

It is a bill for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado. It is a matter on which the two distinguished Senators from Colorado have long expressed their interest. The amendments suggested by the House of Representatives are completely agreeable to me. They are completely agreeable to the two Senators who sponsored the bill.

The most significant change made by the House, and one that I think should be commented on, so that the record may be abundantly clear, is the change made in the bill by the House of Representatives, which specifically struck from the Senate-passed bill a provision for condemnation of lands.

In handling park and recreation bills over the years, we always felt that was a necessary tool to acquire land in areas of the United States. The House said that was not necessary in its judgment because it came within the general law or authority to acquire lands with appropriate funds. Since the bill before the Senate contains that authority, it carries with it the power of condemnation.

Mr. President, I ask unanimous consent that an official memorandum and decision of the office of the Solicitor of the Department of the Interior dated August 4, 1969, addressed to the minority counsel of the Committee on Interior and Insular Affairs be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., August 4, 1969.

CHARLES F. COOK, Esq.,
Minority Counsel, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. COOK: You have informally requested our views on the question whether the specific authority in a statute to acquire land by purchase would include the authority to acquire by condemnation. It is my opinion that it does.

The pertinent portion of the act of August 1, 1888, 25 Stat. 357, 40 U.S.C. § 257, provides as follows:

"In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so * * *."

It has been held that this provision provides the authority to condemn where the authority to acquire property by purchase has been conferred by the Congress. *United States ex rel. TVA* v. *Welch*, 327 U.S. 546, 554; *United States* v. *Kennedy*, 278 F(2) 121, 122; *Swan Lake Hunting Club* v. *United States*, 381 F(2) 238.

In both the *Hanson Co.* case and the *Swan Lake Hunting Club* case, the Congress conferred the authority to purchase, and in both cases the court upheld the authority of the Federal agency involved to acquire by condemnation. In the *Swan Lake Hunting Club* case, which dealt with the Migratory Bird Conservation Act, 16 U.S.C. § 715 *et seq.*, the court said, about the application of the 1888 statute quoted above as follows:

"This statute consistently has been interpreted to authorize acquisition by condemnation where specific authority to purchase has been conferred. 381 F(2) at 240."

We hope this information will serve to satisfy your request.

Sincerely yours,

RAYMOND C. COULTER,
Deputy Solicitor.

Mr. BIBLE. Mr. President, I wish to make it abundantly clear that there is no question in my mind that the bill passed by the Senate and that will be sent to the White House for final action does contain in the general grant of authority the power of condemnation. We must have this power if we are to deal with some acquisition attempts being made by subdividers. I have complete confidence in the decision of the Solicitor of the Department of the Interior. So that no one will misunderstand, I want to make it clear that there is the right of eminent domain and condemnation.

Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, on June 20, 1969, the Senate passed S. 912, a bill to establish the Florissant Fossil Beds National Monument, in Colorado.

On July 31, 1969, the House Committee on Interior and Insular Affairs took executive action on the bill and made certain amendments to the language of my bill. The explanation of these amendments are found on page 4 of House Report 91–411.

Mr. President, I ask unanimous consent that the section of the House report on page 4, entitled "Committee Amendments" be printed in the RECORD at this point.

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

COMMITTEE AMENDMENT

The committee amendment to S. 912 strikes everything after the enacting clause and inserts the provisions of H.R. 6223, as amended by the committee. In substance, the bills are essentially the same. A comparison, however, indicates the following differences between S. 912, as approved by the other body, and S. 912, as reported by the committee:

First, the two bills are different in form at the outset, but the objectives are the same, viz to protect and preserve the fossil resources by adequately controlling their collection in the interest of science and to present them to the public in a manner that will enable the laymen to understand their significance.

Second, the Senate-approved bill explicitly provides for "condemnation" of lands. Since the power of eminent domain is included by general law in the authority to acquire lands

with donated or appropriated funds, its reiteration adds no new authority and is not necessary for the purposes of this legislation. The express reference to condemnation has therefore been eliminated by the committee.

Third, a typographical error is corrected in the reference to the title of the map.

Fourth, paragraph 2 of section 1 is deleted in the bill as recommended by the committee, because it is unnecessary in light of the legislation enacted during the 90th Congress (82 Stat. 354), which grants the Secretary general authority to make exchanges.

Mr. ALLOTT. Mr. President, the only amendment of interest is the one discussed in the paragraph enumerated "second." The other amendments are purely technical and are completely acceptable to me and the chairman of the full committee the Senator from Washington (Mr. JACKSON) and the chairman of the subcommittee, the Senator from Nevada (Mr. BIBLE).

The amendment of interest deletes the word "condemnation" from the text of the bill. The word "condemnation" was inserted in the bill by the Senate committee for the purpose of making it "abundantly clear to all concerned, that the power of condemnation is granted to the Department of Interior and the Park Service and can be employed swiftly, in the event it should become necessary to preserve the integrity of the monument."

The House points out in its report that—

The power of eminent domain is included by general law in the authority to acquire lands with donated or appropriated funds, its reiteration adds no new authority and is not necessary for the purposes of this legislation.

With this understanding, that is the Department of Interior has the power of eminent domain under general law and can employ that power with respect to the acquisition of lands for the Florissant Fossil Beds National Monument, I find this amendment acceptable to me, and I understand it is acceptable to the chairman of the full committee and the chairman of the subcommittee on that same basis. The intent of the Senate has not been changed, and the legislative history will show that the Secretary of the Interior has the power to condemn land under this bill.

Mr. President, I felt that it would be helpful to ascertain the position of the Department of the Interior with regard to the power of eminent domain under general law, I, therefore, instructed Mr. Charles Cook, minority counsel of the Senate Interior Committee, to obtain in writing the Department's position. In a letter dated August 4, 1969, and addressed to Mr. Cook, Deputy Solicitor Raymond Coulter sets forth the position of the Department that the authority to purchase lands includes the authority to acquire lands by condemnation. This authority is based upon general authority granted in the act of August 1, 1888, 25 statute 357, 40 United States Code, section 257, and subsequent judicial interpretation of that statute.

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:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C. August 4, 1969.

CHARLES F. COOK, Esq.,
Minority Counsel, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. COOK: You have informally requested our views on the question whether the specific authority in a statute to acquire land by purchase would include the authority to acquire by condemnation. It is my opinion that it does.

The pertinent portion of the act of August 1, 1888, 25 Stat. 357, 40 U.S.C. § 257, provides as follows:

"In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so * * *."

It has been held that this provision provides the authority to condemn where the authority to acquire property by purchase has been confered by the Congress. *United States ex rel. TVA* v. *Welch*, 327 U.S. 546, 554; *United States* v. *Kennedy*, 278 F(2) 121, 122; *Swan Lake Hunting Club* v. *United States*, 381 F(2) 238.

In both the *Hanson Co.* case and the *Swan Lake Hunting Club* case, the Congress conferred the authority to purchase, and in both cases the court upheld the authority of the Federal agency involved to acquire by condemnaton. In the *Swan Lake Hunting Club* case, which dealt with the Migratory Bird Conservation Act, 16 U.S.C. § 715 *et seq.*, the court said, about the application of the 1888 statute quoted above as follows:

"This statute consistently has been interpreted to authorize acquisition by condemnation where specific authority to purchase has been conferred. 381 F(2) at 240."

We hope this information will serve to satisfy your request.

Sincerely yours,
RAYMOND C. COULTER,
Deputy Solicitor.

Mr. ALLOTT. Mr. President, with this legislative history and supporting materials, I believe that the question of condemnation is settled with regard to the acquisition of lands for the Florissant Fossil Beds National Monument.

Mr. President, I urge the Senate to concur in the House amendments in order that this measure may be sent to the White House at the earliest possible moment. There is urgency with regard to this measure as there is an imminent threat of commercial encroachment, and I believe it is in the national interest that this measure be signed into law at the earliest practicable date.

Mr. President, I wish to express my thanks to the distinguished Senator from Nevada whose basic interests, I am sure, do not lie in scientific research any more than mine do, but he has expressed great interest in this matter and has gone to great pains to hold hearings and to investigate.

The Senator from Nevada has become convinced, as I have, that this is one of the great paleontological points of interest in the United States. I wish to express my deep appreciation to the Senator from Nevada at this time for his interest and support in the passage of the bill.

The amendments proposed by the House of Representatives are entirely satisfactory, particularly when compared with the opinion of the Deputy Solicitor and the House report.

Mr. BIBLE. I thank the Senator.

Mr. President, I yield to the distinguished junior Senator from Colorado, who is a cosponsor of the bill and who has been very active and very effective in connection with passage.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Nevada, who has been such a help in this matter, as well as the senior Senator from Colorado (Mr. ALLOTT).

I was happy to cosponsor the bill and to participate in the hearings, and to do whatever I could to expedite the matter. I wish to say to both of them that this measure exemplifies the fact that when we have something which is really important, which could be threatened by some development which would injure the cause of the national monument, Congress can move rapidly and efficiently. I think we have acted in this manner in connection to prevent what otherwise would have ruined this national monument.

Mr. ALLOTT. I thank the Senator.

Mr. BIBLE. I thank the Senator.

Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

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.

AMENDMENT NO. 86

Mr. EAGLETON. Mr. President, my amendment No. 86 to S. 2546 has been printed. I ask that the amendment be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Missouri (Mr. EAGLETON) proposes for himself and the Senator from Oregon (Mr. HATFIELD) an amendment, as follows:

On page 2, lines 18 and 19, strike out "$276,900,000;" and insert in lieu thereof "252,400,000;".

On page 2, line 26, strike out "$1,638,600,000" and insert in lieu thereof "$1,608,600,000".

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be expended in connection with the design, development, testing, production, or procurement of the main battle tank designated as the MBT–70; and no funds may be appropriated for any such purpose until after the Comptroller General of the United States has completed and submitted to the Congress a comprehensive study and investigation of the past and projected costs of such tank and a thorough review of the considerations which went into the decision to produce such tank. In carrying out such study and investigation the Comptroller General of the United States shall, among other things, consider—

"(1) why research and development cost estimates have had to be revised steadily upward since 1965;

"(2) whether the MBT–70, considering its revised estimated production costs, will be the most effective weapon to meet the contingency for which it was originally planned;

"(3) whether the strategic projections made in 1963 with regard to the use of the MBT–70 will still be valid when it finally becomes available for use; that is, will it be obsolete as the result of advanced technology and new strategy; and

"(4) whether there are more feasible and less expensive alternatives to the development of the MBT–70.

The Comptroller General of the United States shall submit the results of his study and investigation, together with such recommendations as he deems appropriate, to the Congress not more than six months after the date of the enactment of this Act."

Mr. MANSFIELD. Mr. President, I have discussed this matter with the Senator from Missouri (Mr. EAGLETON) and he has told me that it is not his intention to debate this amendment tonight but to have it as the pending business, so that it will be before the Senate and debate commenced thereon at the conclusion of the brief morning hour which we will have tomorrow.

Mr. EAGLETON. I thank the Senator.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 10 A.M. ON MONDAY, AUGUST 11, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 a.m. on Monday next.

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

ORDER FOR RECOGNITION OF SENATOR RANDOLPH ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and disposition of the Journal on Monday next, the distinguished Senator from West Virginia (Mr. RANDOLPH) be recognized for not to exceed 30 minutes.

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

Mr. MANSFIELD. Mr. President, under the previous order the Senator from West Virginia will be followed for a period of not to exceed 30 minutes by the Senator from Kansas (Mr. PEARSON).

The PRESIDING OFFICER. The Senator is correct.

SUBSTITUTION OF CONFEREE ON H.R. 6508

Mr. MANSFIELD. Mr. President, I ask unanimous consent to substitute the Senator from Virginia (Mr. SPONG) for the Senator from Alaska (Mr. GRAVEL), as a conferee on the part of the Senate on H.R. 6508, the California Disaster Relief Act.

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

INDEFINITE POSTPONEMENT AND WITHDRAWAL FROM THE CALENDAR OF H.R. 13080

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 332, H.R. 13080, an act to continue for an additional 15 days the existing rates of income tax withheld at the source, be withdrawn from the calendar and postponed indefinitely.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with statements made therein limited to 3 minutes.

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

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROPOSED ALCOHOL BEVERAGE CONTROL AMENDMENTS ACT OF 1969

A letter from the Assistant to the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Alcohol Beverage Control Act (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED ZONING LEGISLATION IN THE DISTRICT OF COLUMBIA

A letter from the assistant to the Commissioner, government of the District of Columbia, transmitting a draft of proposed legislation to amend "An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes," approved June 20, 1938, as amended (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT AND PROPOSED DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

A letter from the assistant to the Commissioner, government of the District of Columbia, transmitting a draft of proposed legislation to establish a revolving fund for the development of housing for low and moderate income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the cessation of unauthorized payments of proficiency pay and variable reenlistment bonuses to candidates in officer training programs, Department of Defense; dated August 6, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Legal Services program under title II of the Economic Opportunity Act of 1964, Office of Economic Opportunity, dated August 7, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution adopted by the general meeting of the taxpayers of El Paso County, Inc., Colorado Springs, Colo., praying for the curbing of expenditures; to the Committee on Appropriations.

A resolution adopted by the general meeting of the taxpayers of El Paso County, Inc., Colorado Springs, Colo., requesting that the Congress let the surtax expire; to the Committee on Finance.

A resolution adopted by the general meeting of the taxpayers of El Paso County, Inc., Colorado Springs, Colo., remonstrating against the proposed guaranteed annual income; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 1108. A bill to waive the acreage limitations of section 1(b) of the Act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park (Rept. No. 91–348).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2564. A bill to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park (Rept. No. 91–347).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 203. A bill to amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project (Rept. No. 91–363).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 216. Resolution authorizing the printing of additional copies of part 19 of Senate hearings on Riots, Civil and Criminal Disorders (Rept. No. 91–349); and

S. Res. 217. Resolution authorizing the printing of additional copies of part 20 of

Senate hearings on Riots, Civil and Criminal Disorders (Rept. No. 91–350).

By Mr. MUSKIE, from the Committee on Public Works, with amendments:

S. 7. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes (Rept. No. 91–351).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1934. A bill for the relief of Michel M. Goutmann (Rept. No. 91–353);

H.R. 1462. An act for the relief fo Mrs. Vita Cusumano (Rept. No. 91–354);

H.R. 1707. An act for the relief of Miss Jalileh Farah Salameh El Ahwal (Rept. No. 91–356); and

H.R. 5107. An act for the relief of Miss Maria Mosio (Rept. No. 91–357).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

H.R. 3213. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi (Rept. No. 91–362).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 1808. An act for the relief of Capt. John W. Booth III (Rept. No. 91–352);

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie (Rept. No. 91–358);

H.R. 6581. An act for the relief of Bernard A. Hegemann (Rept. No. 91–359);

H.R. 8136. An act for the relief of Anthony Smilko (Rept. No. 91–360); and

H.R. 9088. An act for the relief of Clifford L. Petty (Rept. No. 91–361).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 4658. An act for the relief of Bernard L. Coulter (Rept. No. 91–355).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Mary Brooks, of Idaho, to be Director of the Mint.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Hewson A. Ryan, of Massachusetts, and William H. Weathersby, of California, Foreign Service information officers, for promotion from class 1 to the class of career minister for information;

Walworth Barbour, of Massachusetts, Winthrop G. Brown, of the District of Columbia, C. Burke Elbrick, of Kentucky, and Edwin M. Martin, of Ohio, Foreign Service officers, for promotion from the class of career minister to the class of career ambassador;

Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency; and

W. Tapley Bennett, Jr., of Georgia, and sundry other Foreign Service officers, for promotion from class 1 to the class of career minister.

Mr. FULBRIGHT. Mr. President I also report favorably sundry nominations in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

William B. Kelly, of Ohio, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

By Mr. EASTLAND, from the Committee on the Judiciary:

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama;

David A. Brock, of New Hampshire, to be U.S. attorney for the district of New Hampshire;

C. Nelson Day, of Utah, to be U.S. attorney for the district of Utah;

Nathan G. Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma;

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York;

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida;

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota;

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma; and

Donald M. Horn, of Ohio, to be U.S. marshal for the southern district of Ohio.

By Mr. BURDICK, from the Committee on the Judiciary:

Almeric L. Christian, of the Virgin Islands, to be judge of the District Court of the Virgin Islands.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

George Hay Brown, of Michigan, to be Director of the Census.

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission.

BILLS AND 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. SCOTT (for himself, Mr. ALLEN, Mr. BOGGS, Mr. CANNON, Mr. CASE, Mr. COOPER, Mr. CURTIS, Mr. DIRKSEN, Mr. DODD, Mr. FONG, Mr. GOODELL, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HART, Mr. HARTKE, Mr. HRUSKA, Mr. JAVITS, Mr. MATHIAS, Mr. NELSON, Mr. SAXBE, Mrs. SMITH, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG of Ohio):

S. 2790. A bill to incorporate the Catholic War Veterans of the United States of America; and

S. 2791. A bill to incorporate the Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

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

By Mr. DODD:

S. 2792. A bill for the relief of Blanca Gloria Vargas; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2793. A bill for the relief of Siu-Kei-Fong; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 2794. A bill to extend to unmarried individuals the tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Finance.

(The remarks of Mr. McCARTHY when he introduced the bill appear earlier in the RECORD.)

By Mr. JORDAN of North Carolina:

S. 2795. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. JORDAN of North Carolina, when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FANNIN:

S. 2796. A bill to provide a deduction from gross income for transportation expenses incurred by a disabled individual in traveling to and from work; and to provide an additional personal exemption for a taxpayer or his spouse who is disabled; to the Committee on Finance.

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

By Mr. RANDOLPH:

S. 2797. A bill for the relief of Dr. Marcelo R. Santiago, Jr.; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 2798. A bill for the relief of Gerald A. MacKenzie; to the Committee on the Judiciary.

By Mr. FONG:

S. 2799. A bill for the relief of Shina Kotani; to the Committee on the Judiciary.

By Mr. HARTKE:

S.J. Res. 145. A joint resolution to establish a joint congressional committee to define national goals and to recommend means to implement such goals not later than the bicentennial of the United States in 1976; to the Committee on Government Operations.

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

S. 2790—INTRODUCTION OF A BILL INCORPORATING THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to incorporate the Catholic War Veterans of the United States of America.

I welcome as cosponsors of my bill today Senators ALLEN, BOGGS, CANNON, CASE, COOPER, CURTIS, DIRKSEN, DODD, FONG, GOODELL, GOLDWATER, GRIFFIN, HART, HARTKE, HRUSKA, JAVITS, MATHIAS, NELSON, SAXBE, SMITH, STEVENS, THURMOND, and YOUNG of Ohio.

Organized in 1935, the Catholic War Veterans and its auxiliary are now composed of 125,000 men and women of the Roman Catholic faith dedicated to a program of united action to promote the welfare of all veterans and their widows and children.

The Catholic War Veterans have been instrumental in accomplishing a number of goals, one of which was the establishment of nondenominational chapel facilities in our military installations. It has endeavored to cooperate with other veterans' groups in obtaining assistance for veterans, regardless of religion or race.

The Catholic War Veterans has served this Nation well and is entitled to reap the benefits which it so heartily deserves. I urge the Congress to act favorably on this proposal to incorporate the Catholic War Veterans.

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

The bill (S. 2790) to incorporate the Catholic War Veterans of the United States of America, introduced by Mr.

SCOTT, for himself and other senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2791—INTRODUCTION OF A BILL INCORPORATING THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to incorporate the Jewish War Veterans of the United States.

I welcome as cosponsors of my bill today Senators ALLEN, BOGGS, CANNON, CASE, COOPER, CURTIS, DIRKSEN, DODD, FONG, GOODELL, GOLDWATER, GRIFFIN, HART, HARTKE, HRUSKA, JAVITS, MATHIAS, NELSON, SAXBE, SMITH, STEVENS, THURMOND, and YOUNG of Ohio.

The Jewish War Veterans is composed of American men and women of the Jewish faith who have served our Nation in time of war. Organized by Civil War veterans, its members have served our Nation for more than a century.

Jewish War Veterans have been active in promoting patriotism and active community involvement in educational and charitable programs. As a strong supporter of national security, JWV has always called for individual sacrifice as a crucial element in maintaining the role of the United States as the beacon of freedom.

The Jewish War Veterans of the United States of America is dedicated to individual freedom in a pluralistic society. It has encouraged its members to participate actively in intergroup, interfaith, and interracial endeavors to strengthen national unity. It has spoken forthrightly on behalf of equality of opportunity.

JWV service officers provide assistance to any veteran without regard to race, religion, or national origin.

The Jewish War Veterans' long experience and accomplishments exceed all criteria for Federal incorporation. The present national commander, Charles Feuereisen, a combat paratrooper in World War II, exemplifies JWV's dedication to service in the cause of country and mankind.

I am hopeful that the Congress will act favorably on this proposal to incorporate the Jewish War Veterans.

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

The bill (S. 2791) to incorporate the Jewish War Veterans of the United States of America, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2796—INTRODUCTION OF A BILL TO AID CERTAIN DISABLED PERSONS WITH RELATION TO TAXES

Mr. FANNIN. Mr. President, I introduce, for appropriate reference, a bill to provide a deduction for income tax purposes in the case of a disabled individual for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled.

At this time, when tax reform is very much at issue and when equalization and liberalization of the personal income tax structure are being considered, I would like to call attention to the urgent need for tax reform with respect to the handicapped. As Governor of Arizona, I established the Governor's Committee on Handicapped. I also worked with other agencies in coordinating efforts in this field and attended many conferences both on the State and National levels. The Federal, State, and local governments, industry, and the public as a whole have become increasingly aware of this minority and its special problems and needs.

During the last Congress, we enacted legislation to remove the architectural barriers from public buildings. As a matter of Federal policy, the President has established the Advisory Committee on Hiring the Handicapped. Each State has its vocational rehabilitation program and the Federal Government provides matching funds to the States, not only for these programs but for research programs aimed at learning more about their problems and what can be done to make these individuals productive and self-sustaining. The Social Security Administration has a trust fund set aside for the rehabilitation of disabled individuals, and is willing to spend as high as $10,000 if necessary to rehabilitate one of these people if that person can be removed from its rolls. So you can see that vast amounts of money and time are being expended to assist these people in their adjustment to their disability.

In addition, the Federal Government recognizes the problem of disability with respect to service-connected disabled veterans. These handicapped veterans are automatically awarded at least $150 per month for aid and attendance, and lesser amounts to non-service-connected disabled, which continues as long as the individual lives outside a hospital. This has nothing to do with living expenses but is merely to enable the veteran to remain independent of the hospital facility.

Further, employers who hire the handicapped are given tax benefits to permit them better "second injury" clauses, that is, the State pays the difference in cases of higher premiums on employee insurance.

Unfortunately, however, in our efforts to enable these individuals to seek remunerative employment, we have overlooked the practical objection to such employment. For the largest percentage of these individuals, it costs so much to work, not to live, but to work, that they simply cannot afford the luxury of a job.

Mr. President, when you consider that it costs the Federal Government approximately $15,000 per year to maintain one veteran in a veteran's domiciliary, when you consider that social security pays in the neighborhood of $40,000 during the lifetime of one disabled individual, it becomes obvious that we are pursuing a false economy by denying these individuals a deduction for transportation expenses and an exemption to provide their own aid and attendance, and we are depriving them the opportunity to be gainfully employed as well.

Mr. President, if the Federal Government is concerned with the state of our economy, then it should consider the savings which would be realized in the area of financial assistance to many of these severely handicapped and offer every inducement to those who are willing, eager, and capable through rehabilitation to be economically independent of the Federal Government.

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

The bill (S. 2796) to provide a deduction from gross income for transportation expenses incurred by a disabled individual in traveling to and from work; and to provide an additional personal exemption for a taxpayer or his spouse who is disabled, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 1

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969.

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

S. 740

Mr. MONTOYA. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of the bill, S. 740, to permanently establish the Inter-Agency Committee on Mexican American Affairs.

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

S. 2168

Mr. BENNETT. Mr. President, I ask unanimous consent that, at the next printing, the names of the distinguished Senators from Connecticut (Mr. DODD and Mr. RIBICOFF) be added as cosponsors of S. 2168, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink.

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

S. 2582

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Delaware (Mr. BOGGS), and the Senator from Illinois (Mr. DIRKSEN) be added as cosponsors of S. 2582, to authorize the minting of clad silver dollars bearing the likeness of the late Dwight David Eisenhower.

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

S. 2593

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Carolina (Mr. ERVIN), I ask unanimous consent that, at the next printing, the names of the Senator from Vermont (Mr. AIKEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Montana (Mr. MANSFIELD) be

added as cosponsors of S. 2593, to exclude officers and employees of Western Hemisphere businesses from being charged against the Western Hemisphere immigration quota.

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

S. 2718

Mr. BENNETT. Mr. President, I ask unanimous consent, that at the next printing, the names of the distinguished Senator from Tennessee (Mr. GORE), the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Washington (Mr. JACKSON), and the distinguished Senator from New Mexico (Mr MONTOYA) be added as cosponsors of S. 2718, to modify ammunition record-keeping requirements.

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

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Alaska (Mr. STEVENS), be added as cosponsors of S. 2721, the Insured Student Loan Emergency Amendments of 1969.

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

S. 2758

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the name of the senior Senator from New York (Mr. JAVITS), be added as a cosponsor of S. 2758, to amend section 312 of the Housing Act of 1964 to eliminate the provision which presently limits eligibility for residential rehabilitation loans thereunder to persons whose income is within the limits prescribed for below-market-interest-rate mortgages insured under section 221(d)(3) of the National Housing Act.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 7, 1969, he presented to the President of the United States the enrolled bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

THE 1970 NASA AUTHORIZATION BILL—AMENDMENTS

AMENDMENT NO. 128

Mr. YARBOROUGH. Mr. President, I submit an amendment intended to be proposed by me, to the Senate Aeronautical and Space Sciences Committee amendment to the bill H.R. 11271, the 1970 NASA authorization bill.

Scarcely 2 weeks ago this country launched three men to the moon. After a perfect trip into a lunar orbit, the Eagle and Columbia separated to attempt the first manned lunar landing. The entire world heard the words of Comdr. Neil Armstrong declare that man had landed on the moon. Then the miracle of television brought us live the first human footsteps on the moon and the first exploration by men of an extraterrestrial body. The subsequent lift-off, rendezvous, and docking, return to earth, reentry, and splashdown completed the historic flight of Apollo 11.

This flight, and our entire space program, have demonstrated beyond any doubt the extraordinary power and sophistication of our space technology. It is difficult to comprehend that most of this technology did not exist 10 years ago. With the trail-blazing cooperation of Government, private industry, labor and education, we fulfilled the most challenging goal of the 1960's—the placing of men on the moon and their safe return.

The amendment which I submit today looks to the 1970's as years of vast potential for mankind—not only in the now human realm of space, but in every field of human endeavor. The first ten years of the space program have produced not only the headlines of accomplishment in space, but also thousands of products and techniques useful to all Americans. Teflon, space communication satellites, miniaturization, computer technology, photography and sensors of body functions are several of the most famous of these. Each person who views a television news report knows of the instant news available via satellite. Without the space program, it is doubtful that we would have as many and as varied innovative products and techniques as we have today. Especially in the field of computer technology and communications, it may be said with justification that the advancements made with the direct assistance of space research have provided industry, education, health and Government with tools to begin to handle the tempo of the 1970's.

As we prepare to enter the 1970's, we have chosen to continue exploring space and developing the earthly benefits from such exploration. The question before us is how rapidly shall we proceed? Many who urge cutback think of the money spent on space exploration as benefitting us only to the extent that we acquire additional knowledge of space. If this were true, then our large expenditures on space might be valid subjects for criticism. But for each dollar we invest in NASA, we in America and around the world receive uncounted additional dollar benefits in spin-off technological developments, in addition to the intangible benefits to our world stature and the increased respect for our American system of government.

Only yesterday Dr. Thomas Paine and Dr. George E. Mueller, top NASA officials, urged this country to set a national goal of going to Mars in the 1980's. They realize that the technology we have rapidly developed in the last 10 years should continue to be used productively. Congress and the administration will certainly give these recommendations thorough study. But while this study is continuing, we must not make reductions in the NASA budget which would impair NASA's ability to undertake new and challenging projects.

As chairman of the Senate Committee on Labor and Public Welfare, Chairman of the Subcommittee on Health, and member of the Subcommittee on Education, I am daily involved with the extremely pressing needs of poverty, health, education—the entire waterfront of our domestic needs. These needs must be met. However, the money for the solution of our domestic problems should not come from the valuable, productive, peace-directed program of NASA. Let us rather look to the huge cost overruns of the Defense Budget, the overwhelming and unwise expense of the Vietnam war, and now the unproven and costly ABM proposal. At this crucial time in this Nation's history, we should commit ourselves to an all-out, crash effort to secure peace and to solve our domestic problems. But cutting the NASA authorization is not the way to pursue these goals.

In the 1970's, we will need to develop our maximum potential in technology if we are to keep pace with the knowledge explosion and to make significant inroads into our domestic problems. The NASA authorization bill, to be considered by us shortly, commits us to a more limited program than we should follow.

My amendment increases the NASA authorization as reported by the Senate Aeronautics and Space Sciences Committee. The increases my amendment suggests in the research and development of Apollo, space flight operations, bioscience, space application, lunar vehicle procurement, space vehicle systems, electronics systems, human factor systems, basic research, space power and electric propulsion systems, chemical propulsion, aeronautical vehicles and tracking and data acquisition simply raise the authorization for those items to the amount passed by the House; and these increases constitute a total accretion of $256,500,000 in research and development and $6,350,000 in research and program management.

I would like to see the Senate authorize more funds than this. In the fall of 1968 NASA stated to the Bureau of the Budget that $4.2 billion was needed for fiscal year 1970 for a minimum space program and $4.7 billion if we wanted to consolidate a position of world leadership. My amendment authorizes the bare minimum that we, as a nation, should commit to space. Its adoption is vital to the proper balance in our national priorities; it is vital to the future of our exciting and promising space program; and it is vital, in my opinion, to the interests and well-being of our country.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

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—AMENDMENT

AMENDMENT NO. 129

Mr. FULBRIGHT. Mr. President, in conformity with an understanding with the chairman of the Armed Services Committee, I submit an amendment, intended to be proposed by me, to the bill (S. 2546) to author-

ize 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, and ask that it be printed and lie on the table, and which, I will, of course, call up at a later date.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 130

Mr. McGOVERN (for himself, Mr. GOODELL, Mr. HATFIELD, and Mr. PROXMIRE) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

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

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 85

Mr. SCHWEIKER. Mr. President, on July 18, I submitted amendment No. 85 to S. 2546, the military procurement authorization bill. At this time, I ask unanimous consent that, at the next printing, the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Utah (Mr. Moss) be added as cosponsors.

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

NOTICE OF HEARING ON NOMINATION OF COMMISSIONER OF INDIAN AFFAIRS

Mr. JACKSON. Mr. President, for the information of the Members of the Senate and other interested persons, I announce that the Committee on Interior and Insular Affairs will hold an open hearing on the nomination by President Nixon of Louis R. Bruce, of New York, a fullblooded Indian, to be Commissioner of Indian Affairs, Department of the Interior. Mr. Bruce's father was a Mohawk chief and his mother an Oglala Sioux. The hearing will be held at 10 o'clock on Monday, August 11, in the committee room, 3110 New Senate Office Building.

As one who long has been deeply concerned wtih the advancement of Indians, I note with heartfelt approvai that President Nixon is following the precedent establishd by President Johnson in appointing an Indian to head the Bureau of Indian Affairs, the agency of the executive branch with direct responsibility for the economic and political development of our American Indians. Mr. Bruce will succeed Robert L. Bennett, an Oneida Indian, as Commissioner. Mr. Bennett served from April 1966, until this year.

Mr. President, I ask unanimous consent that a biographical sketch of Mr. Bruce setting forth his experience, education, and background be printed in the RECORD at this point.

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

RÉSUMÉ OF LOUIS R. BRUCE

Home address: 44 West 10th St., New York, N.Y. 10011 (212) 477-0011.

Farm: RD #1, West Lake Road, Richfield Springs, N.Y. 13439, Tel: (315) 858-0292.

Office address: Executive Director and Chairman of the Board of Trustees, Zeta Psi Educational Foundation & Fraternity, Columbia University Club, 4 West 43rd Street, New York City, N.Y. 10036, Tel: (212) 736-0992.

Background information: Born December 30, 1906, on the Onondaga Indian Reservation and raised on the St. Regis Reservation. (Mohawks). My father, Dr. Louis Bruce, a Mohawk Indian, whose father was Chief of the Mohawks, was a former dentist, major league baseball player, was also missionary to his people. During his whole life he fought for a better life for Indians. He was active in all Indian organizations until he died in 1968. He campaigned for the Indian Citizenship Bill of 1924. He was always a staunch Republican and campaigned for his party and urged Indians to vote.

Mother was an Oglala Sioux, born and raised on Pine Ridge Reservation until she was sent to Lincoln School in Philadelphia, Pa. Her mother was a full blood who never spoke English. She was married twice, first to a full blood and second to Joseph Rooks who was part English. There were 18 children. Today I have *many* relatives in South Dakota, some Pine Ridge and some Rosebud.

My sister and I both are enrolled members of Oglala Sioux, each with 160 acres of allotted land. At Mother's death we inherited 320 acres of her allotment. I had the pleasure of living on Pine Ridge for 4 years as a child.

Education: After attending reservation schools I was sent to Cazenovia Seminary, a Methodist Prep., where I participated in sports and school activities. I was elected President of the Junior and Senior Classes and as a Senior was Captain of Football, Baseball, Track and Basketball. I was Interscholastic Pole Vault Champion and as a result won a Scholarship to Syracuse University. I majored in Psychology and Business Administration. I worked my way through college tending furnaces, waiting on tables and my fraternity Zeta Psi, helped me at every turn for which I shall forever be grateful. I spent 4 years 1926-1930 at Syracuse. Later on, I took special non-credit courses in Public Speaking, Marketing, Community Organization, Public Relations and Personnel Administration at Columbia, Penn State and Cornell. 1950-51 American Management Association, New York, N.Y.

Family: Married to Anna Jennings Wikoff; three children and five grandchildren. Oldest son Reserve Captain Air Force, PHD in Nuclear Physics, teaching at New Mexico State University.

1932 to the present I have always owned and operated a 600 acre dairy farm in Richfield Springs, N.Y. Part of the time operated by farm managers and at present operated by my youngest son. We are also in the horse breeding business. This is our permanent home.

1966-1969 to present—Executive Director and Chairman of Board of Trustees, Zeta Psi Educational Foundation and Fraternity. Plan, direct and supervise seminars, workshops and conferences for college students who are members on 40 different campuses in Canada, and United States. Work with Deans and faculty advisors and assist each chapter with budgeting and general operation of 40 properties. Issue and interview students for grants and loans. Work with 21 adult members of the Board who serve as regional directors. Assist with placement of graduates on jobs or graduate schools. Also serve as consultant on Housing, including college housing, marketing and fund raising.

1966-1964 Public Relations and Promotions Director, MidEastern Cooperatives, a chain of cooperatives (23) Super Markets. Worked with Boards, trained employees edited magazine, supervised food testing programs.

1964-1961 community relations consultant, Executive Department, New York State Housing Division. Promotion and explanations of various types of housing to civic groups. Arranged and conducted Volunteer Leadership Seminars, assisted in organizing Boards, committees and conducted sessions for management personnel. Prepared and wrote management guides. Surveyed community needs, organized youth groups in ghetto areas and in Public Housing developments.

1961-1959 Special Assistant Commissioner for Cooperative Housing, FHA, Washington, D.C. Supervised, analyzed and expedited policy procedures for all Cooperative Housing developments in the territories of U.S. with full authority to present the policies of the commissioner. Served on national, state and local committees on housing. Worked with congressional leaders on legislation and participated in hearings. Spoke before Housing groups and civic organizations.

Was instrumental in changing the regulations of FHA for benefit of Indians. Promoted and organized the First National American Indian Conference in Washington, D.C. on Housing. (Copies of memos attached)

1959-1955 vice president, Compton Advertising Agency, New York.

Supervised and directed advertising campaigns in the food field and in the dairy and dairy product area. Supervised marketing studies in cities and assisted with American Dairy Association programs.

1955-1946 Member of Board of Directors, Dairymen's League Cooperative Association, New York.

Served as Education and Youth Director, conducting membership and employees meetings on the marketing of milk and products. Conducted Leadership Institutes for youth and adults. Testified at hearings. Represented the League on state and national committees.

1946-1942 Operated farm with training programs for war benefit. Active in community with youth groups. Initiated the Youth Council Programs.

1942-1935 New York State Director for Indian Projects, National Youth Administration.

WRITING AND HONORS

Winner of Freedoms Award for "Outstanding Contribution in promoting American way of Life," as result of article written—"What America Means to me."

Award was presented at Valley Forge by President Eisenhower.

1953—Winner of American Indian Achievement Award.

1950—Readers Digest—"Indian Trail to Success."

Editor—Highlights & Briefs—MidEastern Dairymen's League News (Youth section).

The Circle of Zeta Psi.

1961—Received Distinguished Service Award at Zeta Psi International Convention.

1964—National Boy Scout Awards.

1967—Outstanding Service.

1958—National Rural Youth Special Achievement Award.

Served as judge of publications and film contests for organizations, such as Farm Film Foundation, National Milk Producers Federation, Farm Bureau, National Interfraternity Council.

MEMBERSHIP IN ORGANIZATIONS

Board Member, Yale Broadcasting Company, Ivy League Network.
Board Member, Arrow, Inc.
Association of American Indian Affairs, Indian Council Fire, Chicago, National Congress of American Indians.
Rotarian.
Mason.
National Republican Party.
Columbia University Club.
Trustee and Lay Leader Methodist Church.
New York Board Syracuse University Alumni Association.
Farm Bureau Federation.
National State and Local Grange.
Boy Scouts of America.
College Editors Association.
College Fraternity Secretaries Association.
Dairymen's League Cooperative Association.
New York Extension Service.
MidEastern Cooperatives.
New York State Indian Village Associations.
New York Advertising Club.
American Fund Raising Council.
Syracuse University, Sigma Delta Chi Journalistic Cooperative Institute Association.
Chairman of Board of Trustees, Zeta Psi Educational Foundation.

FORMER AFFILIATIONS

Former Chairman, Youth Committee, National Milk Producers Federation. Presently, Chairman, American Indian Committee, National Boy Scout Council.
Organized Indian Scout Leadership Conference 1969 (11th year). Chairman, New York State Council of Rural Youth Organization. Chairman, Business Committee; Legislative and Executive Committee of National Congress of American Indians.
1950 Executive Secretary, National Congress American Indians. New York State Director Indian Youth Projects. Board Member, State Council of Churches, Country Council of Churches, Rural Church Institute, National Fellowship of Indian Workers. President, Six Nation Indian Association.
Chairman, Secretary of Interior Krug's Advisory Committee on Indian Affairs.
Member of Governor Dewey's Committee on Indian Affairs. Member of Governor's Committee on Mid-Century White House Conference on children and youth—1960.
Assisted with organizing National American Indian Youth Conference—1961.
Chairman, National Indian Housing Conference in Washington, D.C.
Former President, Vice President, Treasurer, Regional Director and Expansion Chairman of Zeta Psi Fraternity of North America.
Former Participant North American Indian Seminar, University of Toronto—1938.
Board Member—Mid-Eastern Cooperatives.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Frederick B. Lacey, of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years, vice David M. Satz, Jr., resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 12, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

COMPLIMENT TO OFFICE OF INSPECTOR GENERAL OF FOREIGN ASSISTANCE

Mr. JACKSON. Mr. President, it gives me a good deal of pleasure to call attention to an article on the Office of the Inspector General of Foreign Assistance written by Mr. Bill Andronicos in this week's Federal Times.

The article reports on the activities of Mr. J. Kenneth Mansfield, the Inspector General, and Mr. Howard Haugerud, the Deputy Inspector General, and their highly competent staff. I am particularly pleased to see this office receive this kind of recognition as I have had a very close personal as well as professional association with these two men over a period of many years. Both Mr. Mansfield and Mr. Haugerud served with great distinction on my Subcommittee on National Policy Machinery beginning in 1958. Mr. Haugerud remained on my subcommittee staff until 1961 when he was appointed Deputy Under Secretary of the Army for International Affairs. Mr. Mansfield served until 1962 when he was appointed the Inspector General of Foreign Assistance.

Congress and the taxpayers can be grateful that we have two such dedicated and talented men keeping an eye on our far-flung foreign assistance programs.

Mr. President, I ask unanimous consent to have the Federal Times article inserted in the CONGRESSIONAL RECORD at this point.

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

WATCHDOG FOR FOREIGN ASSISTANCE

(By Bill Andronicos)

WASHINGTON.—Probably one of the most unsung group of people in the federal government is the staff of the State Department's office of inspector general of foreign assistance (IGA)—the scourge of bureaucratic incompetents abroad.

Hidden away on the 6th floor of the State Department building, IGA quietly has gone about its auditing and investigative business of uncovering waste in foreign assistance programs without too much fanfare.

Actually, IGA first made the headlines in 1966 when then Secretary of State Dean Rusk gave the Senate Foreign Relations Committee the first comprehensive report ever made by the inspector general's office, which had been founded in May, 1962.

It was that well-documented report that took the wraps off the little-known investigative agency. Until then, there were not many people—not even in Washington—who knew just what IGA did.

At the helm of the IGA office are two men who came to the State Department with outstanding experience in international affairs. They are J. Kenneth Mansfield, the inspector general, and Howard E. Haugerud, the deputy inspector general. Each holds the title of assistant secretary of state, which carries with it a salary of $38,000.

Mansfield, who is 47 years old, first came to Washington in 1950 to serve as staff director of the military applications subcommittee of the Joint Congressional Committee on Atomic Energy.

After a three-year stint with Combustion Engineering, Inc., in Connecticut, Mansfield returned to Washington in 1959 to serve as staff director of the Jackson Committee in the Senate which conducted a study of the staffing and organization of the federal government in the area of national security. Mansfield originally hailed from Chicago.

Haugerud, 44 years old, had served as deputy under secretary of the Army for international affairs before joining the IGA office in July, 1963. A native of Minnesota, Haugerud came to Washington in 1956 to join the staff of the then Sen. Hubert Humphrey.

In an interview, both men indicated they enjoy their work, uncovering abuses and waste in foreign assistance programs. And while Mansfield and Haugerud both log about 185,000 air miles annually, they prefer to praise the work of their staff rather than talk about their own experiences.

Mansfield boasted that IGA has "the most professional and competent staff in government." Haugerud promptly added that "the credit for our work must go to our staff."

Among the IGA staff of 38 employees are 23 inspectors who travel around the world to examine the outflow of money and goods for military assistance, the Agency for International Development, the Peace Corps, the Food for Peace program and the like.

Most of the IGA inspectors are drawn from the ranks of the Federal Bureau of Investigation, the Foreign Service, the General Accounting Office, the legal profession and the armed services. Those with experience in the military investigate the military assistance programs.

Since May, 1962, when Mansfield began organizing the IGA staff following his appointment, his personnel have flown more than 5 million miles—always in tourist class.

With a travel schedule of such magnitude, there have to be risks. Nevertheless, only two inspectors have been lost to date—Oscar C. Holder and Sidney B. Jacques were aboard a Nepalese plane that struck a Himalayan mountain peak at the height of a violent storm.

In carrying out its investigative activities, IGA also has been highly instrumental in prodding military and civilian officials to crack down on abuses in Vietnam, where there has been black marketing in post exchange supplies, currency manipulation, profiteering by Vietnamese merchants and theft or other diversion of U.S. goods shipped to that Asian nation.

Actually, the IGA has authority to "suspend all or any part of any project or operation" under foreign aid, military aid and the like, after conducting an investigation, provided the inspector general has given written notice to the Secretary of State. This authority was granted IGA by the Foreign Assistance Act of 1961.

The suspension remains in force until either the IGA or the Secretary of State orders resumption of a particular project or program.

While they have found instances of foreign assistance waste, both Mansfield and Haugerud are also proud of the work by American federal employes abroad, particularly those in Vietnam who often carry out their duties at the risk of injury or death.

Mansfield said that during his overseas inspection tours, he had been "tremendously impressed by the quality of people working in foreign assistance programs."

"They are a dedicated lot," Haugerud said. "Most of them try to do a good job under pretty adverse conditions."

But what of the actual work of IGA? How does the office uncover foreign aid troubles? It does so, Mansfield and Haugerud explain, by careful scrutiny of all reports from various assistance agencies and by extensive footwork.

For example, inspectors—including Mansfield and Haugerud—often walk the docks to

see if the foreign assistance material has even been shipped out of the U.S. One summer, Haugerud spent two days along New York's docks and found undelivered cartons of powdered milk and machine tools.

On another occasion, an inspector's footwork led to the discovery of many crates of surplus foods spoiling in a Dahomey warehouse.

In any event, IGA—which spends only about one third of its budget each year—has earned an impressive record. It has uncovered foreign aid abuses in some 85 counties.

Moreover, IGA has succeeded in accomplishing the difficult feat of drawing congressional plaudits for its work.

During Senate foreign relations hearings, for example, Sen. John McClellan, D-Ark., and chairman of the Senate Government Operations Committee, commented:

"This agency, the smallest in government, with a staff of only 38 employes, has saved the federal government hundreds of millions of dollars by uncovering mismanagement, waste and corruption in our foreign assistance programs. All of Congress and indeed the country, can and should be proud of these men for their dedication and untiring efforts."

Sen. John Williams, R-Del., one of the more outspoken critics of federal government waste, complimented the IGA for having "rendered a great service," as well as for its cooperation with Congress in uncovering foreign assistance shortcomings.

Sen. J. William Fulbright, D-Ark., said: "I think the inspector general has done a very good job."

Whatever the case, the IGA staff has played a key role in dozens of investigations—ranging from the sloppy bookkeeping to the disappearance of 24,000,000 bushels of wheat.

Here are some samples of IGA discoveries made since 1967:

Two IGA inspectors walking through a Buenos Aires warehouse in May, 1967, found large crates of tool kits the Defense Department had shipped to Paraguay's ministry of national defense more than nine years before.

In February, 1968, Mansfield informed the Senate Foreign Relations Committee of misuse of an estimated total of $250,000 for Dominican Republic-bound commodities considered ineligible for financing by the Agency for International Development.

The luxury imports involved wineglasses that slipped through the surveillance of the AID office at Santo Domingo. These items, according to a letter from then AID head William S. Gaud, were sufficient to stock "the biggest cocktail party ever given anywhere by anybody." In addition to the wineglasses, the IGA found Virginia hams; smoked chicken, turkey and duck; cocktail napkins, assorted nuts and various whisky glasses.

In fiscal 1969, IGA reported the following:

There was no economic justification for the construction of an AID-financed railroad spur between Chaman in Pakistan and Spin Baldak in Afghanistan. Hence, IGA recommended that the project be terminated and that $650,000 set aside for it be deobligated.

In Colombia, 141 U.S. military assistance-financed radio-vehicle installation units costing a total of $14,000 were declared excess to Colombia's needs by IGA and made available for use elsewhere.

After visiting several AID financed projects in Eastern India, IGA recommended early discontinuance of four loans. Subsequently, some $2.5 million was de-obligated.

In Tunisia, about $56,000 worth of AID-financed equipment had been supplied to agricultural machinery repair shops. An IGA team found four of the shops were not open and the others were underemployed.

IGA then recommended that the AID mission make a high-level approach to the Tunisian government, aimed at bringing about effective use of these shops. Marked improvements reportedly resulted.

In Vietnam, information developed by IGA furnished the starting point for an AID and congressional investigation of transactions involving an American supplier for the commodity import program. The supplier ultimately was indicted for filing false certificates to obtain AID funds, pleaded no contest to the indictment and now is awaiting sentence.

Also in Vietnam, IGA discovered large amounts of costly AID-financed goods had been airlifted to that country, only to go unused for long periods of time after their arrival. IGA recommended a general tightening up of procedures governing air shipments. The recommendation reportedly has been put into effect.

In Guinea, because of staff reductions, the AID mission had excess furniture and vehicles at a time when the Peace Corps was resuming a program in that country. IGA alerted the Peace Corps to the existence of these surplus goods and the Corps had begun making use of them.

At a Calcutta port, an IGA team found 20 cases of AID-financed heavy equipment, which was to have been used for a special project, had been in storage for about six months. IGA complaints led to the equipment being cleared from the port.

IGA pointed out that the U.S. military mission in Iran had received 1,175 official visitors from the United States during the course of the year. This number of visits appeared to IGA to be excessive—in terms of both drain on mission time and costs per diem and transportation money.

The per diem rate in Tehran is $20 per day and a round-trip ticket from Washington to Tehran costs $979. IGA's observations stimulated a worldwide Defense Department review aimed at cutting down unnecessary visits to overseas military missions.

IGA took exception to the prices being charged for pasting AID and Alliance for Progress labels on AID-financed taxis sent to various countries.

In one instance, a supplier was receiving $7.50 for affixing two gummed paper labels on each car. The labels cost less than two cents apiece and they can be pasted on a car in a matter of seconds.

Consequently, one supplier agreed to refund more than $6,000 to AID for past labeling charges and to make no further charges in the future. Another supplier agreed to stop additional charges and to make a partial refund of past charges.

AID now is following an IGA recommendation that it make a comprehensive review of all labeling costs for AID-financed equipment.

SPAIN: THE VITAL YEARS

Mr. MONTOYA. Mr. President, in view of the defense agreements between the United States of America and Spain, it may interest Senators to note two book reviews, featured in the spring issue of the Fordham University Quarterly, "Thought," written by my friend, the Rev. Dr. Joseph F. Thorning, the U.S. Honorary Fellow of the Historical and Geographic Institute of Brazil.

The peoples of the Iberian Peninsula, one may agree, understand their role in the cause of global security and peace. From the start, Portugal has been a valuable and highly valued partner in the North Atlantic Treaty Organization. Portugal, loyally, has fulfilled all its responsibilities in this group, not only through its air bases in the Azores, but also by reason of facilities on the European mainland and in other provinces of Portugal overseas.

Recently, Hon. Robert C. Hill, U.S. Ambassador to Spain, addressing the Club in Madrid, declared that the United States of America favors the entry of Spain into the North Atlantic Treaty Organization. In his speech, Ambassador Hill expressed the hope that "neighboring countries, which received both before and since the war so much help, will one day get the idea."

In this connection, it may be emphasized that critics of the recently concluded defense agreements were at a loss to point out what suitable naval base could be preferred to the superb U.S. naval installations at Rota.

Certainly, the volumes discussed by Father Thorning, a longtime student of Hispanic American history, are worthy of consideration by policymakers on both sides of the Atlantic.

I ask unanimous consent that the address be printed in the RECORD.

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

SPAIN: THE VITAL YEARS

(By Luís Bolín)

This is a report by an eyewitness. The author, Luís Antonio Bolín, in July 1936, was by profession a newspaper man in London. Thanks to his British mother, Señor Bolín, although relating news of The Commonwealth for his Spanish public, spoke and wrote English with ease and elegance. With contacts on many levels of society in the United Kingdom Don Luís was selected by Iberian leaders, disenchanted by a series of crimes under the Spanish Republic, to secure in England the airplane that carried the present Spanish Chief of State, then a youthful Major General, from the Canary Islands to Tetuán, North Africa. This was the first move in the Nationalist rebellion. The first chapters in this book indicate how complicated, difficult and dangerous the adventure was. Bolín mastery of languages, skill in negotiations and self-assurance when, momentarily, on the edge of failure, were all factors in the victorious advance of Spanish Legionnaires from Morocco to Algeciras; to Seville; and to the gates of Madrid.

For the balance of the civil war Luis Bolín served as a diplomat, planner and specialist on public relations for leaders of the Nationalist cause. He was one of the first promoters of "tourism," now chief dollar, or *valuta*, earner throughout the Iberian Peninsula. Moreover, until a few years ago, Bolín was Information Counselor for the Spanish Embassy, Washington. To this extent, he maintained his interest in, and devotion to, his original vocation, journalism.

Naturally enough, the author of *Spain: The Vital Years* relates his personal role in the Nationalist movement to other contemporaneous personalities and to the major policies of his colleagues. He is also a serious and severe critic of what he calls "progapanda" on the Republican, or "Loyalist" side. His recital of what he calls the facts about Guernica is a case in point. Impartial investigators of this episode are not inclined to dismiss the destruction wrought by German bombing planes as "a myth." What they accept is that Left-wing forces, retreating from a town in the Basque Countries, that was unquestionably a military objective, did at least one-half of the damage by dynamite on the ground.

In other words, it would be true to history to emphasize that Guernica, like Badajoz (the latter near a source of liaison and supplies near the frontier with Portugal),

marked a turning of the tide in favor of the Nationalists. Newspaper headlines in the Anglo-Saxon world featured, not Nationalist progress, but "Fascist" ruthlessness.

To be sure, there were gruesome crimes committed on both sides, but to equate the thousands murdered in Madrid without the semblance of a trial with the hundreds executed by the Nationalists, almost always as a result of due process of law, may be characterized as a simple case of hasty, self-serving generalization. This reviewer, who as a war correspondent studied the evidence at Guernica and Badajoz, has the impression that Bolín, a good reporter, wanted in this volume to offer some corrective to "history by headlines."

JOSEPH F. THORNING.

FRANCO, WITH MAPS AND ILLUSTRATIONS
(By Brian Crozier)

In this biography of Generalissimo Francisco Franco y Bahamonde, the present Spanish Chief of State, the historical context provides an indispensable framework for a wealth of details which depict a personality. The story, in broad outline, is simple: a Spaniard, born and bred in the profession of arms, became a leader of the Nationalist cause and, in the midst of a savage civil war, found himself responsible for decisions in the political and socio-economic order. Despite recurring tides of abuse in some quarters abroad and no little student and labor unrest at home, a military leader who regards himself as a man of destiny continues to direct the domestic and foreign policies of his country.

What may astonish many readers of this book by an Australian newspaper man is that a Chief of State, who has not yet relinquished his role as Chief of Government, relies constantly upon the advice of the able Cabinet Ministers who, within their separate jurisdictions, enjoy considerable autonomy and develop a variety of programs to cope with a bewildering array of national problems. Spain is a nation where, as Benjamin Welles pointed out in his book, *The Gentle Anarchy*, technicians have come into their own. Low-cost housing, improved public health measures and a fuller utilization of power resources are among their achievements. Farm, industrial and mine workers, however, as the author reports, are underpaid and, often enough, undernourished. Religious leaders and organizations have called attention in emphatic terms to such deficiencies. Brian Crozier, who lived and traveled in Spain in order to write this book, is outspoken on these aspects of life in the Iberian Peninsula. Mr. Crozier, who worked for *Reuters* and *The Economist* (London), is a good reporter. His biography, although generally favorable to the regime, is sober and objective in evaluation of persons and policy results.

A major feature of the whole study is the author's success in tracing the progress of Spain's foreign policy. Both Alberto Martín Artajo and Fernando Castiella y Maíz in the Foreign Ministry proved themselves masters of diplomatic negotiation. Like the head of state, the latter, the present Minister of Foreign Affairs, commands world-wide respect for integrity of character, fair dealing and candor in private and public utterance.

JOSEPH F. THORNING.

THE SOJOURNERS

Mr. GOLDWATER. Mr. President, Masonry is an old and highly respected fraternity and there are many Members of Congress and people who work in the Government who are loyal and proud members of this group. Masons have historically refrained from using the fraternity for political reasons, and this is one of the reasons why so little is ever said about the body or its suborganizations on the floor of the Senate or the floor of the House.

One of the organizations which comes under Masonry is the Sojourners. This group is made up of men who have served, or are serving, in the Armed Forces of the United States, and its purpose is to afford men who are in active service a chance to meet in the Masonic way, and it also affords an opportunity for those who have retired from military service to continue the friendships made during that period in a Masonic way. Each year at the annual convention, and the 49th annual convention was held in June of 1969 at Cocoa Beach, Fla., famous Americans who have contributed great service to their country and who have been Masons during their lives are added to a list of national heroes.

In order to better acquaint both the Masonic and non-Masonic Members of Congress with the type of men that I am talking about, I ask unanimous consent that the list compiled so far be inserted at this point in the RECORD.

To further acquaint both the Masonic and non-Masonic Members of the Congress with the nature of the Sojourners, I would ask that resolutions passed at the 49th annual convention be placed in the RECORD at this point in my remarks.

From time to time, but not too often, when items of interest develop in the Sojourners, I will present them for insertion in the RECORD so that Masonic brethren can be kept abreast of what is going on in this part of their body.

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

NATIONAL SOJOURNERS ROLL OF HONOR

George Washington, John Jacob Astor, Stephen F. Austin, Joel Barlow, William Beaumont, Thomas Hart Benton, Irving Berlin, Edward T. Booth, Gutzon Borglum, William Jennings Bryan, James Buchanan, Luther Burbank, Richard E. Byrd.

Kit Carson, Lewis Cass, Rufus Choate, George Rogers Clark, William Clark, Henry Clay, Moses Cleaveland, De Witt Clinton, Samuel Colt, Joseph Hamilton Daviess, Stephen Decatur, Stephen A. Douglas.

William Ellery, Oliver Ellsworth, David Farragut, John Fitch, Henry Ford, Sr., Benjamin Franklin, James A. Garfield, Mordecai Gist, John Glover, Samuel Gompers, John Hancock, Winfield S. Hancock.

Warren G. Harding, Nicholas Herkimer, Joseph Hewes, James J. Hill, William Hooper, Sam Houston, Andrew Jackson, James Jackson, Andrew Johnson, John Paul Jones, Elisha Kent Kane, Henry Knox, LaFayette.

Robert La Follette, Benjamin H. Latrobe, James Lawrence, Meriwether Lewis, Benjamin Lincoln, Robert R. Livingston, John A. Logan, Douglas MacArthur, Thomas Macdonough, William McKinley, John Marshall, Hugh Mercer, Richard Montgomery.

John P. G. Muhlenberg, James Otis, Robert Treat Paine, Charles W. Peale, Robert E. Peary, Matthew G. Perry, John J. Pershing, Albert Pike, James K. Polk, Israel Putnam, Rufus Putnam, Paul Revere.

Will Rogers, Franklin D. Roosevelt, Theodore Roosevelt, Arthur St. Clair, Winfield S. Schley, Winfield Scott, John Sevier, John Philip Sousa, Leland Stanford, John Stark, Frederick Von Steuben, Richard Stockton, John Sullivan.

William Howard Taft, George H. Thomas, Isaiah Thomas, Mark Twain, Lew Wallace, George Walton, Seth Warner, Joseph Warren, Thomas Smith Webb, Gideon Welles, William Whipple, David Wooster.

APPROPRIATE RESPECT TO DEITY

Whereas our great nation was founded on a belief in God, to wit:

The Mayflower Compact, dated November 21, 1620, written by one William Bradford, second governor of the Colony of Plymouth, with 31 signatures appended thereto, this document being one of the earliest produced during the American quest for freedom which culminated in the United States of America 150 years later, and which states:

"In the name of God, Amen. We whose names are underwritten, having undertaken for the glory of God, and advancement of the Christian faith, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God, and one of another, . . . "

and

The Declaration of Independence, dated July 4, 1776. This most eloquent statement of the American creed, drafted by Thomas Jefferson and signed by 56 signatories, states:

"When, in the Course of human events, it becomes necessary for one People . . . to assume among the Powers of the earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them . . ."

and

Whereas it is meet and right that this legacy should pass in perpetuity from generation to generation, in keeping with the Preamble to the Constitution of the United States, which admonished us to secure—for the general welfare—the blessings of such beliefs to ourselves and our posterity.

and

Whereas Article I of the Amendments to the Constitution of the United States of America states specifically that, "Congress shall make no law respecting an establishment of religion, or *prohibiting the free exercise thereof . . .*"

and

Whereas the great majority of American people who recognize and believe in the existence of a Supreme Being have been caused to lose a right and a liberty by a majority of one (1) via the Supreme Court of the United States, said majority of one being a person by the name of Mrs. Madelyn Murray O'Hair who is opposed both to a belief in God and to religion and who is, at this very time, establishing a center for the study of atheism in Austin, Texas,

and

Whereas we, as Masons and National Sojourners, maintain and uphold a steadfast belief in GOD . . . that GOD must motivate man if present day problems are to be solved . . . . and that GOD is the Supreme Architect of the Universe,

Let it therefore be resolved that National Sojourners, Inc., at its 49th Convention adopt as one of its programs for the ensuing year, the petitioning of the Congress of the United States of America to:

(1) Put God back into our schools, and

(2) Continue appropriate glorification of the wondrous works of the Supreme Architect from the far reaches of outer space by our astronauts, and

(3) Asking the blessings of deity in all such public and private facilities where deemed appropriate to the accomplishment of all reasonable and worthy undertakings so that we shall henceforth recognize that GOD

is part of our daily lives and activities and not merely the object of Sunday worship alone.

Be it further resolved that as this project has been duly adopted by Cape Canaveral Chapter No. 366 as part of its Americanism program for 1969, the same having the cognizance and wholehearted support of our National President Elect, Brother John D. Billingsley (BG, USARet).

TO ESTABLISH THE POSITION OF THE NATIONAL SOJOURNERS IN RELATION TO THE REPEATED VIOLATIONS BY SOME PERSONS AND GROUPS OF PERSONS OF THE SACREDNESS OF THE ANTHEM AND COLORS OF OUR NATION

Whereas the Purpose of National Sojourners, among other fundamental items, includes the following:

". . . for supporting all patriotic aims and activities in Masonry, for developing true patriotism and Americanism throughout the Nation . . . to further the military needs of national defense and for opposing any influence whatsoever calculated to weaken the national security."; and

Whereas our National Anthem, "The Star Spangled Banner," and our National Colors, "The Stars and Stripes," are emblematic of the history, traditions and personality of our great Nation, the United States of America; and

Whereas organized minorities within our country, inspired and guided by enemies from other nations, have concocted groups which, under the protection of our democratic ways of life, have united subversively for the sole purpose of undermining our democratic system of government, and of insulting and desecrating, in the most disrespectful manner, those glorious emblems of our great nation, namely, our National Anthem and our National Flag; and

Whereas the members of Puerto Rico Chapter No. 146, National Sojourners, as a group of true, loyal American citizens of both Spanish and American ancestry, are greatly concerned about the anti-American activities of these enemies of our country, both at home and abroad; and

Whereas under our present lax laws and law enforcement there is continued disrespect and desecration of our National Emblems, without any real and effective punitive action being taken;

Therefore be it resolved: that Puerto Rico Chapter No. 146, National Sojourners, recommends:

1. The revision of present laws, both State and Federal, and their stricter enforcement, and the enactment of new laws where advisable, for the protection of our National Emblems, under all circumstances, against any person or group of persons, single or collectively, who in any manner insults, desecrates or uses disrespectful action against these Emblems of our Nation.

2. The inclusion, in such laws, of punitive action sufficiently severe to serve as a warning to those who might be planning to engage in any of these desecrating acts.

Be it further resolved: That a copy of this Resolution be sent to the National Headquarters of National Sojourners, Inc. to be submitted for consideration at our National Convention in Cocoa Beach, Florida, in June 1969, with the recommendation that same be adopted as a statement of the sentiment of all National Sojourners throughout the world, and that upon final adoption by the convention, a committee shall be appointed to convey the purposes of this Resolution to the appropriate authorities in our State and Federal Governments.

AGAINST THE ENACTMENT OF LAWS WHICH INFRINGE UPON THE CONSTITUTIONAL RIGHTS OF CITIZENS TO OWN ARMS

Whereas the Constitution guarantees to law-abiding citizens the right to own and enjoy property; and

Whereas thousands of such citizens derive pleasure from collecting weapons as a hobby or using them for target practice, and some choose to possess them merely for protection against housebreakers; and

Whereas the publicity following certain assassinations and other violent crimes has dramatically brought to the forefront the lesson that weapons, like personal valuables and money generally, are not immune from being illegally obtained through robbery; and

Whereas progress reports indicate that neither the crime rate nor unlawful use of firearms has decreased in those jurisdictions which have adopted so-called gun registration laws; and

Whereas current proposals for national, state, and local laws that would further require the ownership of weapons to be officially recorded, and to compel payment of license fees in connection therewith, would impose additional, discriminatory taxation upon the persons affected; therefore be it

Resolved that National Sojourners proclaim that laws should be repealed that infringe upon the right of any responsible citizen to own firearms.

SUPPORT OF ROTC

Whereas great and injurious harm is being done to our beloved United States of America by the forces of evil, the instruments of which are undermining the minds, morals and personal integrity and patriotism of the nation's youth; and

Whereas the said forces of evil are being abetted in their evil plans by the red, pink and socialistic leaders in the colleges in which are included many, many members of the faculties and the establishment, and

Whereas the attempts by the taxpayers of the nation to teach, train, and inculcate the traits of loyalty, integrity, and honesty in the colleges and universities as well as the secondary schools through the medium of the Reserve Officers Training Corps, as required by law, are constantly being denigrated by unpatriotic faculty members and administrators,

Now therefore be it resolved by the National Sojourners in annual convention,

1. A four-year ROTC program be a required item of the curriculum of each and every State and Federal supported university, with credit given for the courses. Failure to meet this requirement resulting in the withdrawal of all Federal aid to that institution.

2. The present Junior ROTC program in the high schools be continued and failure to do so by any school would require that all Federal funds be withdrawn from that institution.

3. That the National Sojourners, Inc. actively and vigorously insist that all Federal aid, including land grant privileges, where applicable, be withdrawn from those institutions where ROTC and/or NROTC or AFROTC units are deleted by the above mentioned forces of evil.

Resolution No. 31 as listed here was sent in the form of a telegram to The American Legion; a similar telegram was sent to DeMolay on their Golden Anniversary.

Greetings to the *American Legion* on the occasion of its 50th Anniversary, from National Sojourners, Inc., which is also observing its 50th Anniversary, and whose purposes are similar in numerous respects, with many of its members also Legionnaires.

NATIONAL HOLIDAYS

Whereas, proposals for National Holidays are from time to time made in the name of distinguished American citizens, and

Whereas, apparently no specific statutory regulation now controls the designation of such Holidays, and

Whereas, it appears proper to allow the test of time to evaluate and prove the lives of distinguished Americans worthy of such recognition.

Now therefore be it resolve: That National Sojourners, Inc. in Convention assembled on this 28th day of June 1969 do hereby urge the Congress of the United States to consider the enactment of legislation requiring the passage of a period of at least 25 years after the death of a distinguished American before the declaration of a National Holiday in his name and honor.

A PICTURE OF CHAOS

Mr. EASTLAND. Mr. President, the schools of Mississippi open their doors a month from now on a dismal picture of utter chaos and compounded confusion. When classes resume, students, teachers, and parents alike face the greatest educational crisis in the history of the public schools of my State.

In this picture of chaos, confusion, and crisis, there exists a clear and present danger that the educational system as we have known it will be detroyed.

The most heartbreaking view of this picture, however, is the children of Mississippi—the students who must attend schools in a public educational system which finds itself in an upheaval unequaled in our time. The little children of Mississippi must suffer from this chaos—but, in the end, it will be the State and the Nation which will reap the ill winds of this dark and dismal picture.

I have pointed out that utter confusion exists. The schools of Mississippi are today laboring to meet the impossible and impractical orders of the Federal judiciary and the bureaucratic edicts of the Department of Health, Education, and Welfare. Our school officials face an insurmountable task in their efforts—and, when the schools open, no one is quite sure what the end result will be.

Many schools are under the orders of the court, others face the regulations of HEW, and still others are told to meet with HEW and present a joint plan acceptable to the court. Some are facing plans of testing, others are required to present zoning maps, while still others are seeking to establish pairing.

This utter confusion is graphically illustrated in one Mississippi county in which the courts have ordered the schools to integrate under all three plans. This is in Bolivar County, in the delta region of north Mississippi, where five school districts have been placed under varying orders calling for zoning, testing, and pairing. Whatever the plan, whatever the means—the results have been chaotic.

The zoning plan has caused people of both races to hastily move in advance of the opening of the fall term in an effort to place their children in a school where they will not be in a minority. With the opening of school upon them, parents and their children find themselves uprooted from their homes and headed toward strange schools under the cloud of an uncertain future.

Turning to the problem of testing, we again find confusion reigns. In this same county, the first court-ordered testing of students was held last week. In the previously all-white Shelby School, some 75 percent of the students took the tests—but, in the previously all-Negro Broad Street Elementary School, only 40 percent appeared to be tested. Since school

assignment will be based on the percentage of all students who will attend school, parents and students still do not know which school they will attend—with the first classes less than a month away.

The problems caused by pairing are just as massive. Many school districts have been forced to close some schools in order to accomplish the court-ordered pairing of all students in certain grades. We now face the dilemma of expensive school buildings sitting vacant—in order to accomplish integration.

This has prompted one newspaper editor to write—half in despair, partly in jest, but, certainly, most tragically:

Two bits . . . four bits . . . six bits a dollar—which plan do you have to swallow?

Mr. President, with this picture of chaos and confusion reigning in my State, I have taken the liberty to look through the community newspapers of Mississippi in an effort to see what the people of our State are thinking in these final days before the opening of school. These editors have their fingers on the pulse of the people, and the story I find on the pages of their newspapers is not one to my liking.

The editor of the Bolivar Commercial, Clifton Langford, is writing in Cleveland, a community in north Mississippi. He paints a picture of confusion existing among citizens of all races in the face of a court-ordered zoning plan which required a definite percentage of the minority race to be enrolled in each school. He writes:

How long will it be before the federal judges forbid a parent to move from one district into another? This will be the day when we will be living under the same rule as the people of Soviet Russia?

In Yazoo City, the picture is much the same. Here in the central area of my State, editor Norman A. Mott, Jr., says:

It will be Tuesday . . . before our local school officials will hear from the advisors of the Department of Health, Education, and Welfare. Meanwhile, most parents are in a quandary and are experiencing concern and anxiety. For hundreds of families, white and colored, the prospect of an integrated student body with percentages divided nearly equal between the races poses many misgivings. Nevertheless, this is the near certain hard fact that is facing the vast majority. When September comes, it will be a challenging time for everyone.

Turning to Waynesboro, in south Mississippi, Editor W. Harvey Hurt writes:

The Department of Health, Education, and Welfare is playing literal hell with the public school systems of this Nation, and particularly those of the South. All around Wayne County the HEW is destroying what used to be very fine school systems. Slowly but surely, the children are being relegated to play the parts of pawns in this massive upheaval of the school system. We sincerely hope that sometime, somewhere we may have an explanation as to how freedom of choice is unconstitutional and infringes upon the civil rights of others. We believe deeply in the Constitution . . . and we want all the children of this great nation . . . to have the best education the people can provide. Any legislation or court decision that supersedes these basic principles has only one purpose: "The public be damned."

Mr. President, I firmly agree that the public—the parents, these schoolchildren—has been disregarded in the scheming of the Federal bureaucracy.

We face an uncertain future. We stand on this brink of confusion, chaos, and crisis—more uncertain now than ever as to what tomorrow will bring.

THE HUMAN INVESTMENT ACT OF 1969

Mr. TOWER. Mr. President, one of the most potentially beneficial proposals to come before the Senate in recent years has been the Human Investment Act introduced by the distinguished Senator from Vermont (Mr. PROUTY). I am honored to again associate myself with the Senator as a cosponsor of this legislation. Senator PROUTY has worked long and hard on this proposal and I commend him for his efforts in this regard.

Inadequate job training in this fast-moving society is at the root of many of our most pressing social problems, and an efficient job-training program would contribute greatly toward an eventual solution. The Human Investment Act of 1969 provides a two-tier tax credit allowable for certain training expenses incurred by private firms. I find this to be a very reasonable and logical approach to the problem. Underlying the Human Investment Act is the premise that business and labor are, by experience, best suited for efficient job training, and that incentives in the form of tax credits would be most effective in utilizing this skill for the solution of job training problems.

I feel that there is a very critical need for this legislation, and I am hopeful that the Senate will have a chance to consider it very soon.

SAVE THE BIG THICKET

Mr. YARBOROUGH. Mr. President, conservationists are slowly but surely losing their struggle to preserve their natural resources. Jeanette Hunt, in her review of the book "America the Raped," written by Gene Morine, which appears in the July issue of Texas Parks & Wildlife, points out that this defeat "comes not from one huge bomb but through the taking of little chunks of our wildlands."

In October 1966, I first introduced a bill to create a Big Thicket National Park in southeast Texas. I have introduced a similar bill in each Congress since then. In my current bill, S. 4, I ask that at least 100,000 acres be set aside as a Big Thicket National Park. The Big Thicket has already been reduced from its original size of 3.5 million acres to about 300,000 acres. It is continuing to disappear at a rate of more than 50 acres per day.

While we must have our highways, our airports, our levees, and our dams, we must also have our parks, our wilderness, and our wild rivers. We must act soon if we are to save the Big Thicket.

Mr. President, I ask unanimous consent that Jean Hunt's review of the book "America the Raped" be printed in the RECORD.

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

REVIEW OF "AMERICA THE RAPED"

(By Jeanette Hunt)

("America the Raped" by Gene Marine, Simon and Schuster, New York, N.Y., 1969; 312 pages, $5.95.)

Some newspaper journalists have a reputation for being notoriously bad writers. But, veteran reporter Gene Marine has taken full advantage of his news experience to produce a poignant and well-documented volume on the ecological framework of our country and its destruction.

Marine is not shy about naming would-be destroyers of the American outdoors, but he also takes evident pains to verify his information (as all good reporters do).

The general object of his contempt are the Engineers of this world—spelled with a capital E. "They build bridges and dams and highways and causeways and flood-control projects. They *manage* things," he says. "They commit rape with bulldozers."

The author seems to well-understand what he calls the "engineering mentality"—which, incidentally, does not necessarily apply to Engineers. He gives a convincing argument as to why interested Americans are losing the conservation struggle. The defeat comes not from one huge bomb but through the taking of little chunks of our wildlands. And after all, he asks, "Of what value is the salt marsh?"

Almost too soon for anyone else to answer, "The Engineers know: build a dam, build a levee, build a wall, dredge, fill, *change*. The marsh grass will die, the phytoplankton will die, the algae will die—and thus the shrimp and the bass will die, but the Engineers don't care. What good is a salt marsh? Who needs a swamp?" The thing that the Engineers forget, as do even conservationists the author insists, is that nothing can be taken separately. All of ecology is interrelated; the end of a tiny organism can mean the destruction of another animal species or the ruin of a river.

Giving a well-rounded overview of the many places where conservationist tactics and anti-Engineering tactics are needed, the author delves into the subjects of water pollution, air pollution, land preservation, sea pollution, and the subject of national parks and wildlife sanctuaries.

Being neither a wilderness fanatic who would leave the parks completely wild and close them to children, old people, and anyone else who cannot stand up on a 50-mile hike, nor a cream-puff city tourist who would enclose the parks and air-condition them, he has a refreshing viewpoint. It seems both of these views are often exaggerated. It is possible to leave natural places wild, scenic, and safe for wildlife, while still making other places enjoyable for those who prefer to do their nature exploring within 50 feet of their car.

America the Raped contains too much to be related in a single review. For the reader, it is amusing, informative, and sometimes maddening. It is, however, a definite slap to those who would "improve" on our continent until there is nothing left but concrete.

THE PRAYER BREAKFAST FOR CHIEF JUSTICE BURGER

Mr. JORDAN of North Carolina. Mr. President, last Tuesday morning a group of Cabinet officers, U.S. Supreme Court Justices, and other judges, diplomats, Senators and House Members met in the Vandenberg Room for a special Prayer Breakfast arranged by the International Christian Leadership.

Their purpose was to honor and ask divine guidance for incoming Chief Justice Warren Burger who assumes office this fall.

One of the day's speakers was former Associate Justice Tom Clark, who had taken part in similar prayer sessions twice before over a span of nearly 25 years—first for Chief Justice Vinson and more recently for Chief Justice Warren.

I do not know what he said on the first two occasions, but I found his remarks Tuesday so inspirational and moving that I wanted to share them with Members of Congress who were not present, and to make them available for others to read and ponder.

I find it significant and heartening that Chief Justice Burger, as he faces his new duties, would want to join in such a recognition of the part a Supreme Being plays in our lives, and I hope it is an example the country will note and follow.

To commemorate that special occasion, I ask unanimous consent that Justice Clark's remarks delivered to the Prayer Breakfast be printed in the RECORD.

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

REMARKS OF MR. JUSTICE CLARK AT PRAYER BREAKFAST

It is fitting that we—representatives of the Executive Department, the Congress and the Courts—meet here once again at conference and prayer. Religion has been closely associated with our history and our Government. Let me, therefore, welcome each one of you here—and especially Chief Justice Burger who is the honoree this morning.

It has been my good fortune to attend these prayer breakfasts—*off* and on—for a quarter of a century. Indeed, in 1946 I was here in this same historic Vandenberg Room to honor Chief Justice Vinson and in 1953 again to pray with Chief Justice Warren. And now I have the distinct privilege of coming the third time to join an incoming Chief Justice, The Honorable Warren Burger.

Man—in history—has always been linked inseparably with God. In fact, since the beginnings of history millions of people have believed as did Alfred Tennyson that "more things are wrought by prayer than this world dreams of." Americans are basically a religious people; our institutions presuppose a Supreme Being. The writings of the Founding Fathers from the Mayflower Compact, to the Declaration of Independence and on to the Bill of Rights of our Constitution, clearly reveal that they devoutly believed that there is a God and that man's unalienable rights are rooted in Him. In our public life today there is much evidence that this background continues to be uppermost in our being. In our oaths of office from Constable to President we carry the final supplication "So help me God" and in our legislative halls we have Chaplains who open each session with prayer.

As James Madison so well expressed it almost two centuries ago, "our national life reflects a religious people who are earnestly praying, as in duty bound, that the Supreme Law Giver of the Universe guide them in every measure which may be worthy of His blessing."

These are perilous times in which we live. But no more so than during Abraham Lincoln's days. Listen to what he told his fellow Americans over a century ago as war broke out among themselves: "Intelligence, patriotism, Christianity and a firm reliance on Him who has never forsaken this favored land are still competent to adjust in the best way all our present difficulty." And, he added, "I know there is a God . . . If He has a place and work for me, and I think He has, I believe I am ready. I am *nothing* but *truth* is everything. I know I am right because I know that liberty is right for Christ teaches it and Christ is God." In those dark days God gave us great leaders and He has given us great leaders today. You are, Mr. Chief Justice, such a leader—the head of our judiciary, the Third Branch of our Government. You recognize as did the first Chief Justice of the United States, John Jay, that "God governs the world and we have only to do our duty wisely and leave the issue to Him."

And so, this morning, Mr. Chief Justice, we pay you our high respects and deserved tribute. Though your responsibilities are grave, we know that you will fulfill them with distinction and honor. May God bless you in the understaking; our prayers will be with you always.

UNIQUE LAW OFFICE ESTABLISHED IN BALTIMORE

Mr. TYDINGS. Mr. President, too often in our history the poor have been unable to find and finance legal talent to press for redress of their legitimate grievances. This inability has denied legal recourse to those most in need of it. As the president of the American Bar Association, William T. Gossett, told the District of Columbia Bar Association last February:

It is time for us as a people to recognize the sad fact that our whole system of law could be fairer and more equitable for the millions of Americans who have in fact been denied the most basic constitutional protections. For if we do not understand not only the deprivation of the dispossessed but the way in which the law affects them in their daily lives, we will never understand the roots of the disrespect for law and order that now threatens us; and if we do not understand it, we will not master it. * * * I believe deeply that it is far better to press a grievance through the courts than through the streets.

Fortunately, in recent years legal services have become more available to the poor. The lawyers providing these services make a vital contribution to the well-being of this country, for they provide a legitimate means through which the grievances of the poor may receive proper consideration.

To date, the expansion in such services has been largely a product of Government initiative, principally the OEO legal services program. Although these programs have had a great deal of success, they have been inadequate to meet the vast needs. Much more could be done if the practicing bar were to become more involved in providing the poor with legal assistance. I am very proud to say that a Maryland law firm, Piper and Marbury, has taken the lead in providing such assistance.

Next fall, Piper and Marbury, a large, prestigious law firm, having a long roster of corporate clients, will open a branch office in the inner city of Baltimore that will make available a wide range of legal services to persons and community groups now unable to afford even minimal legal assistance. The branch office will have a full time staff consisting initially of Peter S. Smith, Esquire, an attorney with significant experience in neighborhood legal services, and a recent law school graduate, Edwin Villmoare. In addition, it will draw upon the 43 partners and associates of the main office for assistance in the numerous specialties of the law in which they have become expert.

The Piper and Marbury branch office is the first of its kind. It represents a unique commitment to the ideal of equal justice under law. One of the firm's partners has quite correctly stated that the legal profession has an "ethical obligation" to provide legal services to those unable to afford a lawyer's aid. I agree, and hope that others will follow their lead.

The Piper and Marbury program received wide commentary in the press. I ask that those articles be printed in the RECORD.

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

[From the Baltimore Sun, Mar. 22, 1969]

POOR TO GET LEGAL HELP—LAW FIRM PLANS INNER-CITY OFFICE, FREE SERVICE

One of Maryland's largest law firms is planning to open a branch office in the inner city next fall to provide free legal services for the poor.

The firm, Piper & Marbury, hopes its tradition-breaking move will encourage other large law firms to involve themselves in urban problems, although the project could draw fire from conservative members of the Baltimore Bar Association.

Partners at Piper & Marbury expect the inner-city branch to offer a wide range of legal services to persons and community groups too poor to afford them.

TYPES OF SERVICES

The services could include, for example, aid to a church group wanting to set up a non-profit housing corporation or a good co-operative, handling welfare and tenant lawsuits, aid to ghetto residents interested in setting up their own businesses and personal legal services.

The office is also expected to emphasize test-case lawsuits, when possible, to seek precedent-setting solutions to widespread problems.

The firm has hired a senior lawyer with the Neighborhood Legal Services Project in Washington and a law school student who will graduate this spring to staff the office. The costs—informally estimated at $50,000 or $60,000 a year by other Baltimore lawyers—will be borne by Piper & Marbury.

SPECIALIZED ASSISTANCE

The office will also draw upon the 43 partners and associates of the main Piper & Marbury office for specialized assistance, according to E. Clinton Bamberger, a partner who helped work out the program.

"We believe that we have to get down out of the top of a bank building and into the city," Mr. Bamberger said. "Ethically, we should be concerned about providing, assuring legal services to all the people."

For two years, 1965–1966, Mr. Bamberger directed federally financed anti-poverty projects providing free legal services in noncriminal cases.

DEVELOPED FROM A SPEECH

He said the Piper & Marbury project grew out of a speech last year by Justice William J. Brennan, Jr., of the Supreme Court, and has been under serious discussion since August.

Added impetus for the project was understood to have come from young lawyers

within the firm who are interested in urban problems.

Traditionally, lawyers have represented the indigent in criminal cases when ordered to do so and paid by the courts. Many lawyers have volunteered their services to the poor in non-criminal cases through church and welfare agencies.

A NEW DEPARTURE

But the Piper & Marbury project departs sharply in that its inner-city office will be a full-fledged, although specialized, office of the firm. The clients there will be regarded as regular clients.

In New York and Philadelphia, several law firms have joined together to operate a separate office providing legal services for the poor, but Piper & Marbury is believed to be the first firm to involve itself alone in such a project.

No location for the office has been selected yet, although it could be set up outside the East and West Baltimore neighborhoods now served by the Legal Aid Bureau, which is financed by United Fund and anti-poverty grants.

[From the Washington Star, Mar. 30, 1969]

SMITH TO HEAD LAW FIRM'S GHETTO AID

Peter S. Smith, a Neighborhood Legal Services program attorney, has been hired by a prestigious Baltimore law firm for a pioneer effort in private legal aid for the poor.

He will head a branch that the firm, Piper and Marbury, is setting up in a Baltimore ghetto, where two attorneys will work full-time on cases of poor clients.

Smith has been in the law reform unit of the government-funded Neighborhood Legal Services program and has been particularly active in welfare reform.

Frank T. Gray, a partner in Piper and Marbury, said the law firm—Baltimore's largest—has moved into the poverty aid field because of "an obligation" to the legal profession.

"The profession as a whole has this obligation and when our practice is so arranged that our normal specialties cut us off from an area where many people in the community are, we have an obligation to see that the vacuum is filled," he said.

The firm is keeping open the question of whether to charge a fee, Gray said. It might be appropriate in some cases, he said, if the client could afford it, but he added, the object is to provide legal service for poor people who can't afford to pay under present circumstances.

Test cases are anticipated.

E. Clinton Bamberger, first director of the Legal Services Program in the Office of Economic Opportunity, the federal antipoverty agency, is a partner in Piper and Marbury and helped create the project. Bamberger has just been named dean of the Catholic University Law School.

[From the Washington (D.C.) Post, Mar. 20, 1969]

PIONEER VENTURE IN LEGAL PRACTICES: ELITE LAW FIRM OPENS FREE OFFICE IN GHETTO

(By Thomas W. Lippman)

A prestigious Baltimore law firm, embarking on a pioneering venture in legal practice, will open a branch office in the Baltimore ghetto and staff it with full-time lawyers who will provide free legal service to the poor.

The firm is Piper & Marbury, one of the largest in Maryland, with a roster of influential clients.

All expenses of the program, including the salaries of the lawyers and the costs of litigation, will be borne by the firm.

Piper & Marbury's move represents a sharp departure from the traditions of law firm practice in this country. In general, large firms cater to commercial clients and affluent individuals, work only for those who can afford to pay them, and take indigent cases only when ordered to by the courts.

Legal services in non-criminal matters have been made increasingly available to the poor in recent years, but only in government-financed programs that can be shut off by Congress at any time. The first national director of those government programs, E. Clinton Bamberger, now is a partner in Piper & Marbury where he helped create the new project.

Frank T. Gray, another partner, said yesterday that the firm's decision was motivated by "concern about the responsibility of our profession to take some kind of affirmative action in poverty areas. Our profession has an ethical obligation to provide its services on an across-the-board basis, and we haven't been doing that."

Some private attorneys take non-paying cases in their spare time, he said, but Piper & Marbury has found that its 42 attorneys have enough to do in their regular business.

So the partners decided, he said, to hire at least two additional lawyers, assign them to the branch office, and leave them free of work brought to the firm by its paying clients.

The offices, he said, "won't be cut off from each other," and the full resources of the firm will be as much available to the branch office as they are to other staff members. Lawyers in the branch office, he said, will probably not take criminal cases because legal council for criminal defendants is already widely available.

Peter S. Smith, an attorney with the Neighborhood Legal Services Project in Washington, has been hired to direct the new program. No site for the branch office has been selected, Gray said, but it is expected to be open by September.

[From the Time Magazine]

LAWYERS: ARDENT COURTSHIPS

As a Rhodes scholar, a graduate of Yale Law School ('68) and a Negro, Attorney Stanley Sanders is a prime target for recruiters from the nation's most eminent law firms. No fewer than four of them have been courting him for months, and none more assiduously than Wyman-Kuchel, the California firm of former Republican Senator Thomas Kuchel. Last week Senior Partner Eugene Wyman himself squired Sanders to lunch at The Bistro, a modish Beverly Hills restaurant. They had hardly looked at the menu when some of Wyman-Kuchel's more or less celebrated clients just happened to stop by the table for a drink. Before finishing a main course of broiled breaded crab legs, Sanders had a chance to chat with Comedian Milton Berle, as well as Actresses Jill St. John and Janet Leigh.

Wyman's firm, which needs 15 new lawyers this year, is finding men of Sanders' caliber increasingly difficult to hire. So are many other large, well-established firms. Money is not the problem. Like many of his contemporaries, Sanders is more interested in *pro bono publico* service; in his case, that means working full-time for a Ford Foundation project that brings lawyers' services to the poor in the Watts ghetto.

Generous Offers. Firms in New York are paying their new attorneys as much as $15,000 to start, and the rate in other cities is not far below. But growing numbers of the nation's brightest law students are ignoring such generous offers and instead are choosing to teach, clerk for a judge, take a fellowship for further study, or work in a poverty program. Some are drawn to such work because it offers a better chance of escaping the draft. But many are motivated by a genuine desire to help others. The fact that increasing numbers of senior partners are inclined to look on a year-long clerkship or work in a poverty program as excellent training is further encouragement to men who want to wait a while before deciding where to settle down.

None of the nine graduating officers of the *Michigan Law Review*, who are among the top students in their class, plan to plunge directly into practice next year. Only three of the 34 senior members of the *Harvard Law Review* are starting work with law firms. Of the rest, 19 have accepted clerkships, which are easier to find this year because each federal judge is now allowed two clerks instead of one. At Yale, six of the 36 graduating members of the *Law Journal* hope to get a Ford Foundation grant to study a wide-open field: the legal problems of environmental pollution.

To those law firms accustomed to having their pick of the graduating elite the shortage of new recruits is a very serious concern, to say nothing of a blow to their pride. A large firm in Manhattan reports that only one-third of the students to whom it offered jobs in the past two years ultimately accepted them (*v.* about one-half in previous years). Wyman-Kuchel has found that many A students do not even bother to show up for campus interviews any more. Says Wyman: "Sometimes our recruiters come back and say, 'We didn't even see the top men because they weren't interested.' "

Raising Hell. To revive interest, some firms have been forced to provide more outlets for the idealism of the young. Davis, Polk & Wardwell, as well as other well-established Manhattan firms, cooperate in programs whereby their junior staff members work one night a week at Legal Aid Society offices in ghetto neighborhods. The young lawyers are allowed to take the firm's time during the day to handle the cases of the poor who seek their services at night. Going one step farther, a Baltimore firm—Piper & Marbury—plans to open its own office in the city's ghetto next autumn.

Ghetto projects are not universally popular with senior partners. "A few of the lawyers fritter their time away on something that makes no sense," complains Hammond Chaffetz, a partner in a big Chicago firm. "They get into some hair-raising projects, some way-out kind of thing, just to raise hell." As long as the best students continue to go elsewhere in their first years out of school, however, firms like Chaffetz's will have to offer opportunities for rewarding social service. For just that reason, Wyman-Kuchel not only treated Stan Sanders to some Hollywood glamour and an expensive meal last week but also offered to open an office in Watts that would enable him to provide free legal services to the poor. The pitch proved persuasive. A little more than an hour after leaving The Bistro, Sanders gave in and agreed to go to work for the firm.

[From the News American, May 1, 1969]

BIG LAW FIRM OPENS OFFICE IN GHETTO

Attorney Peter S. Smith, a Bowdoin College graduate, today is assuming his new duties as director of a branch office being established in the Baltimore ghetto by the prestigious law firm of Piper & Marbury as a pioneering project in private legal aid for the poor.

The law firm is the largest in Baltimore, with more than 40 attorneys and a long roster of influential clients. Its current move has been described as a sharp departure from traditions of law practice, in which large firms usually cater to commercial clients and affluent individuals and take cases of the poor only when asked by courts.

Frank T. Gray, a partner in the firm, said it is moving into the poverty aid field because of "an ethical obligation" of the legal profession.

'When our practice is so arranged that our normal specialties cut us off from an area where many people of the community are, we have an obligation to see that the vacuum is filled," Mr. Gray said.

[From the Bar Journal, July 1969]

PIPER AND MARBURY BRANCH OFFICE

Earlier this year the Baltimore law firm of Piper & Marbury made a decision to expand its practice into an area now virtually untouched by private law firms. Within the next several months the firm will open a branch office in a low-income neighborhood in Baltimore in order to provide legal services to the poor. Although many details have to be worked out during the summer months, Piper & Marbury has decided to make the work of this office an integral and permanent part of the work of the firm. Thus the resources of the firm will be as much available to attorneys handling work in the branch office as they are available to all other members of the firm.

"OUR ETHICAL OBLIGATION"

In making this decision, members of the firm were motivated primarily by concern about the responsibility of the legal profession to take a much more active interest in the legal problems of the poor. According to Frank T. Gray, one of the firm's partners, "our profession has an ethical obligation to provide its services on an across-the-board basis, and we haven't been doing that."

The branch office will initially be staffed by two attorneys, both of whom will be regular associates of Piper & Marbury. It is contemplated that, after a period of service in the branch office, these attorneys will move to other departments within the firm and other associates will assume primary responsibility for the poverty work. In addition, members of the firm not in the branch office will give assistance, particularly in their areas of specialty, on a part-time basis.

BELIEVED TO BE UNIQUE

The branch office will be staffed in its initial years by two attorneys, Peter Smith and Edwin Villmoare. Mr. Smith was an attorney in the United States Department of Justice for three years and, for the past two years, has been employed by the Neighborhood Legal Services Program in the District of Columbia. Mr. Villmoare is a 1969 graduate of the University of Virginia Law School.

Although there have been isolated instances of law firms loaning their associates for short or irregular periods of time to legal aid agencies, the Piper & Marbury proposal is believed to be the first substantial, direct and permanent effort by a law firm to make the services available to the poor.

SHORTSIGHTED SKIMPING ON SCHOOLS; THE WASHINGTON POST STATES THE CASE

Mr. YARBOROUGH. Mr. President, it may well be in this session of Congress that we will find out how America is going to cope with its future.

Our education system today is confronted by an increasing school-age population, by a rapid upsurge in information and knowledge in all branches of learning, by social unrest most often described as a "generation gap," by declining reflection of wealth in the property tax, by inner cities, and rural communities with insufficient tax base to support high quality education.

Go into any community today and point to the changes in teaching techniques and technology and then tell the local parents how much would be needed through a bond issue or an increase in property taxes or sales taxes or income taxes to pay the cost of better facilities, equipment, and teachers. The response has been evident in the rejection of tax increases and school bond issues across the country. This is not due to a lack of support for the principle of better education. It is due to the limited financial resources that State and local Governments can use to support education.

So the task falls to the Federal Government to supply the additional money needed for education at all levels. Congress has measured the need for Federal support through a series of laws. In total, they call for a Federal expenditure in fiscal year 1970 of nearly $9 billion for support of education.

That is our measure of the national need.

Yet the budget now before us proposes that we actually spend only $3.2 billion. It proposes that we meet only 35 percent of the need.

It is upon the assumption of a well educated citizenry that rest our national hopes of scientific leadership and military security, and our personal hopes of economic comfort, personal opportunity, and achievement. We will not realize either our national or our personal hopes with the token Federal outlay for education carried in the budget now before Congress.

The Washington Post of Tuesday, July 29, 1969, editorializes on the same subject. The editorial is entitled "Skimping on Schools." It expresses a view with which I am in complete accord in calling for significant increases in the appropriation for education beyond that requested by the administraton.

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:

SKIMPING ON SCHOOLS

There is a gap of approximately $5 billion—actually a little more than that—between authorizations and appropriations for Federal aid to education. This means, to put it in simple, realistic terms, that the United States has promised its children and youth about $5 billion in help on which the Nixon Administration now proposes to welsh. And people still wonder why there is a generation gap.

An effort will be made today and tomorrow in the House of Representatives to make good on a fraction of this promise. A coalition of Congressmen who recognize the desperate need to bolster the public schools and colleges of the country have joined hands in support of a package program which would add nearly $900 million to the budget for school and college aid. The Office of Education appropriation bill approved by the House Appropriations Committee calls for $123 million more than the Nixon Administration requested in this area; but this meager largess, while heartening as an earnest of congressional awareness of educational needs, would still mean an arbitrary elimination of a number of vital programs and a crippling curtailment of many others.

Behind the coalition in Congress is the backing of almost every major educational oganization in the United States. There are special interest groups of a peculiarly beneficent charcter, genuinely seeking to promote not their own economic interests but the general welfare. It is a misfortune, in our judgment, that the lion's share of the $900 million increase they seek would be devoted to the impacted area program—a now outmoded form of special help for school districts overcrowded as a consequence of Federal installations and enterprises. But help in this form is far better than no help at all; and the coalition is wisely committed to this as part of its package, since impacted area aid has broad support in Congress.

The package would provide funds, in addition, for school libraries, for equipment, for guidance and counseling programs of the utmost importance in these uneasy times, for vocational education needed to prepare young people for jobs in a highly industrialized economy, for construction grants to colleges and for National Defense Education Act student loans. In the light of soaring interest rates, more funds for direct government loans are essential to enable students to obtain financing for their higher education costs.

Every economical American ought to hope that Congress will approve these proposed increases in aid to education. There is nothing in the least spendthrift about them. They would do no more than meet the fundamental obligation of a civilized society to its younger generation. "When I look at American education," President Nixon said when he was campaigning for the Presidency, "I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping." We are on the brink of failure as the price of parsimony. Generosity affords the only hope for redemption.

ROBERT G. McCLOSKEY

Mr. ERVIN. Mr. President, I have learned with sadness of the death Monday of Robert G. McCloskey of Arlington, Mass. Dr. McCloskey was a professor of history at Harvard University and a leading authority on the Supreme Court and the history of American constitutional law. He authored a number of perceptive books on the Supreme Court and on American political thought. His contributions enriched our knowledge of American Government and he deserves particular recognition and tribute.

I first met Professor McCloskey when he accepted a position as consultant to the Subcommittee on Separation of Powers a few years ago. He brought to the subcommittee's work, and especially to its inquiries into the modern role of the Supreme Court, an insight and a wisdom which added immeasurably to the subcommittee's studies. He had a breadth of perspective toward constitutional law which we lawyers all too often lack.

While in the short time he served the subcommittee I was not able to know him well as a person, it was obvious that Professor McCloskey was a warm, gentle, and good person. His premature death is a deep loss, I know, to his family, friends, and associates. It is also a loss to those of us who never had the opportunity to know him as well as we should.

On behalf of the subcommittee members and its staff, I express our condolences to Mrs. McCloskey and to the rest of his family.

CALIFORNIA COMMISSION ON AGING

Mr. MURPHY. Mr. President, we in California believe we have the outstanding commission on aging that exists in the Nation. The success of the program is in no small part due to the dynamic voluntary leadership of its chairman,

Mrs. A. M. G. "Bonny" Russell who, incidentally, has served three different State administrations, Republican and Democrat alike.

Because she is a strong advocate for programs to make the years of our senior citizens more productive and fulfilling, her leadership and stature in the field of aging have been well recognized not only by the professionals working in this area but more importantly by the many senior citizens who benefit from her untiring efforts.

Only recently, I wrote President Nixon and Secretary Finch urging that she be renamed to the Administration on Aging Advisory Commission.

In addition to her professional competence, Mr. President, she is one of the most personable and pleasant persons whom I have met and I certainly look forward to working with her.

Mr. President, I ask unanimous consent that a recent press release issued by the State of California Commission on Aging, in which Governor Reagan properly calls "Bonny" Russell the "No. 1 volunteer for aging in the Nation" be printed in the RECORD.

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

GOVERNOR PRAISES SENIOR LEADER

Credit to Mrs. A. M. G. Russell of Atherton for the success of California's program for its Senior population was expressed today by Governor Ronald Reagan, who called her the number one volunteer for the aging in the nation.

Mrs. Russell is Chairman of the State of California Commission on Aging, a board of eight volunteers and four legislators appointed by Governor Reagan and representing medicine, social work, recreation, business, and community leadership.

She has served under three administrations, Republican Goodwin Knight, Democrat Edmund Brown, and Republican Ronald Reagan.

Governor Reagan said that Mrs. Russell's enthusiasm affects all whom she meets, and has made her nationally-known for her work in the field of aging.

Governor Reagan said the program set up during the past two years by the volunteer Commission members and administered under supervision of Executive Director Charles W. Skoien, Jr., has had heavy emphasis on stimulating localized efforts and reflects Mrs. Russell's sincere interest in promoting person-to-person relationships with the elderly.

"Health and welfare of the State's senior population certainly has been the hallmark of her service", commented Spencer Williams, who as Secretary of the State's Human Relations Agency had closely noted her accomplishments. "I hope her friendly, helpful spirit continues to all levels of those dealing with that broad family we call 'Senior Californians'."

The Governor commented:

"From almost the day she stepped out of Stanford University about 30 years ago, she has been working behind the scenes, or in the full glare of the spotlight if necessary; selling, always selling, the idea that the elderly Mother and Father of the nation should have a pleasurable retirement.

"She believes in making opportunities available to Seniors. If the community does its part by setting up the facilities, the Senior will do the rest.

"Edna Bonn Russell is by nature a dignified, reserved woman, but in her enthusiastic, sincere campaign for the elderly she has been thrust into the limelight. Her maiden name gives rise to the name, which is also a very apt descriptive term for her, 'Bonny' Russell.

"Mrs. Russell is always on the go, aspiring for the day when every county, every city, and every neighborhood in the State of California has a committee to serve the local elderly on a local basis.

"She started this campaign back in 1947 when she was a founding member of Peninsula Volunteers, Inc., a group of far-thinking San Francisco Peninsula women whose efforts led to the establishment of 'Little House' which is one of the nation's leading centers for seniors in physical facilities, programs, and counselling-and-referral services.

"Her dedicated committee work took her to the Presidency of Peninsula Volunteers. And the trail has continued upward . . . if you counted on both hands twice, you'd still not be able to list all the organizations serving Seniors of which she has been a leading member.

"Mrs. Russell was designee for California at the White House Conference on Aging in 1961; Co-chairman of the White House Regional Conference on Aging in San Francisco; President of the Western Gerontological Society; Founding President of the National Association of State Units on Aging; and delegate to the International Conferences on Gerontology at Copenhagen and Vienna.

"Yet, withal, she is a typical American housewife. Her husband is Albert M. G. Russell, banker, and they raised one daughter and two sons.

"She has an elderly mother and mother-in-law, and this helps account of her repeated counsel to social workers: The elderly are not 'cases', they are our Fathers and Mothers, and deserving of all the thought, care, and kindness possible.

"This goes back to her college days and student experience with the elderly in institutions. She has seen what a kindly word, a thoughtful deed, will do.

"There was once a woman who had lost her will to live. But, a few cheery words and Mrs. Russell's continued interest in helping her come back, saw her begin the fight that brought her out of bed and into an active life that she enjoyed for many more years.

"Mrs. Russell's volunteer services have ranged the normal gamut of an average American leader, Parent-Teachers Association, Scouts, Community Chest, and all the other groups that serve their communities.

"Yet, her first and continuing love is the elderly. She has counselled and helped the 'lost' in hospitals. She has worked with national and international leaders, and the sentiments of all towards Bonny Russell can best be expressed by the saying:

"Search and you will find that at the base and birth of every great organization was an enthusiast, consumed with earnestness of purpose, with confidence in entrusted powers, and with faith in the worthwhileness of the endeavor."

U.N. CHARTER PERMITS UNITED STATES TO RATIFY HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, one of the arguments that the American Bar Association has raised against ratifying the Human Rights Convention on Political Rights of Women is that this is a strictly domestic issue, and therefore outside the domain of the United Nations. These opponents cite article 2(7) of the United Nations Charter which states:

Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, or shall require the Members to submit such matters to settlement under the present Charter . . .

Mr. President, this argument misses the point completely. Nothing whatsoever in the Convention on the Political Rights of Women authorizes the United Nations to intervene in any way.

John Carey, spokesman for the Bar Association of the City of New York, flatly contradicted the position of the parent ABA:

Some have cited Article 2(7) of the U.N. Charter, which restricts U.N. activity . . . as if a limit on the U.N.'s powers could somehow limit U.S. treatymaking powers . . . it is important to have clearly in mind that Article 2(7) is not relevant to the legality of these three Conventions under U.S. law.

Mr. Carey's statement is clearly the right position. Article 2(7) of the U.N. Charter is designed to prevent the use of U.N. police power or economic sanctions in a matter involving a member nation's domestic affairs. Nothing of that nature is involved here. In fact, the Convention on Political Rights of Women, explicitly states that any dispute between signatories over women's rights will be resolved between the parties themselves by negotiations. If the matter cannot be settled by negotiations, the parties may agree to submit the dispute to the International Court of Justice.

Article 9 of the convention reads as follows:

Any dispute which may arise between any 2 or more Contracting States concerning the interpretation, or application of this Convention which is not settled by negotiation, shall at the request of any one of the Parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Mr. President, there is nothing in the U.N. Charter which can bar the United States from ratifying this treaty. Article 2(7) does not and cannot prohibit our Nation from joining the 63 other ratifying nations in proclaiming our belief in the basic tenet of universal political rights for women. I urge the Senate to take the necessary steps to ratify the Convention on Political Rights of Women.

PROPOSED INTERNATIONAL DRUG COMMISSION

Mr. MURPHY. Mr. President, on July 28, 1969, I introduced Senate Joint Resolution 142, which would establish an international drug commission between the United States, Mexico, and Canada.

I have just received a letter from Mr. James S. Mize advising me that the Board of Supervisors of the County of Los Angeles has endorsed the legislation.

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:

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
July 31, 1969.

Senator GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: At its meeting held July 29, 1969, on motion of Supervisor Warren M. Dorn, the Board of Supervisors

endorsed legislation, introduced in the Senate by you, which would establish an international commission to supervise the common boundaries of the United States and Canada and Mexico in an effort to help control the illegal flow of drugs across these boundaries.

The Board further evidenced its support by instructing several County departments to take actions supporting the aims of this vital legislation.

Yours very truly,

JAMES S. MIZE.

INTERGOVERNMENTAL POWER COORDINATION AND ENVIRONMENTAL PROTECTION ACT

Mr. MUSKIE. Mr. President, on July 31, 1969, I introduced S. 2752, the Intergovernmental Power Coordination and Environmental Protection Act. The text of the bill, called for in exhibit 12, was inadvertently omitted from the RECORD on that date.

I ask unanimous consent that the text be printed in the RECORD.

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

S. 2752

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Intergovernmental Coordination of Power Development and Environmental Protection Act".

SEC. 2. (a) The Congress hereby finds and declares that—

(1) lack of coordination and consultation and effective procedures among the Governors of the States and Federal, regional, and State agencies discourages joint planning for the supply of electric energy and impedes efforts to promote the welfare and safety of the people of the United States;

(2) in the siting and construction of bulk power facilities, proper protection and consideration must be provided for the public interest in the prevention and the control of air and water pollution;

(3) comprehensive, multipurpose use of land and other natural resources, in accordance with public planning and with due regard for scenic, historic, and recreation values, should be required in the siting and construction of bulk power facilities;

(4) availability of an abundant and reliable supply of low-cost electricity is essential to national security, economic growth, and individual well-being;

(5) a major expansion of bulk power facilities is required to meet projected demands for electricity in the United States;

(6) large savings and enhanced reliability of service are possible through regional coordination in the use of new technology in the production and transmission of electricity;

(7) all electric utilities must have direct access to the potential benefits of such coordination on just and reasonable terms to prevent undue concentration of control of the industry to the detriment of consumers; and

(8) electric utilities are public utilities, and the interstate character of the electric utility industry, the effects on interstate commere of such industry's facilities, the vital nature of the service it provides, and the impact of such industry on national environmental assets demand Federal leadership and financial assistance through inter-governmental cooperation with appropriate regional, State, and local agencies to protect the public interest in bulk power supply.

(b) It is, therefore, the purpose of this Act to—

(1) insure maximum intergovernmental consultation, cooperation, and coordination among the States, regional organizations, and the Federal Government for the safety, health, and welfare of the people of the several States;

(2) preserve and enhance the environment by insuring that the siting and construction of bulk power facilities is consistent with local, State, regional, and national programs for the control of air and water pollution, multipurpose use of land, and conservation of other natural resources; and

(3) create procedures for more effective regional coordination of the siting and construction of bulk power facilities so as to take advantage of advanced technical developments in the production and transmission of electricity for the economic and esthetic benefit of all power users.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "bulk power facility" means any site or facility for the generation of electric energy capable of supporting operation at a capacity (all units combined) of four hundred megawatts or more, and any right-of-way and other facility for the transmission of electric power which is capable of being operated at a nominal voltage higher than two hundred kilovolts between phase conductors for alternating current or between poles for direct current (hereafter referred to as "EHV transmission"); and

(2) "agency" means the agency of the Federal Government designated by the President to carry out the purposes of this Act.

REGIONAL DISTRICTS AND BOARDS

SEC. 4. (a) Within ninety days after designation of the agency by the President to carry out the purposes of this Act, the agency shall establish regional districts embracing areas which, in the judgment of the agency, are compatible with long-range planning for the siting and construction of bulk power facilities and which can be economically and reliably served by interconnected and coordinated bulk power supply facilities. In establishing such regional districts, the agency shall recognize and evaluate existing regional classifications under section 202 of the Federal Power Act, as well as those regional classifications established for the purposes of air pollution control, water pollution control, water and related land resources planning and development, economic development, Federal power marketing programs, urban and rural planning programs, interstate compacts and agreements where appropriate and other regional programs which, in the judgment of the agency, must be recognized and evaluated for the purposes of establishing regional districts. Before establishing any such regional district and fixing or modifying the boundaries thereof the Commission shall give notice to the Governor of each State situated wholly or in part within such district, and shall afford each such Governor reasonable opportunity to present his views and recommendations, and shall receive and evaluate such views and recommendations.

(b) (1) For the purposes of this Act, there shall be established in any district designated pursuant to subsection (a) of this section a regional board composed of a representative of the Governor of each State within such district. Within ninety days after notification by the agency of designation of any regional district of the Governor of any State which is a part of such district shall designate a representative to serve at the pleasure of said Governor. The chairman of such board shall be elected by the members.

(2) No such representative shall be appointed who shall be an officer, employee, director, or stockholder of any public, private, or cooperative electric utility. During his term of office no representative shall engage in any business transaction with any electric utility which shall benefit or otherwise profit such representative other than such benefits as may be normally available to a retail consumer of electric service.

(3) For the purposes of carrying out the functions authorized by this Act, each regional board shall employ such staff as may be necessary and prepare a budget for operations which budget shall be transmitted to the agency for review and approval. Any funds required by the agency for the activities of regional boards shall be submitted to the Congress as a part of the agency appropriation request.

(c) Each regional board shall appoint an intergovernmental advisory council for its region composed of representatives of the regional organizations, States, local governmental bodies, affected international agencies, the public, and all segments of the electric industry, including representatives of public, private, and cooperative electric utilities. Regional boards shall consult with regional advisory councils in carrying out the purposes of this Act. Regional advisory councils may make such studies or conduct such investigations as requested by the regional boards. Any studies, reports, or other information provided to the regional board by such advisory councils shall be made available to the public, and any meeting of such advisory council shall be open to the public with reasonable opportunity for presentation of views by any person interested in the purposes of this Act. The regional councils shall seek to stimulate maximum participation and presentation of views by persons having an interest in or affected by planning for the construction or modification of bulk power supply facilities, and shall forward these views to the regional board. Members of such advisory councils (except Government employees) may be compensated at rates fixed by the agency, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of employment, all members (including Government employees) may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code. Funds necessary for the operation of regional advisory councils shall be budgeted by the regional boards in accordance with section 4(b)(3) of this Act.

CRITERIA AND PROCEDURES

SEC. 5. (a) Within twelve months after the enactment of this Act, the agency shall promulgate, and distribute to the regional boards after consultation with other interested governmental agencies and utility regulatory commissions, criteria for the development of procedures for the siting and construction of bulk power facilities to assure compliance with—

(1) air and water quality standards established pursuant to applicable State or Federal law;

(2) health, welfare, and safety standards and requirements established pursuant to applicable State or Federal law, including but not limited to the Atomic Energy Act;

(3) State public utility codes;

(4) standards of adequacy and reliability of power supply as developed pursuant to section 6 of this Act;

(5) applicable regional, State, metropolitan area, and, where appropriate, local economic and land use plans, including plans for optimum and multipurpose use of rights-of-way;

(6) Federal, State, and local plans and programs for the preservation and development of recreation areas, historic and other important sites, and esthetic values;

(7) applicable Federal antitrust statutes; and

(8) such other Federal, State, and local requirements as the agency determines are necessary to carry out the purposes of this Act.

In the formulation of such criteria, the agency shall take into account the separate and coordinate roles of Federal, State, and local governmental agencies in the siting of such facilities.

(b) Within twelve months after promulgation of the criteria pursuant to subsection (a) of this section, each regional board shall prescribe, after public notice and opportunity for written and oral comment and in consultation with the advisory council for such region appointed pursuant to section 4(c), (1) procedures for the application of such criteria within the region of such board; and (2) procedures for applying for and issuing licenses pursuant to section 7(b). Such procedures shall be reviewed by the agency and if found to be consistent with the criteria, shall become the approved procedures for the region.

(c) Criteria and procedures established pursuant to this section may be modified when necessary for the purposes of this Act in the same manner in which such criteria or procedures were initially established.

RELIABILITY AND ADEQUACY STANDARDS

SEC. 6. (a) Within twelve months after notice from the regional board, the electric utilities within a designated regional district established pursuant to section 4(a) shall propose reliability and adequacy standards of regional and interregional applicability, including standards setting forth the nominal voltage ratings and other measures of the capacities of the regional or interregional EHV transmission networks. Upon receipt of such proposed reliability and adequacy standards, the regional board shall forward such standards and any dissenting views to the agency, which such agency shall cause notice of such proposed standards, and any material changes which the regional board shall propose thereto, to be promptly published in the Federal Register. The agency shall allow interested persons a reasonable time to submit to the agency written comments or objections regarding the proposed standards. In its review of the proposed standards the agency shall consider relevant the comments submitted pursuant to this section. After appropriate consultation with the State commissions and electric utilities in the region, the agency shall then determine the reasonable standards which it finds are necessary and appropriate in the interests of reliability and adequacy of regional and interregional bulk power supply. The agency shall then promulgate regulations setting forth such reasonable reliability and adequacy standards under which all bulk power suppliers within the regional district shall plan, construct, and operate bulk power supply facilities.

(b) The standards prescribed by the agency pursuant to subsection (a) of this section shall be considered as minimum standards. State agencies, as authorized by law, may prescribe more stringent standards, except that the standards prescribed for capacity ratings of the regional or interregional EHV transmission networks shall be conclusive upon all such State agencies.

FAILURE TO ACT

SEC. 7. (a) In any case in which the Governor of a State fails to appoint a representative to a regional board, the President or his designee shall appoint a representative which representative shall be a resident of that State. Such representative shall serve until a qualified successor is appointed by the Governor.

(b) In any case in which a regional board fails, within the period prescribed by subsection (b) of section 5 to promulgate procedures or propose standards required by such subsection, or wherever the agency finds that such procedures are not consistent with the criteria established under section 5(a), the agency shall notify the regional board of its findings. If the regional board fails to take such action as may be required by the agency within thirty days following such notification, the agency shall promulgate standards or procedures for the region which standards or procedures shall apply for the purposes of this Act.

APPLICATION OF CRITERIA AND STANDARDS

SEC. 8. (a) As soon as practicable, but not less than one hundred and twenty days after the agency has approved standards and procedures under section 5(b), or has promulgated regional standards and procedures under section 7(b), such standards or procedures shall be effective in such region. On and after the date on which such standards or procedures take effect, no person shall undertake to construct or modify any bulk power facility in such region without notice from such regional board to the agency that such person has obtained a certification of compliance with such standards and procedures from such regional board.

(b) Upon notification from a regional board that the construction or modification of any bulk power facility has been certified in compliance with such standards and procedures the agency shall issue a license for such construction or modification unless the agency, upon advice from other affected Federal agencies, finds that such construction or modification has not complied with approved procedures and standards, the purposes of this Act, or other Federal statutes or regulations. In any case in which the agency shall refuse, after opportunity for hearing, to issue a license no person shall undertake to construct or modify such bulk power facility until such conditions as may be required by the agency shall have been met and a license shall have been issued.

EMINENT DOMAIN

SEC. 9. Whenever an electric utility, having obtained a license pursuant to this Act, is unable to agree with the owner of property as to compensation paid for the necessary right-of-way or other property to construct, operate, and maintain extra-high-voltage facilities or a steamplant, it may acquire the same by the exercise of the power of eminent domain in the United States district court for the district in which such property may be located. In any such eminent domain proceeding the plaintiff may file with the complaint or at any time before judgement a declaration of taking in the manner and with the consequences provided by sections 258a, 258b, and 258d of title 40, United States Code, and the plaintiff shall be subject to all of the provisions of said sections which are applicable to the United States when it files a declaration of taking thereunder.

WHAT CAN AN AMERICAN SAY?

Mr. HARTKE. Mr. President, I would like to enter in the CONGRESSIONAL RECORD a disturbing article by Norman Cousins. This article in its description of opportunities for peace lost, misplaced, and abandoned by the U.S. Government brings into question the seriousness of our desire for peace.

What can an American say about such a record? Perhaps the best response is to state a series of questions suggested by this article.

First. Who made the decision to bomb Hanoi despite statements by the United States that it had no intention of bombing the cities?

Second. Did the President order and desire such a drastic escalation after having instructed Ambassador Lodge to persuade Hanoi to come to the peace table?

Third. Are the American military able to make field decisions carrying the most profound consequences for U.S. foreign policy without the explicit authority from or knowledge of the President?

Fourth. Why was President Johnson uninformed in the fall of 1964 that an opportunity for peace talks had been arranged by U Thant?

Fifth. To what extent do political factors and factions inside South Vietnam exercise a profound gravitational pull on American policy?

I ask unanimous consent to insert in the RECORD Norman Cousins' article which appeared in the July 26 issue of the Saturday Review.

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

VIETNAM: THE SPURNED PEACE

(By Norman Cousins)

On October 7, 1966, President Lyndon Baines Johnson emerged from a meeting at the United Nations with Secretary General U Thant. Waiting newsmen were handed a statement saying that the President had expressed his strong appreciation and gratitude to U Thant for his efforts toward improving the world's chances of peace. The President said that U Thant's services were needed "in this hour of trial."

The full story of that meeting, however, was not covered by the communiqué.

The President's visit had come at a critical time. U Thant, discouraged by his inability to bring about negotiations to end the war in Vietnam, had serious doubts about his continued usefulness as Secretary General. He had made known his intention to retire from the U.N. within a matter of months.

The President, quite literally, had gone out of his way to reassure U Thant. Accompanied by Secretary of State Dean Rusk and U.N. Ambassador Arthur Goldberg, the President called on U Thant in his office on the thirty-eighth floor. Ralph J. Bunche, U.N. Under Secretary for Special Political Affairs, joined the group at U Thant's request.

The five men sat around the large oak table in the Secretary General's conference room. The President spoke in general terms about U Thant's invaluable service to the world community and emphasized the importance of the personal role U Thant could play in helping to get the negotiations started that could help bring the war in Vietnam to an end.

U Thant asked the President why the United States had not accepted the opportunity for negotiations he had helped to bring about two years earlier. The President said he was puzzled by this response, and asked U Thant to explain.

U Thant described in detail the initiatives he had taken in the fall of 1964 to stop the fighting. He reminded the President of his visit to the White House early in August 1964. He had come away persuaded that the President's main purpose in Vietnam was to bring about a non-military end to this war under conditions of continuing stability. He had recognized that the President was looking beyond the end of the war to widespread reconstruction for the benefit of all the Vietnamese and to the development of the resources of the area, particularly in the Mekong Delta.

It was against this background that U Thant said he had sent a handwritten letter to President Ho Chi Minh of North Vietnam. The letter supported President Johnson's desire to begin meaningful negotiations as quickly as possible. It said that the only alternative to fast-mounting destruction was

peace talks, that such talks would have to come sooner or later, and that the sooner they came the better it would be for all concerned. In particular, U Thant proposed immediate secret talks between Hanoi and Washington as a prelude to more formal negotiations.

Three weeks later, U Thant received a reply from Ho Chi Minh accepting the proposal to enter into secret talks.

U Thant said he had notified Adlai Stevenson, then U.S. Ambassador to the U.N. Stevenson went immediately to Washington to convey the good news to Secretary Rusk. A few weeks later, U Thant sought out Stevenson and said he was eagerly awaiting the reply from Washington to communicate to Hanoi. After all, the original impetus for the meeting had come from the President himself. Stevenson said he was certain Washington would respond before very long.

For more than four months, U Thant waited for Washington's reply. Finally, toward the end of January 1965, U Thant told Ambassador Stevenson that it was not reasonable to expect that the offer could be kept open much longer. His letter to Ho Chi Minh had been written in good faith, following his talk with Mr. Johnson. Why should there be any hesitation to proceed on a course that the President had said was essential? Stevenson went to Washington again; on his return, he reported to U Thant that the State Department was reluctant to enter into negotiations at that time because it feared the talks might result in a collapse of the South Vietnamese government.

U Thant told Ambassador Stevenson that the State Department might or might not be correct. After all, six governments had already collapsed in Saigon. No one could say whether there might not be a seventh—with or without respect to negotiations. But if the best way of ending the war was at the peace table, then it would seem axiomatic that this need should come first.

Ambassador Stevenson could only repeat that he had conveyed the position of his government as he understood it.

Several days later, the United States began systematic bombing of North Vietnam. The rationale for the bombing was that it was necessary to increase pressure on Hanoi to persuade it to come to the peace table. This concluded U Thant's recital for the President of the 1964–65 opportunity to get into talks.

President Johnson listened with visibly increasing concern to U Thant's account of the failure of the United States to take advantage of the kind of initiative he was now in 1966 strongly urging upon the Secretary General. The President said this episode was a new book to him, and that he was hearing about it for the first time.

The President turned to Dean Rusk and asked whether he had knowledge of the matter.

Secretary Rusk replied that Ambassador Stevenson had not been authorized to reject the negotiations. He did not say, however, whether Ambassador Stevenson had been authorized to accept them. Nor did he say why the State Department had not acted promptly and affirmatively when Stevenson first reported in September 1964 Hanoi's willingness to have exploratory talks.

Some time later, Secretary Rusk asserted in a separate conversation with U Thant that the United States had received word in the fall of 1964 from the Canadian representative on the International Control Commission in Vietnam to the effect that Hanoi had no interest in secret talks with the United States. This statement, however, was unsupported by the Canadians.

The terrifying question, of course, that emerges from this episode is why the President of the U.S. would not be informed by his own State Department of a development of such obvious significance for the whole of U.S. foreign policy. The bombing of North Vietnam was one of the most crucial decisions in the history of American foreign policy. That decision, the American people were given to understand, was the direct result of North Vietnamese intransigency in the matter of a non-military settlement. Many observers in this country—and throughout the world—feel the decision to start the air bombing resulted in the expansion and prolongation of the war, costing many thousands of lives—American and Vietnamese. Why had the President not been informed of an event that might have averted this terrible consequence?

What makes the matter all the more ominous is that this occasion was only one of several in which chances for peace were passed over or mismanaged. I have firsthand knowledge of two of these occasions. I shall try to describe both, mindful of the fact that my accounts may not be complete or precise in every respect, and that there may be honest differences about the relative weight or importance attached to some of the details; but I believe these accounts to be correct in their general pattern and import.

I begin with a minor episode. It was one in which I was personally involved.

On December 1, 1965, I was in Washington in connection with the White House Conference on International Cooperation Year. The President had appointed me to the chairmanship of the Committee on Culture and Intellectual Exchange. During the conference, I received a telephone call from Jack Valenti, President Johnson's assistant, asking me to come to the White House.

When I arrived, Jack asked whether I would be willing to submit some ideas for the State of the Union Message. I replied that I would be honored to do so.

Valenti then gave me a briefing on the President's ideas on major questions of domestic and foreign policy, with special reference to Vietnam. I was impressed by Valenti's careful and detailed recital of the President's position on Vietnam, which ruled out the pursuit of military victory through overwhelming force because of the increased risk of world nuclear war. He believed in the need for a negotiated peace that would provide for the future security and stability of the area. He also believed that Hanoi would be extremely reluctant to get into negotiations if it thought the United States would quit Vietnam out of sheer fatigue or indifference.

Basically, he said, President Johnson's policy in Vietnam was to fight a limited war, and to get to the negotiating table as soon as possible.

I agreed to work on a draft and to submit a text within a fortnight.

On December 13, something happened that enabled me to put to good use the information Jack Valenti had given me. Bohdan Lewandowski, Polish Ambassador to the United Nations, had dinner with me in New York. I had first met Lewandowski in connection with *Saturday Review's* project in 1958 to help thirty-five Polish women whose bodies had been mangled by Nazi medical experiments during the Second World War. *SR* brought the women to the United States for medical and surgical treatment and for hospital care. A certain degree of rapport with officials of the Polish government was established as a result of the project. Ambassador Lewandowski was one of these officials. He was a young man in his thirties who had won wide respect at the United Nations for his intelligent and diplomatic approach to complex world issues.

At dinner, Lewandowski said his government was eager to be useful in bringing about talks in Vietnam, but that some questions had been raised as to whether the United States actually wanted a negotiated peace or intended to press for a military solution.

Without identifying the source of my information, I drew heavily upon Valenti's briefing to provide substantial evidence of U.S. sincerity in seeking a negotiated peace. I emphasized that I was speaking as a private citizen.

The Ambassador said he found my recital convincing, and then added that he was sorry that the government leaders in Hanoi could not have heard it, too.

I told the Ambassador I would be most happy to go anywhere, including Hanoi, for the purpose of repeating what I had just told him if he felt it would have even the most remote usefulness.

The Ambassador replied that such an undertaking might indeed be desirable—all the more so in view of my private status. Ever since the end of the Second World War, in fact, both the United States and the Soviet Union had relied on unofficial missions to clear the way for more formal or traditional approaches.

The next day I spoke with William P. Bundy, Assistant Secretary of State for East Asian and Pacific Affairs, and told him of my conversation with Ambassador Lewandowski. He said that my description of the American position in Vietnam to Lewandowski was correct, and he encouraged me to take advantage of other similar openings to put across the idea that the United States was pursuing a policy of limited warfare in Vietnam and was genuinely eager to end the war through a political rather than a military settlement.

I feel a great temptation, from this vantage point in time, to say I was as severely critical of our government's policy on Vietnam in December 1965 as I am now. But I must be careful not to give myself the benefit of hindsight. In 1965, as now, I felt that we had become involved in Vietnam as the result of terrible and costly miscalculations, but I did not then question the genuineness of the Administration's proclaimed intention to seek a non-military solution to the war. Nor was I aware, at that time, of the extent to which the President's own policy was being bypassed or flouted by other branches of the government. But events in which I was shortly to become involved gave me a different and certainly more disturbing comprehension of the inner split in our policy on Vietnam.

On December 22, 1965, I was called out of lunch in New York to take a telephone call from the White House. Both Jack Valenti and Bill Moyers were on separate extensions. Valenti said the President wanted me to go to the Far East with Vice President Hubert Humphrey. My specific assignment would be to represent President Johnson at the presidential inauguration of Ferdinand E. Marcos of the Philippines. I would also accompany the Vice President on his trip to Japan, Korea, and Taiwan. Valenti would be part of the official party.

Then Bill Moyers said the White House wanted to encourage me to take private soundings on the trip, and to find out what I could about the readiness of Hanoi to start talks. I said I was happy to accept.

We left for the Far East on December 27. The newspapers tended to emphasize the view that the Humphrey mission was part of a sizable "peace offensive" during the Christmas holiday bombing pause.

Not much eventuated during the trip to justify my unannounced assignment. There was, however, one episode of uncertain significance. In Tokyo, I saw a member of the House of Councillors of Japan, Kanichi Nishimura, a Christian minister, who had recently returned from Cambodia and North Vietnam. In Cambodia, he had had an audience with Prince Sihanouk, who had said the only solution for the Vietnam war was a policy of complete neutrality for Cambodia, Laos, and South Vietnam, in the spirit of the Geneva Agreements of 1954.

In Hanoi, the Reverend Nishimura had seen President Ho Chi Minh and brought up

his conversation with Prince Sihanouk. Ho Chi Minh then indicated that he didn't think the Prince went far enough; he believed that North Vietnam should be included in the neutralization. Mr. Nishimura asked whether this meant that the United States would be expected to withdraw all its forces from South Vietnam. Ho Chi Minh didn't seem to think this was necessary right away so long as the fixed purpose of the United States was to support the neutrality of all Vietnam, North and South.

(The Reverend Nishimura's account tallied with a conversation I had had several weeks earlier in New York with Sudhir Ghosh, a member of the Indian Parliament. Ghosh had been in Belgrade, where he had spoken to members of the Yugoslav foreign ministry who had told him substantially what I had just heard from Nishimura.)

On January 3, we returned to Washington and reported to President Johnson.

The President began by saying he hoped the Vice President had good news. The President sat upright in his rocking chair and listened carefully as the Vice President gave a sequential account of his mission. Much of the report was concerned with the reactions of Asian leaders to what the Vice President had told them about the policy and purposes of the United States in Vietnam. He had taken with him a report of 190 meetings Secretary Rusk had had with diplomats from all over the world in an effort to advance the prospects of a non-military solution to the war in Vietnam. The Vice President said he had also stressed the commitment of the United States to improving the prospects for a better life for the peoples of Asian nations.

The President said he was especially pleased that the Vice President had emphasized this point. Everyone knows about the Vietnam war, the President said; very few seem to know about the Asian Development Bank and its potentialities for rebuilding and developing large parts of Asia. Even our allies sometimes fail to appreciate the importance of the Asian Bank; when the President had spoken to Prime Minister Harold Wilson and Chancellor Ludwig Erhard a short time earlier, the first point he made was that he expected them to increase their contributions to the Asian Bank.

The Vice President reported in careful detail his own conversations with Asian leaders on the subject of the Asian Bank. He also spoke of the emphasis he gave to the importance placed by President Johnson on nonmilitary approaches to Asian problems, not just in Vietnam, but everywhere.

The President said we had to continue stressing the need for such nonmilitary approaches. He felt that these ideas had to be gotten across—especially in Vietnam.

Then the President said reports were coming from other sectors on the results of his attempt to use the bombing pause to persuade Hanoi to start peace talks. One of the difficulties we frankly had to face was that Ho Chi Minh still didn't believe we were sincere when we said we wanted to talk. North Vietnam was terribly suspicious and didn't want to commit itself until it was sure. Everything possible, said the President, should be done to convince them we meant business.

When the President asked for my impressions of the trip, I divided my report into two parts—the symbolic and the political. On the symbolic level, I said the Vice President had given considerable attention in his private and public statements to the historic importance of the emergence of the new and independent nations. This emphasis spoke to the deepest feeling of the people.

On the political level, I said, even though direct contact had not been established with representatives of North Vietnam, the fact that the Vice President was directly involved in this effort to bring about negotiations seemed to have considerable impact. I also reported on my meeting with the Reverend Nishimura.

The President then said that we should continue to do everything we could to get across the idea to Hanoi that the United States was ready to explore every opening that gave promise of a non-military end to the war.

A week later, I met with Ambassador Lewandowski who asked whether anything had happened on my trip to change my view that the United States was genuinely interested in getting to the peace table. I told him my conviction had been strengthened, if anything, as the result of the trip and the meeting with the President. The Ambassador said that this was fortuitous because he had come with good news: he had just received word that Hanoi would be happy to have me meet with a representative of the North Vietnam government for the purpose of having me, as a private citizen, bear witness to the good faith of the President in seeking negotiations. He said he was not in a position, at that moment, to specify the date and place for the meeting. This would be made known to me before too long. The Ambassador would be leaving for Warsaw shortly; his deputy would be in touch with me with further information.

After the Ambassador left, I telephoned Jack Valenti and reported this conversation; Valenti asked that I come to Washington the next day.

At the White House, Jack brought me directly to the office of McGeorge Bundy, Special Assistant to the President for National Security. Mac had been tagged in some liberal circles as a hawk on Vietnam. It didn't take me very long to recognize that the designation was inaccurate. Bundy was perhaps the leading government proponent of the "limited" approach to the war; he was the principal opponent in the White House to the view often pressed upon the President that the United States should use maximum force in Vietnam.

It quickly became apparent from Bundy's questioning that he wanted to arrive at a precise calibration of the events that led up to Hanoi's willingness to see me. Was this the result of my own initiative or of Lewandowski's? Actually, I said, it was the product of an interaction of ideas addressed to a simple question: How serious was Washington about negotiations?

Bundy said the White House would give me all the information that might be useful on my trip and asked that I notify him as soon as I had specific word from the Poles about the date and place of the meeting.

On January 27, I received a telephone call at my office from Eugene Wyzner, deputy to Ambassador Lewandowski. He asked if he could see me immediately. We met within an hour. Wyzner said that the Ambassador was now in Warsaw and had just cabled him that Hanoi was now ready to have its representative meet with me at my earliest convenience. It was left to me to select a place for the meeting from among any of the diplomatic stations that North Vietnam maintained throughout the world.

Wyzner indicated, in response to my questions, that the Polish government would be happy to facilitate arrangements if the site selected were Warsaw. I asked whether he considered the message from Hanoi as a sign that North Vietnam was ready to move toward negotiations. He said his own view was that Hanoi would not wish to see me unless there was a strong probability it was also prepared to move to more formal approaches.

When I telephoned this information to Jack Valenti, he said he would call me back shortly. Fifteen minutes later he asked that I come to Washington immediately and that I pack my bag for a trip to Warsaw.

When I arrived at the White House the next morning, I met with Valenti alone for the better part of an hour. He told me of several other recent probes indicating that Hanoi might be ready to start talking. Unfortunately, he said, as soon as Washington pursued these indications, they tended to dissolve. The result was that the White House was now very careful to avoid giving Hanoi the impression that it could vibrate the President or reduce his options. The bombing pause had now been in effect for more than a month, and it was important that Hanoi should not think it could get the United States to extend the bombing halt indefinitely just by teasing us with negotiation come-ons.

Obviously, I said, this was a matter for the government to decide. But the President himself had stressed, at the time of the Vice President's return from the Far East, the need to convince Hanoi of the genuineness of our intention to get into negotiations. Since Hanoi's willingness to see a private American seemed to be consistent with this purpose, I thought it might be useful at least to pursue the matter.

At this point Mac Bundy entered the room. He said he feared that Hanoi's response on the matter of my visit might be too little and too late. Frankly, he said, there was a strong feeling inside the government that "the string had run out," and that Hanoi should not be encouraged to believe that the United States could be manipulated into extending the bombing halt indefinitely.

Bundy was then called out of the room to see the President.

I told Valenti that it seemed apparent from this conversation that a decision had been made by Washington to resume the bombing. I also said that the President had publicly announced that he was looking for some sign, however vague or slight, that Hanoi wanted to get into negotiations. Could we say for sure that we did not now have such a sign? Admittedly, Hanoi's willingness to send a representative to listen to a private citizen was not the same as a flat declaration, through diplomatic channels, of a desire to begin negotiations. But the history of dealing with the communist nations showed that unorthodox and private approaches not infrequently opened the way to more consequential exchanges. Besides, it was difficult to ignore the Poles, who believed we now had the sign we were waiting for.

Valenti said that we had to take into account the fact that the President had just been through an episode originating in India, resulting in a prolongation of the bombing halt, only to discover that Hanoi was somewhat less ready to talk than had been indicated. The President should not be exposed to another such false start.

McGeorge Bundy returned to the room and said he wondered whether there was some way of getting me in and out of Warsaw during the next forty-eight hours.

That sounded very much as though the decision to resume the bombing by Monday had already been made, I said.

Bundy replied he was unable to give me any definite word on that, but it was a serious error to suppose the bombing halt would be continued indefinitely without respect to other major factors bearing on the course of the war. He then repeated his earlier statement that the string had just about run out. He recognized, however, that there might be some value in getting through to Hanoi the view that a resumption of bombing, if it did occur, certainly did not mean that essential U.S. policy about limited war had changed, or that we were not still interested in having serious negotiations.

I said I wasn't sure I could be very persuasive under those circumstances. How could I get Hanoi to believe that the purpose of the bombing halt was to probe for peace if the bombing were resumed just after it indicated a desire to undertake preliminary conversations?

Bundy was called out of the room again.

I again turned to Valenti and said I thought it was tragic that the President should be deprived of what might well be the success of his policy. He had ordered a pause in the bombing, hoping for a response from Hanoi. He didn't say it had to take any particular form. It could be very slight—just so long as it was a response. We now had a response. It was indirect, but how could it be spurned? How could anyone take the responsibility for saying the President's strategy had not been successful until every possibility had been checked out?

Valenti said he agreed that no opening should be ignored. Then he asked me to follow him; he took me to the conference room next to the President's office and asked me to wait for a few minutes.

I walked around the room, looking at the collection of Remington paintings depicting the opening of the West. The men in the paintings were a hard-riding, hard-fighting, hard-nosed breed; one wondered whether, during the opening of the West, they were ever torn by doubt or soul-searching. Then came the melancholy thought: Was there anything in the style or thought of a man of reason that made him incapable of the toughness required to open up a continent or save it?

My musings along these lines were interrupted by Valenti's return. He said simply that I should telephone Wyzner immediately and tell him I would be leaving that night for Warsaw, and that I would be prepared to meet with the representative from Hanoi some time tomorrow afternoon or early evening.

Then he said it was possible I might need to have a session with Secretary Rusk before I left, and that I ought to stay close to the White House until we knew whether such a meeting could be arranged.

I called my office in New York to make the airline bookings. Within a few minutes I had confirmation of my reservations to Warsaw, with a brief stopover in London. I then telephoned Mr. Wyzner and told him of my plans.

Some thirty minutes later, I was called back to Jack Valenti's office. He said that I would be meeting with Ambassador Goldberg instead of Secretary Rusk. The President had assigned Arthur Goldberg a central role in the Vietnam situation. The Ambassador was on his way to the White House and would be meeting with me shortly in the conference room.

Once again, I waited among the crisply painted Remingtons, with their dauntless riders carrying their muskets high.

I didn't have to wait long. Ambassador Goldberg arrived within perhaps fifteen minutes and asked for a full recital of the events to date. He then told me of all the other missions during the bombing pause, including his own in Europe. He said he agreed that no sign should go unexplored, but that the feeling was now very strong that it was necessary to have something far more definite than a statement of willingness to meet with a private American citizen if the halt were to be extended. Supporting that feeling, he said, was the fact that if Hanoi had been really serious about getting into talks it would have found some way of getting word to one of the President's representatives on their various missions.

It was possible, I told Ambassador Goldberg, that Hanoi was skittish about going through official channels and that what was now needed—as the President himself had recognized in his conversations with the Vice President upon our return from the Far East—was an intermediate or private effort to convince Hanoi that it was justified in taking further steps. Perhaps that was why the North Vietnamese were willing to send a representative to Warsaw to listen to an American citizen who had no reason not to report the truth as he knew it.

I admired the Ambassador's candor and forthrightness. He said he saw the merit of my argument, and that I was, of course, free to go to Warsaw, but that he did not think the exercise would be propitious or fruitful. He, personally, would hate to see me placed in an awkward and untenable situation.

This confirmed my fear that a hard decision to resume the bombing had already been made. I asked Goldberg whether he felt anything could be done to forestall resumption.

At this late date, he said, he believed that only specific word direct from Hanoi unmistakably indicating a desire to get into talks could change the present course.

There was no point in pressing the matter. I told Ambassador Goldberg that I would communicate with Wyzner immediately in order to cancel the arrangements for my meeting in Warsaw.

Wyzner was not at his office. I left an urgent message asking him to meet me on my return to New York that afternoon; I would be leaving Washington on the first available flight.

Two-and-a-half hours later, I saw Wyzner in New York. I tried to be as diplomatic as possible in telling him of Washington's feeling that in view of the fact that the bombing pause had already been extended several times, a more direct and substantial indication of Hanoi's willingness to enter into or explore negotiations was now in order.

Wyzner said he was upset and saddened by this development. Everyone knew, he said, that Hanoi felt it had been tricked before, and that it feared Washington had declared the bombing pause only because of the rising clamor of world public opinion, and that the United States was more concerned about propaganda strategy than a genuine strategy of peace.

If this was the way Hanoi felt, I said, then Poland was in a far better position than I to offer evidence to the contrary.

He said he could not speak for the Polish government; as an individual, however, he could only say that he felt Washington had underestimated the significance of the step Hanoi was taking in being willing to see me. Only someone who had firsthand knowledge of Hanoi's view of the world could appreciate how essential it was to have preliminary measures that could clear the way for larger ones.

I told Wyzner that I had the fullest awareness of the point he was making, but that we had to deal with the situation as we found it. That situation now called for a substantive indication by Hanoi of a desire to move on the official level. Whatever our private estimates or desires, it was necessary to do what we could to meet this defined need. Under the circumstances, all governments with direct access to Hanoi might be encouraged to persuade Hanoi that the bombing pause was not indefinite, and that a clear sign of a desire to talk was required.

Wyzner said he would do what he could but was still saddened and apprehensive.

Several hours later, in response to a phone call, I saw Wyzner again. He had notified Warsaw of the change in my plans and also of the present situation as he understood it. He now had word that Ho Chi Minh had drafted a letter to be sent immediately to Prime Minister Lal Bahadur Shastri of India, with copies to concerned heads of state throughout the world. This letter, if read correctly, was directly responsive to the questions I had raised earlier in the day. In fact, it was intended to respond to points made by Ambassador at Large Averell Harriman during his visit to Warsaw two weeks earlier.

Wyzner said that Adam Rapacki, the Polish Foreign Minister, would be grateful if I could convey to Washington the following message, which he asked me to take down word for word:

"Foreign Minister Adam Rapacki wishes to call attention to the letter from Ho Chi Minh appearing this morning [January 29, 1966] in *The New York Times*. He understands there may be a disposition by Washington to interpret the letter as containing nothing essentially new since it repeats a position stated previously. However, the same paragraph asking for acceptance of Hanoi's four points also contains a major phrase, which, properly read, provides the key to something essentially new in Hanoi's position. In particular, this paragraph says: 'If the U.S. government really wants a peaceful settlement, it must accept the four-point stand of the democratic Republic government of Vietnam and prove this by actual deeds.' The key words in this sentence are not the reference to the four points, but the reference to 'actual deeds.'

"What is means by 'actual deeds'? The next paragraph in the letter is vital, for it refers to the need to end the bombing. This means that a resumption of the bombing would destroy the possibility of talks, while a continuation of the suspension of the bombing will lead to talks. Herein lies the key to Ho Chi Minh's letter.

"This paragraph should be regarded as the implicit and specific indication of Hanoi's intention to begin talks. It meets the request of Ambassador Harriman in his Warsaw discussions for a genuine sign from Hanoi on the basis of which negotiations can be carried out; that is, if we understand Ambassador Harriman's request correctly. Again, most of Ho Chi Minh's letters is a repetition of Hanoi's previously stated position, but this particular passage can be interpreted as the signal from Hanoi that it wishes to begin talks.

"In our opinion, this particular paragraph offers immediate opportunities for a tangible exchange of views between the United States and North Vietnam leading to greater clarity and precision of positions. All openings should be seized at this time for such contacts, including the contact with you [N.C.]. Poland is ready to do anything that may be useful. We do not have to add that the resumption of the bombing would mean destruction of the present great opportunities, and would create a new and dangerous situation with incalculable consequences on a wide international scale.

"Today, Mr. Albert Scherer, Jr., U.S. Consul General, met with Foreign Minister Rapacki, in the absence of U.S. Ambassador Gronouski, and was presented with the Polish interpretation of Ho Chi Minh's letter."

I told Wyzner I would, of course, communicate this message to Washington exactly as it had been given to me, although I was certain the message given to Mr. Scherer had already been relayed.

I said I could speak only as a private individual, but I was deeply concerned by the use of the term "must accept" in Ho Chi Minh's letter. This could very easily be interpreted as an ultimatum. After all, the United States was not demanding that Hanoi *accept in advance* our own position. The purpose of negotiations was to arrive at agreements, not to endorse fixed positions.

Still speaking as an individual, I said it seemed reasonable to me to believe, on the basis of the message just given me, that the propitious moment had arrived for the Vietnamese representative in Warsaw to communicate directly with the American Ambassador.

Wyzner reiterated that he personally believed his own government did not feel that Hanoi wished to meet with anyone from the United States on the official level right then. He said the reasons were obvious. The visibility risk was too high. The way must be prepared for official contact. Confidence had to be established. That was why the private mission now was so urgent.

As soon as Wyzner left, I telephoned Ambassador Goldberg at his apartment in New York. He was out at the time, and I left a

request that he call me. Then I telephoned Jack Valenti in Washington, who took the message down word for word and said he would bring it over immediately to the State Department. Valenti, too, reacted sharply when he came to the words "must accept."

If Hanoi holds to this position, he said, it is difficult to see how negotiations can be possible. The United States cannot be dictated to. It is prepared to examine any position, but it will not be told what it must or must not accept.

An hour later, Valenti was on the telephone again. The message from Scherer had just been received and it was identical in every respect. Our government was studying the matter, but there were serious problems, as he had anticipated in our earlier conversation.

I took this to be a reference to the use of the term "must accept."

Shortly after Valenti rang off, Wyzner was on the phone again. He said that his message calling off my meeting in Warsaw had been received, but that the North Vietnamese representative was on hand and had requested that the meeting be rescheduled.

I conveyed this message to Valenti and was told, as I anticipated, that the North Vietnamese representative should communicate directly with U.S. Ambassador John A. Gronouski.

I suggested to Valenti that I believed I should remove myself from the discussions at this point. I told him I would like to tell the Poles that it was unnecessary for me to be involved in further discussions and that the regular diplomatic channels ought to be used. I didn't want to be in a position where any failure of mine to convey precise shadows of meaning might lead to an erroneous impression. Valenti told me not to remove myself at this point, but to continue on the same basis so long as the Poles or others wished to maintain this contact.

Early the next afternoon (Sunday, January 30), Wyzner telephoned to say he had an urgent message to deliver. I suggested he come to my apartment immediately.

The message concerned the use of the words "must accept" in the letter by Ho Chi Minh to Prime Minister Shastri. Apparently, there was considerable concern in various capitals, including Warsaw, about the implications of the phrase. Clarification had now come from North Vietnam.

Wyzner said Ho Chi Minh's letter had been translated from the French. In the original, the term *doit reconnaitre* had been used. Both *doit* and *reconnaitre* have several meanings. *Doit* could mean "must." It could also mean "should" or "ought." *Reconnaitre* could mean "accept." It could also mean "recognize" or "consider."

Unfortunately, the meaning farthest removed from the original intention appeared in translation. Ho Chi Minh had intended his letter to say that the United States *ought to consider* certain positions as a basis for negotiations. There was no intention of issuing an ultimatum. It was expected that Washington would also state a position that it wished the other side to consider.

It was easy for me to see why the Poles attached so much importance to the need to correct the error. In the original translation, there were clear implications of an ultimatum; this was plainly unacceptable. In the corrected translation, there were equally clear implications of a desire to remove genuine obstacles to peaceful settlement. The fact that the correction was being called to our attention was significant in itself.

It was Sunday afternoon. Jack Valenti was out. So was McGeorge Bundy. So was Ambassador Goldberg. So was Ambassador Harriman. I left messages for all four. Late in the afternoon, I was able to reach Vice President Humphrey in West Virginia. He said he would telephone the White House to urge reconsideration.

By this time, enough had happened to indicate that the resumption of the bombing might be imminent.

Early that evening, Valenti and Bundy returned the call. I told them about the corrected translation and the importance attached to it by the Poles. They said the information would be passed along. I asked whether there was any answer I could give Wyzner. At first, I was told to say simply that I had relayed his message just as I had received it. Then I was told that Ambassador Goldberg would call me if there were any reply to give Wyzner.

The call from Ambassador Goldberg came close to midnight. He said he didn't think the additional information about the correct meaning in Ho Chi Minh's letter had changed Washington's decision to resume the bombing.

When would the bombing start, I asked.

He said the order had already gone out and that it would recommence by morning (Monday).

It was shattering news. The President had originally ordered a pause in the bombing in order to increase the chances for negotiations; he was looking for some sign, however slight, from Hanoi that it would be responsive. The President had also recognized that special measures had to be taken to convince Hanoi of our good faith. I told Goldberg I could understand the government's feeling that my own meeting with a North Vietnamese representative would not be sufficiently substantive, but the letter from Ho Chi Minh could not be regarded as lacking in weight. Late though it was, it did represent a definite sign. Moreover, of even greater significance than the original letter was the special effort to meet our entirely legitimate objection to the implications of the "must accept" terminology.

I told Ambassador Goldberg I realized I was being presumptuous, but I hoped he would communicate with the President personally in an effort to rescind the bombing order. Once the bombing started, no one knew how long it would take or how many lives would be lost before we worked our way back to the point we were at now—a point at which explorations might lead to talks.

Goldberg asked me to believe he had done everything he could do personally, but that the decision was made and was only a few hours away from being put into effect.

The next morning at 7, I turned on my radio and heard the news that the bombing had been resumed. Later in the morning, the statement was made in Washington that we had hoped for some sign or indication from Hanoi of a positive response to the halt in the bombing, but that none had been received.

Almost one year to the day later, I learned about another abortive effort to get negotiations started.

On November 14, 1966, Ambassador Henry Cabot Lodge met in Saigon with Janusz Lewandowski, no relative of Ambassador Bohdan Lewandowski. Janusz Lewandowski was the Polish representative on the International Control Commission, set up to superintend the terms of the Geneva Agreements of 1954.

Ambassador Lodge told Ambassador Lewandowski that the United States was eager to find some way of getting into negotiations and hoped that Poland might use its good offices to help persuade Ho Chi Minh of our good faith in this respect.

Later that afternoon, Lewandowski communicated with Ambassador Lodge, saying he had notified his foreign office in Warsaw of the American request and had been instructed to say that Poland would be glad to proceed, but only if the request were being made on the authority of the President of the United States.

Lodge provided that assurance.

The next afternoon, November 15, both men met at the home of the Italian Ambassador in Saigon. Ambassador Lodge presented an account of the general American position with respect to negotiations, for it was probable that Lewandowski would be asked what it was that the Americans wished to discuss.

In all, there were ten points covering the American position. The Polish Ambassador reviewed them fully, and said he was prepared to put them before Hanoi.

Lewandowski then flew to Hanoi on the ICC plane and had a series of meetings with North Vietnamese leaders who said they would entertain no suggestions with respect to talks unless the United States unconditionally stopped the bombing.

Lewandowski pointed out that the United States had offered to stop the bombing if it had any assurance that the cessation would lead to some reciprocal measure or would open the way to peace talks.

The Polish Ambassador added that he was convinced that once Ho Chi Minh agreed to hold negotiations or even exploratory talks, the United States would demonstrate its good faith by stopping the bombing.

Finally, Ho Chi Minh agreed to withdraw his demand for an unconditional halt to the bombing. He would send emissaries to meet secretly with the Americans. The need for total secrecy was stressed. Warsaw was acceptable as a site. *The United States would not be committed to halt the bombing while arrangements for the meeting were being pursued.* On the other hand, North Vietnam was given to understand that, at an appropriate point, the bombing would be discontinued.

On November 29, 1966, Lewandowski returned to Saigon and gave Ambassador Lodge the good news that his mission had been successful. Lodge thanked Lewandowski for the Polish government's intercession.

A few days later, the outskirts of Hanoi were bombed for the first time. Ho Chi Minh informed Poland that the projected talks were canceled.

Lewandowski called on Lodge and relayed the distressed feelings of the Polish government at having been witness to our good faith and at having persuaded Hanoi to withdraw its demand for an unconditional halt to the bombing, only to have the United States extend the bombing to the cities, something we had said we had no intention of doing.

Lodge expressed his understanding of the Polish position, but begged Ambassador Lewandowski to believe that the bombing of Hanoi was an error. What had happened was that the authorization for extending the bombing had been given some ten days earlier, but no one had thought to cancel the authorization in the light of the new developments. Lodge said it would be most unfortunate if such an error were allowed to destroy the opportunity to end the war through a negotiated settlement.

The message about the error was communicated to Hanoi. The talks were rescheduled for December 15. On December 13 and 14, the city of Hanoi was bombed again.

At first, the United States denied that the bombing had taken place, then attributed it to pilot error. President Johnson attempted to get the talks back on the track by declaring a 10-mile immunity zone outside the city. Ambassador Goldberg was asked by the President to persuade Poland to intercede on our behalf again. It was no use. Hanoi had made up its mind that any interest it might show in peace talks would result in an extension of the destruction.

This ended the opportunity, such as it was, to get into negotiations in November-December 1966.

Who made the decision to bomb Hanoi—despite statements by the United States that it had no intention of bombing the cities? It seems inconceivable that the President, having instructed Ambassador Lodge to work with the Poles in persuading Hanoi to come to the peace table, would have ordered a drastic escalation of the war at that particular time. The explanation offered by Ambassador Lodge would appear to be correct. Washington was not in complete control. The American military was able to make a field decision carrying the most profound consequences for U.S. foreign policy.

How did such a misuse of authority come about? The question is not too different from the question about the failure to inform President Johnson in the fall of 1964 that an opportunity for peace talks had been arranged by U Thant. Nor is it different from the numberless other questions that might be asked about the deep division inside the government on the Vietnam war and how to end it. To what extent do military decisions in the field force the hand of the President? To what extent do political factors and factions inside South Vietnam exercise a profound gravitational pull on American policy? Why was it necessary for President Johnson to feel he had to retire from the Presidency in order to create an environment for negotiations?

Ambassador Harriman has disclosed that the Paris peace talks were retarded for many weeks because of the decision of the American military to undertake action despite our assurances in Paris to the contrary. This resulted in a vast step-up of North Vietnam military activity with a consequent increase in casualties.

These facts take on a razor's edge with the publication of the article by Clark Clifford, former Secretary of Defense, in the July 1969 issue of *Foreign Affairs*. Mr. Clifford gave a stark picture of seriously misleading information and advice coming from the military. What was most disturbing was that the misinformation served as a basis for Pentagon action in the field—sometimes without benefit of White House authorization.

The inescapable question emerging from Mr. Clifford's article, of course, is what can be done to restore Constitutional controls in the formation and implementation of U.S. foreign policy?

Until the answers to this and other key questions about the Vietnam war become clear, the American people will be increasingly torn by Vietnam. These questions call for discussion and debate. More than ever, therefore, it is vital that the American people be fully informed of all factors bearing on the possible prolongation of the war.

Where to fix the responsibility? It is difficult to avoid the conclusion that groups inside the government and in South Vietnam not infrequently pressed their authority to its outermost limits, or exceeded it, in a way that forced the President's hand. Indeed, the extent to which the Presidency of the United States has become the focal point of overwhelming and often unmanageable pressures, especially in military matters, is a major problem the American people can no longer minimize or ignore.

It is difficult to see how the terrible and terrifying ordeal of Vietnam can be brought to an end unless the American people themselves are given straight answers by their government about the war—and unless the government itself is united in the determination to seek peace through negotiations.

It may be asked why I have waited until now to put down all these notes. Actually, I have referred to various parts of this account from time to time in my editorials or talks but I haven't put the story down in full and sequential form for a simple reason: I feared that the effect of anything I might write on the subject would weaken even further the chances for peace talks by reinforcing Hanoi's view that the United States did not have a consistent and unswerving policy for ending the war through a non-military settlement.

But a new Administration is now in office, with new options, new opportunities, new responsibilities. The President has the advantage of a dominant public opinion in favor of extrication. These advantages, however, can fade quickly if U.S. policy and action come off separate spools.

The strength of the foreign policy of the United States depends—as the great leaders in the nation's history have always recognized—not on force alone but on the genuineness of our purposes, on the Constitutional primacy of civilian authority over the military, on an outlook unsmudged by cynicism or callousness, on our ability to be understood and believed throughout the world, and on the pursuit of goals that have something to do with a better and safer life for the people on this earth.

HUMAN TOILETS

Mr. HARTKE. Mr. President, yesterday I introduced the Drug Abuse Education Act of 1969. This bill is a supplement to necessary medical and law-enforcement efforts to control drug abuse. It recognizes, however, that punishment by itself will never eliminate the menace of drug abuse. There is a willfulness of youth that punishment only encourages.

My bill would provide necessary educational information and techniques to teachers, parents, and law-enforcement officials to handle this problem intelligently. Education will do much to dispel the clouds of ignorance leading to drug use.

Today's Washington Post contains a story by Kirk Scharfenberg describing the sorry plight of a young man with a drug problem. As he said, "I took LSD because I was curious." In his curiosity, he has taken LSD, marihuana, hashish, amphetamines, and barbiturates. Too many of our young people are using their bodies as human toilets, destroying their minds and their bodies in ignorance. Mr. President, I ask unanimous consent that this article be inserted in the CONGRESSIONAL RECORD at this time.

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

HEIR TELLS OF DRUGS, ALIENATION

(By Kirk Scharfenberg)

"Right now I really don't understand my parents—the way they fight back and forth over things," a 15-year-old Montgomery County youth told a juvenile court judge yesterday. "And I don't understand other things, like myself, right now."

The blond-haired youth, heir to a Washington fortune, admitted to Judge Douglas H. Moore Jr. that since last fall he had tried LSD, marijuana, hashish, amphetamines and barbiturates.

The youth, who appeared in court, wearing a neatly tailored brown suit, was arrested in the men's room of a Bethesda gas station May 16 with one and one-half capsules of LSD.

"I took LSD," he said, "because I was curious. It was for kicks at the beginning. I hallucinated. I never had a bad trip. I sort of floated in a state of euphoria." He admitted using LSD once and marijuana twice since his arrest.

He said he began what the judge called "his serious involvement with the drug scene" after flunking out of Landon School in Bethesda and entering a county junior high school.

"I did well until the seventh grade," the boy said of Landon. "It seemed too staid to me—all boys and too competitive. My social life was pretty nil. I didn't get along well with the masters and the students. I was sort of a loner.

"I feel that from what the doctors said I should be out of the area away from my parents and friends," the boy, who has seen two psychiatrists, said. "I would like to go a private coed school." He suggested two in New England to the judge.

His mother agreed. "I firmly believe this," she told the judge. "I believe he no longer needs a boys school. I think he gets terribly depressed over the whole situation. It would be better if he wasn't in a position where—as he says—he's so uptight. A place where he feels he's in a position where he has to escape."

His father, a Kenwood resident who is divorced from the boy's mother, disagreed and argued, that his son should go to a military academy in New Jersey where he has been accepted.

"I believe in the use of the uniform," the man said. "This kid needs a firm hand put over him. I've tried but he has not had it. It may be my upbringing. I think he needs to go to a strict school, get away from this coddling. He needs to have a thumb put down on him and be responsible to discipline."

"I'm keeping my mind open though," the father added. "I'm not stubborn. It's for the betterment of the kid."

Judge Moore found the youth delinquent and placed him on probation. The judge said he had no authority to select which private school the boy should attend but agreed to make a recommendation based on an investigation by the court staff.

The youth's father said he would reserve a place in next fall's ninth grade classes at both the New Jersey military academy and a more liberal coeducational private school in Western Massachusetts.

In the meantime, the boy will join his father at a family lodge on a lake in upstate New York.

THE PESTICIDE PERIL—XL

Mr. NELSON. Mr. President, although the agricultural industry provides the largest market for pesticides, use of these dangerous pest killers is by no means confined to our farms. The home gardener, dependent on the products offered him, routinely selects from the many hazardous garden chemicals on the store shelves in order to obtain a beautiful display of flowers, shrubs, trees, and plants in his own yard.

The home gardener is confronted with an endless number of products to help him achieve the garden he wants—plant foods, multipurpose and all-purpose and special-purpose sprays, dusts, and powders, insecticides and fungicides—and he is generally at a loss to determine from the labels just what chemical compound is not just effective in killing its intended victim, but just as importantly safe to the birds and animals, including man, in the surrounding area.

In a Sunday column in the Washington Post, Irston R. Barnes said:

Few buyers . . . appreciate the dangers to man and his environment which are inherent in the use of many pesticides. I seriously doubt that many buyers would accept DDT, other chlorinated hydrocarbons and other even more highly toxic pesticides for home and garden use, or tolerate their use commercially, if they understood (these dangers) . . .

The author cites the spread of pesticides throughout the environment, their persistence which kills fish and wildlife years after their initial application, and their inability to distingush harmful pests for beneficial creatures.

I ask unanimous consent that Mr. Barnes' article be printed in the RECORD at this point.

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

SEARCH FOR A PESTICIDE

(By Irston R. Barnes)

Nursery, garden and seed catalogues have a year-round fascination for me, if they come from a company in which I have confidence. So when I recently received the usual summer and fall catalogues, I began considering what could still be done in neglected areas of spring planting.

My pleasure in illustrations of colorful gardens, early flowering bulbs for fall planting and perennials hardy to 20 degrees below was quickly terminated as I turned the page and found myself in the midst of pesticides. What an insidious strategy to display beautiful flowers and luscious fruits and tie their attainment to an arsenal of deadly garden chemicals!

It was a deadly array, for the environment more than for the target insects. Pesticides combined with plant foods. Multi-purpose and all purpose sprays. Rose sprays and fruit and vegetable sprays. Dusts and wettable powders. Insecticides and fungicides. Two concentrations of DDT and two of chlordane, and these ingredients and half a dozen more in various combinations.

All this recalled my own bewilderment as I have ranged through the offerings of garden centers, hardware shops and supermarkets, reading labels and searching for a safe pesticide.

Then we asked ourselves—why not Truth in Pesticides? We have truth in Packaging and Truth in Lending. Proprietary drugs must be not only safe but efficacious.

Few buyers, even with college courses in chemistry, biology and ecology, appreciate the dangers to man and his environment which are inherent in the use of many pesticides.

I seriously doubt that many buyers would accept DDT, other chlorinated hydrocarbons and other even more highly toxic pesticides for home and garden use, or tolerate their use commercially, if they understood:

That these chemicals and their derivatives spread throughout the environment, carried by wind and water, to jeopardize life around the world, even in ocean environments.

That many of these chemicals and their derivatives are persistent in the environment, killing birds and other wildlife years after use.

That the chemicals that control this season's crabgrass, when ingested by earthworms, mean death to robins and other birds.

That these pesticides are not selective, killing only target insects, but eliminate the many beneficial insects as well, causing even more serious problems as the balance of nature is upset.

That wholesale destruction of soil insects, for example, can so change soil textures that grass will not keep out invading weeds.

In more cases than not, the decision to use one of the highly toxic and persistent chemical pesticides is a decision against the larger best interests of the user.

The highly toxic and persistent chemical pesticides should certainly be banned from sale and use. No one, whatever his economic interests, should be able to contaminate the environment.

Other pesticides for home, garden or commercial use, should have, in addition to the ingredients and the usual warnings against swallowing and contact with the skin, these minimum warnings on the package and in advertising:

The necessary safeguards against the product or its derivatives getting into man's food or into wildlife food-chains.

A disclosure of the nontarget insects that may be killed, with an indication of the economic benefits of such insects.

A disclosure of environmental effects—the breakdown products and the effects on domestic and wild animals, including fish and amphibians.

And in the sale of fresh, frozen and canned fruits and vegetables and animal products, the levels of pesticides residues present for all pesticides which have not yet been clinically proven to be wholly safe for human ingestion.

FACING UP TO AMERICA'S HUNGER PROBLEM

Mr. YARBOROUGH. Mr. President, we have in this country established beyond a peradventure of doubt that hunger and malnutrition in America are realities. We have even been able to locate and target fairly well the areas and places in which hunger and malnutrition most critically thrive. Thus, having acknowledged the existence of hunger and having located it to some extent, we have been absorbed in the last few months in the perplexing task of trying to eliminate it. The Select Committee on Nutrition and Human Needs, under the leadership of the distinguished Senator from South Dakota (Mr. MCGOVERN), a committee on which I have the honor of serving, has been conducting detailed hearings on this matter. Bills have been introduced and efforts made to expand and increase the food-stamp program, efforts which I have strongly supported. Through the war on poverty, Office of Economic Opportunity, and other peripheral programs, we have tried to get to the root causes of poverty and hunger. But still the problem of hunger is there to solve.

Means of immediately eliminating hunger and malnutrition have been discussed by Ruth Logue, a Washington economist. Although I have some reservations about the approach she suggests, her comments merit consideration by us all.

Mr. President, I ask unanimous consent her article entitled "A Free Basic Diet for Every American," published in the Washington Post of July 27, 1969, be printed in the RECORD.

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

A FREE BASIC DIET FOR EVERY AMERICAN

(By Ruth Logue)

This spring, Agnes E. Meyer advocated tackling the problem of hunger and malnutrition in America directly by providing all children (not just poor ones) with a free basic diet through the school systems. Mrs. Meyer is concerned primarily to eradicate the physical and mental retardation that results from malnutrition at an early age, but she wants it done democratically—without making class distinctions.

In order to reach all children, Mrs. Meyer advocated expanding the Federal free lunch program in elementary schools downward to take in younger children in day care centers, Head Start classes and the like and upward to include children in secondary schools. I think Mrs. Meyer is on the right track in advocating distribution of food rather than money. But as she admits, institutional feeding is part of a piecemeal approach to a large and complex problem.

We have plenty of food in America; our trouble lies in failure to distribute it adequately. The existing Federal programs do not reach enough of the people who are hungry and ill-nourished. A Department of Agriculture report has estimated that, because of eligibility rules and other obstacles, the two major Federal programs to feed the hungry reach only one in five poor people.

I therefore put forward the following "free food program" for feeding the hungry as a supplement to the free school lunch and other institutional feeding programs, but as a *substitute* for the existing Federal food stamp and surplus food distribution programs. I propose that the Federal Government distribute a small number of staple foods free of charge to everyone, through grocery stores and similar retail outlets.

An essential aspect of the free food program is that the free foods be what the economist calls "inferior goods."

There is nothing intrinsically inferior about an inferior good; the term merely means something that people consume less of as their incomes rise. The classic example of an inferior good is the potato, but Prof. Donald S. Watson of George Washington University has pointed out that a Cadillac is an inferior good to a movie actor who trades up to a Rolls Royce.

In order to keep down consumption of the free foods and thus limit the cost of the program, as well as to limit competition with commercial products, the free foods must be inferior in this economic sense. Furthermore, every effort should be made to make the free foods appear as inferior as possible. The packages might be olive drab and labeled with black stenciling that says, for example, "U.S. Government Free Food—Lard."

The commodities that I propose for free distribution are bulgur wheat, nonfat dry milk, dry beans and lard.

Bulgur wheat qualifies as an "inferior" food because it is unfamiliar to most Americans. Wheat that has been parboiled, dried, husked and cracked, it has been a staple food of the Middle East for thousands of years. Only about a million pounds of bulgur are consumed annually in the United States, but in the year that ended last June 30, the U.S. Government shipped 554 million pounds of it abroad as foreign aid.

Most people prefer fresh whole milk to skim milk made from dry milk powder, and it is expected that most of those people who are not poor will continue to do so even if dry milk is free.

Beans and lard are already part of the staple diet of the poor and are generally at the bottom of the preference scale of those who are not poor.

The free foods need not be the ones suggested here. Others should be substituted for the foods on my list and not added to it, however, with the possible exception of a product rich in vitamin C. The number of free foods needs to be restricted partly to keep the cost down and simplify administration but also, and more importantly, to avoid taking up too much retail shelf space.

A RATION OF PILLS

Bulgur wheat, nonfat dry milk, dry beans and lard were chosen for my list of free foods not only because they are inferior in the economist's sense. They also are high in nutritional values, are cheap, require little home preparation, are easily shipped and stored and are already being distributed to low-income families in the United States under the Department of Agriculture's surplus food program.

These foods can provide a fairly adequate basic diet. Daily consumption of 8 ounces

of dry bulgur wheat, 4 ounces of dry skim milk, 4 ounces of dry beans and 1 ounce of lard, while providing only 66 percent of the calories recommended for a young man, provides over 100 percent of the protein and well over 100 percent of several important vitamins and minerals.

The caloric insufficiency of this diet could be made up by eating more of the free foods. The nonfat dry milk or the lard could be fortified with vitamin A, but the vitamin C deficiency poses a more intractable problem. I tried, but failed, to dream up an "inferior" ascorbic acid drink that would not be likely to compete successfully with commercial products already on the market.

An alternative solution, free ascorbic acid pills, would probably prove too expensive and too wasteful because the human capacity for taking pills is much less limited physiologically than the capacity for eating food. A possible solution would be to hand or mail out packets of vitamin C tablets with welfare checks.

It is not envisioned, however, that the free foods would provide the sole diet of poor people except in emergency situations. The free food program, like the food stamp program, is predicated upon the idea that most of the poor have some income to spend on food. To the extent that the free food program provides the poor with basic staples that they would otherwise have had to buy, the free food program would enable the poor to purchase a greater variety of foods.

DISTRIBUTION CENTERS

Like the food stamp program, the free food program would not involve setting up a separate Government-operated distribution system, such as is now used for direct distribution of surplus foods.

That system is quite inconvenient for many of the needy. The distribution depots are often open only a few hours a day, and during working hours, and in some places they are open as infrequently as once or twice a month. Few in number, the depots are consequently located far from home for many recipients, who then have difficulty bringing home the quantity of bulky foods to which they are entitled.

Distribution of the free foods through retail stores would be an improvement because retail stores, partly by virtue of their greater numbers, are more conveniently located.

The basic staples that I propose for free distribution are wholesome and nutritious, a fact that gives the free food program an advantage over the food stamp program and financial grants in general. As Mrs. Meyer pointed out, the trouble with stamps and grants is that "they are lacking in any educational content, and malnutrition is largely a result of ignorance, of bad eating habits." Many users of food stamps have poor dietary habits and use the stamps for products that are nutritionally useless. I have stood in a supermarket checkout line behind a young woman who used food stamps to buy, among other things, 18 cans of Coca-Cola and a large bag of candy for her baby.

MONOTONY IS NO BAR

It may be objected that the poor will not eat the "inferior" foods that I propose for free distribution. That might well be true so long as a family has any money, but when the money runs out before payday or the next welfare check, the free foods will be consumed because they are better than nothing.

Nor are the free foods likely to be rejected by the poor because the diet is monotonous. Most people do not really object to monotony in their diet. Many Americans eat the same breakfast every day for years; Orientals eat rice every day, and it is almost impossible to get most American teen-agers to eat anything but hot dogs, hamburgers and french fries. Within limits, you like what you become accustomed to, and the proposed free foods are not half bad.

Both dry beans and bulgur wheat are quite palatable when cooked in water with a little salt and lard. The Marquesa de Merry del Val, wife of the Spanish Ambassador, has been quoted as saying that she prefers beans to caviar, and bulgur wheat is sold in the gourmet departments of local supermarkets as "wheat pilaf." People on diets get to like skim milk. Lard is not only good for use in cooking, but northern Europeans eat it plain on bread.

The proposed free food program shares with the present surplus commodity distribution program the advantage that it would be available to those with no income at all. A major drawback of the present food stamp program is that the poorest families cannot afford to buy the stamps.

ABSENCE OF STIGMA

The greatest advantage of the free food program, however, is that it would not require a means test—the food would be free to all.

A means test inevitably involves red tape. It often takes two months or longer for poor families to get the documents entitling them to buy food stamps or receive surplus commodities. The process of being certified as sufficiently and deservingly poor usually involves long periods of waiting in offices. Some people feel humiliated by being stigmatized as welfare recipients when they have to use food stamps in stores or line up at a surplus food distribution center.

A means test also has a built-in incentive to conceal increases in income or to fail to strive to raise one's income.

The free foods, on the other hand, would generally be available without waiting, every day except Sunday. Since everyone would be entitled to the foods, somewhat like Social Security, and since they would be wholesome basic staples that everyone would use on some occasion, no stigma should attach to picking them up at the store. Moreover, no one has to or would want to stay poor in order to remain entitled to the free foods.

In place of a means test to limit the cost to the community of its charity, the free food program substitutes the distribution of so-called "inferior" goods on the theory that consumption of such goods, particularly when they are foods, is self-limiting. As people become less poor, they will eat more of other things. Both their desire and their capacity to consume the free foods will diminish.

What would the free food program cost? More research would be required to estimate with a fair degree of accuracy what the program would actually cost, but in practice, some notion of the probable upper limits of the cost can be obtained in a number of ways.

Based on recent prices for each of the four commodities, the wholesale cost can be estimated at $46 per person per year and the retail cost at $91.25 per person per year. In the highly unlikely event that 10 million people (the number that former Secretary of Agriculture Orville Freeman proposed to include in an expanded food stamp program) consumed the hypothetical free food diet for 365 days a year, the wholesale cost would then be about $460 million and the retail cost about $913 million.

It is unlikely, therefore, that feeding the very poor with free food could cost any more than a billion dollars a year, and probably it would cost very much less.

How much of the free foods would the remaining 190 million people in the United States consume? One way of making such an estimate would be to base it on current retail sales of those foods. Unfortunately, the available data on U.S. domestic civilian consumption of nonfat dry milk, dry beans and lard really refer to "disappearance" into food uses and therefore include consumption in restaurants and food processing: dry beans used to make canned "pork and beans," nonfat dry milk used to make cake mixes, lard used by commercial bakeries.

But the statistics can provide an outside limit for current retail sales. Taking the Department of Agriculture estimate of the per capita domestic disappearance of these foods into food uses in 1966 (the latest published figures), deducting domestic donations, applying those figures to a population of 190 million and costing at February, 1969, wholesale prices results in the following projection of the wholesale value of commercial domestic disappearance in 1969: dry beans, $125 million; lard, $153 million, and nonfat dry milk, $240 million, for a total of $518 million.

As a wild guess, half of the dry nonfat milk, a third of the dry beans and a fourth of the lard estimated to "disappear" into food uses in 1969 would go into commercial channels and not be sold through retail stores. If the 190 million who are not poor increased their consumption of dry milk, beans and lard through retail stores by 50 per cent as a result of their becoming free goods, the estimated wholesale cost would then be about $477 million.

The Department of Agriculture does not estimate the domestic disappearance of bulgur wheat, but according to Bulgur Associates, Inc., only about a million pounds are consumed in this country annually. At a wholesale cost of 6 cents a pound, the value of domestic bulgur consumption would be about $60,000. The capacity of the U.S. milling industry to produce bulgur wheat is much greater than this, however, as attested to by the 544 million pounds shipped as foreign aid in fiscal 1968. Again guessing wildly, I estimate that domestic consumption of bulgur wheat by those who are not poor would rise to 383 million pounds annually, bringing the estimated wholesale cost of the free foods they might consume to about $500 million.

On the other hand, it is very unlikely that all of the 10 million poor would consume the hypothetical free food diet every day for 365 days a year. If consumption of bulgur wheat and dry beans is reduced by half on the assumption that most of the poor have some income to spend on food and will prefer to substitute other foods for those two commdities first, the estimated wholesale cost of the free foods going to the very poor is reduced to $367 million.

What about the cost of distributing the free foods? The most optimistic assumption is that stores could be induced to stock the free foods (and absorb the cost of retail distribution) in order to bring people into the stores, where they could be expected to buy things as well as pick up the free foods.

Desire for good will on the part of the stores and pressure from local community organizations should provide further incentives for the stores to carry the free foods. If the voluntary response was insufficient, the Government could reimburse the stores by a flat fee based on annual turnover.

I believe that the cost estimates given here err on the side of generosity and that the total retail cost of the free food program work not exceed $1 billion.

Measures to prevent diversion of the free foods into commercial channels would have to be devised, but such measures do not seem to be beyond normal human ingenuity. Diversion would be against the law, of course, and suitable penalties would be attached. Only one or two pounds of each food should be allowed each person per day. Such a provision could not be enforced literally, but it would ensure that only one package of each free food was checked out for any one person at any one time, and it would cut down on flagrant repeaters. The small packages should deter diversion to commercial uses, and the dry milk and lard could be colored a faint yellow to aid in detecting diversion.

Moreover, such an operation should lend itself, with the help of computers, to monitoring by means of statistics. If the free food program were adopted in place of the food stamp and surplus commodity distribution programs, the Department of Agriculture, which now absorbs part of the administrative cost of the programs, could easily absorb the administrative cost of the free food program.

A TRIVIAL WASTE

No doubt it seems wasteful to give away food to those who can afford to buy it, but this waste is trivial compared with the enormous waste of human resources caused by people, particularly children, being ill-nourished or going hungry.

Because the free foods would be distributed by local stores and because no means test and no money would be required, the free food program should come closer to reaching all the truly hungry than existing welfare programs and the food stamp and surplus commodity distribution programs.

The free food program would help those most helpless of all people in our society—those who cannot cope with Government forms, regulations, schedules, requirements and other varieties of red tape.

No doubt people will waste the free foods because they are free, but the possibilities for this kind of waste seem slight when compared with the waste of time, energy and money that now go into getting and giving the certification of deserving poverty required by the two Federal food programs that the free food program would replace.

The free food program is essentially a method of distribution. It would not give the poor a varied and well-balanced diet, but it would provide palatable, nourishing food that would enable the hungry to survive without serious malnutrition.

Most important, the free food program would reach almost all of the poor and hungry, which is more than can be said for the existing programs.

The ideal solution to the problems of hunger and malnutrition in America would be to enable the poor to earn adequate incomes and to educate people to spend their money on food more wisely—goals whose means are not in sight. Education is a slow, difficult and uncertain process, and exposure to good food is probably more effective in building proper dietary habits than any amount of telling people what to eat.

The free food program would make some contribution to educating people in better eating habits, because exposure develops tastes and the free foods are nutritious. But like the mass institutional feeding program advocated by Mrs. Meyer, the free food program is a second-best solution intended to bridge the gap while we work out permanent solutions to our grievous social problems of poverty and ignorance.

HOW IT FILLS A YOUNG MAN

[Selected nutrients in a hypothetical diet of free foods compared with recommended dietary allowances set forth by the National Academy of Sciences National Research Council]

Nutrient and unit	Bulgur wheat 8 ounces	Dry milk 4 ounces	Dry beans 4 ounces	Lard 1 ounce	Total	Recommended allowance for a man aged 22 to 35
Calories	802	407	386	256	1,851	2,800
Protein (gr.)	10	41	25	0	76	65
Calcium (mg.)	66	1,466	163	0	1,695	800
Phosphorus (mg.)	767	1,140	482	0	2,389	800
Iron (mg.)	8.4	.7	8.9	0	18	10
Vitamin A (I.U.)	0	33	0	0	33	5,000
Thiamin (mg.)	.63	.40	.74	0	1.77	1.40
Riboflavin (mg.)	.32	2.02	.26	0	2.60	1.70
Niacin (mg.)	10.2	1	2.7	0	13.9	18
Ascorbic acid (mg.)	0	8	0	0	8	60

HEALTH MANPOWER PROGRAMS

Mr. MUSKIE. Mr. President, on July 11, 1969, President Nixon warned the Nation of a "major crisis in health care unless something is done about it immediately."

In view of the President's statement, supported by Secretary of Health, Education, and Welfare Robert Finch and Dr. Roger O. Egeberg, the newly appointed Assistant Secretary for Health and Scientific Affairs, I am deeply concerned over the administration's proposals for funding the Health Manpower Act of 1968.

The financial condition of our medical schools and teaching hospitals is becoming more and more precarious. Greater demands are being placed on them in the face of rapidly mounting operating costs and less adequate financial resources for the maintenance of programs and the construction and renovation of facilities. It is imperative that we in the Congress concern ourselves with maintaining the present position of American medical education and our contributions to the medical sciences while simultaneously moving forward to meet the mounting demands for health services.

I shall discuss with the Senate a few of the items in the Public Health Service budget which are of utmost concern to me. I point out that there is a considerable gap between the administration's rhetoric and its proposals. This gap is especially apparent in the following table:

HEALTH MANPOWER ACT

[In millions]

	Authorized	Budget request	Difference
Operating grants	$117	$101.4	−$15.6
Construction	170	118.0	−52.0
Loans	35	16.0	−19.0
Total	322	235.4	−86.6

The central source of Federal support of the national effort to increase the existing supply of professional health manpower is the Health Manpower Act of 1968, the successor to the Health Professions Educational Assistance Acts of 1963 and 1965. Three sections of the Health Manpower Act authorize: First, matching grants for construction or rehabilitation of medical, dental, and other health profession schools; second, direct operating grants to these schools; and third, loans to the students enrolled in the schools. If we are substantially to increase the number of professional health personnel, a better balance must be struck between short-term savings and long-term need than the proposals put forth in the budget by the Nixon administration.

All health professions schools need additional financial resources. Many are in serious financial difficulty, and many are threatened with loss of full accreditation because of lack of sufficient funds to maintain the basic quality of their educational programs. Concurrent with these problems are demands on the schools to substantially increase enrollments and to become more involved in health activities of the community. Grants under the program of institution grants have assisted the health professions schools in offsetting a financial crisis of unprecedented severity. Yet President Nixon has requested only $101,400,000 for this program—a reduction of $15,600,000 from the amount authorized.

In 1964 the Congress authorized financial assistance to diploma schools of nursing. This program was designed to offset a portion of the increasing costs to diploma schools because of the enrollment of federally sponsored students. It was administered on a formula grant basis to schools applying for such assistance. Under the Health Manpower Act of 1968, the formula grant payment was terminated, but the institutional grant program was broadened to include diploma, associate and collegiate schools of nursing to assist them in meeting the costs of strengthening and expanding their training programs.

Thirty-five million dollars is authorized for this program for fiscal year 1970. However, funding for special projects grants for the improvement of nurse training and institutional grants are lumped together. The Health Manpower Act specifies that no institutional grant funds can be made available until $15 million is obligated for special project grants. Since the President's budget requests only $7 million for these two programs, funding for the institutional grants program is completely eliminated and the special projects grants are seriously curtailed.

Schools of public health prepare the majority of the graduate public health specialists for service throughout the country. They are a fundamental resource for public health consultation and research to all State and local health agencies as well as Federal agencies. Seven million dollars in institutional grants to schools of public health was authorized for fiscal year 1970. The administration has requested $4,554,000.

Mr. President, enrollments in schools of public health over the past 5 years have risen by more than 50 percent, from 1,682 to 2,637 in 1967–68, and the number of graduates has increased from 851 to more than 1,200 during the same period.

Project grants for graduate public

health training are awarded in recognition of the national need for special institutional assistance to schools of public health, nursing, engineering, medicine, dentistry, hospital administration, and others, to initiate, strengthen, and expand specialized public health courses at the graduate level. These trained individuals are essential in the development of new academic programs so essential in meeting changing social and health needs, in relating to new health technologies, and to improve utilization of scarce health manpower. The Health Manpower Act carries authorization for 1970 of $8,500,000 for special project grants. The administration has requested $4,917,000 to carry on this important program.

I point out to Senators that institutional grants to the allied health professions have been reduced by President Nixon from an authorization of $20 million to $9,750,000.

Constantly changing social needs, changing technology in the health sciences, concurrent changes in staffing requirements for the delivery of health services require continuing study of the education and training of health specialists. The Health Manpower Act provides for project developments grants in these areas and authorizes $4,500,000 in 1970. President Nixon is recommending only $1,238,000 for the program.

Mr. President, the key ingredient in delivering health services to those who need medical care is health manpower. We are all well aware that the Nation faces a severe shortage of trained personnel in the health manpower field. For instance, the dentist-to-population ratio was 1 to 1,730 in 1943; today it is 1 to 2,100. In January 1968, the physician-to-population ratio was 1.5 to 1,000.

In view of these facts, it is incomprehensible to me, and I am sure to many of my colleagues, that President Nixon proposes to reduce the nursing student loan program from an authorization of $20 million to $9,610,000. He proposes to reduce the health professions student loans from an authorization of $35 million to only $15 million.

I ask unanimous consent to have printed at this point in my remarks a table which illustrates the striking differences in Federal awards for dental student loans and scholarships from the 1969 appropriation and the 1970 budget requests.

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

FEDERAL AWARDS FOR DENTAL STUDENT LOANS AND SCHOLARSHIPS (FISCAL 1969–70)

Dental school	Fiscal 1969 (actual)	Fiscal 1970 (budget requested)	Difference
University of Alabama:			
Loans	$101,377	$45,024	−$56,353
Scholarships	29,500	40,000	+10,500
Total	130,877	85,024	−45,853
Loma Linda University:			
Loans	113,275	56,281	−56,994
Scholarships	31,000	40,000	+9,000
Total	144,275	96,281	−47,994
University of the Pacific:			
Loans	144,689	73,165	−71,524
Scholarships	42,000	67,600	+25,600
Total	186,689	140,765	−45,924
University of California at Los Angeles:			
Loans	143,260	78,577	−64,683
Scholarships	54,400	72,600	+18,200
Total	197,660	151,177	−46,483
University of California, San Francisco:			
Loans	138,025	64,506	−73,519
Scholarships	43,400	59,600	+16,200
Total	181,425	124,106	−57,319
University of Southern California:			
Loans	211,322	100,441	−110,881
Scholarships	67,600	88,000	+20,400
Total	278,922	188,441	−90,481
University of Connecticut:			
Loans	8,566	7,141	−1,425
Scholarships	3,600	6,600	+3,000
Total	12,166	13,741	+1,575
Georgetown University:			
Loans	192,760	90,266	−102,494
Scholarships	63,600	83,400	+19,800
Total	256,360	173,666	−82,694
Howard University:			
Loans	151,352	72,948	−78,404
Scholarships	50,000	67,400	+17,400
Total	201,352	140,348	−61,004
Emory University:			
Loans	152,305	70,351	−81,954
Scholarships	48,600	65,000	+16,400
Total	200,905	135,351	−65,554
Medical College of Georgia:			
Loans		5,194	
Scholarships		4,800	
Total		9,994	+9,994
Loyola University:			
Loans	193,236	94,812	−98,424
Scholarships	64,000	87,600	+23,600
Total	257,236	182,412	−74,824
Northwestern University:			
Loans	$148,020	$70,784	−$77,236
Scholarships	48,200	65,400	+17,200
Total	196,220	136,184	−60,036
University of Illinois:			
Loans	171,342	81,824	−89,518
Scholarships	40,000	72,150	+32,150
Total	211,342	153,974	−57,368
Indiana University:			
Loans	183,717	85,505	−98,212
Scholarships	58,200	79,000	+20,800
Total	241,917	164,505	−77,412
University of Iowa:			
Loans	110,420	49,786	−60,634
Scholarships	35,600	46,000	+10,400
Total	146,020	95,786	−50,234
University of Kentucky:			
Loans	89,001	43,508	−45,493
Scholarships	30,600	40,200	+9,600
Total	119,601	83,708	−35,893
University of Louisville:			
Loans	108,992	51,302	−57,690
Scholarships	36,000	46,050	+10,050
Total	144,992	97,352	−47,640
Louisiana State University:			
Loans	14,276	12,987	−1,289
Scholarships	6,000	12,000	+6,000
Total	20,276	24,987	+4,717
Loyola University:			
Loans	81,388	25,110	−56,278
Scholarships	22,400	23,200	+800
Total	103,788	48,310	−55,478
University of Maryland:			
Loans	188,000	91,781	−96,219
Scholarships	60,800	84,000	+23,200
Total	248,800	175,781	−73,019
Harvard University:			
Loans	27,128	13,419	−13,709
Scholarships	8,600	12,400	+3,800
Total	35,728	25,819	−9,909
Tufts University:			
Loans	195,616	91,998	−103,618
Scholarships	62,800	85,000	+22,200
Total	258,416	176,998	−81,418

FEDERAL AWARDS FOR DENTAL STUDENT LOANS AND SCHOLARSHIPS (FISCAL 1969-70)—Continued

Dental school	Fiscal 1969 (actual)	Fiscal 1970 (budget requested)	Difference
University of Detroit:			
Loans	$147,544	$71,434	$—76,110
Scholarships	48,000	64,000	+16,000
Total	195,544	135,434	—60,110
University of Michigan:			
Loans	177,529	87,668	—89,861
Scholarships	56,800	81,000	+24,200
Total	234,329	168,668	—65,661
University of Minnesota:			
Loans	201,600	92,214	—109,386
Scholarships	65,200	85,200	+20,000
Total	266,800	177,414	—89,386
St. Louis University:			
Loans	84,243	14,719	—69,524
Scholarships	25,200	13,600	—11,600
Total	109,443	28,319	—81,124
University of Missouri:			
Loans	226,077	109,749	—116,328
Scholarships	72,000	101,400	+29,400
Total	298,077	211,149	—86,928
Washington University:			
Loans	98,045	46,540	—51,505
Scholarships	29,545	39,945	+10,400
Total	127,590	86,485	—41,105
Creighton University:			
Loans	83,025	43,076	—39,949
Scholarships	29,800	39,800	+10,000
Total	112,825	82,876	—29,949
University of Nebraska:			
Loans	53,100	48,488	—4,612
Scholarships	30,000	44,000	+14,000
Total	83,100	92,488	+9,388
Fairleigh Dickinson University:			
Loans	84,500	46,323	—38,177
Scholarships	29,800	42,800	+13,000
Total	114,300	89,123	—25,177
New Jersey College:			
Loans	86,623	41,561	—45,062
Scholarships	29,200	38,400	+9,200
Total	115,823	79,961	—35,862
Columbia University:			
Loans	69,487	35,283	—34,204
Scholarships	24,600	32,600	+8,000
Total	94,087	67,883	—26,204
New York University:			
Loans	325,553	149,147	—176,406
Scholarships	104,000	137,800	+33,800
Total	429,553	286,947	—142,606
State University of New York:			
Loans	136,120	63,207	—72,913
Scholarships	43,600	58,000	+14,400
Total	179,720	121,207	—58,513
University of North Carolina:			
Loans	97,569	46,756	—50,813
Scholarships	30,000	42,000	+12,000
Total	127,569	88,756	—38,813
Ohio State University:			
Loans	270,000	128,797	—141,203
Scholarships	91,000	119,000	+28,000
Total	361,000	247,797	—113,203
Western Reserve University:			
Loans	123,270	62,126	61,144
Scholarships	39,000	57,400	+18,400
Total	162,270	119,526	—42,744
University of Oregon:			
Loans	$151,828	$69,918	$—81,910
Scholarships	49,400	64,000	+14,600
Total	201,228	133,918	—67,310
Temple University:			
Loans	239,403	113,644	—125,759
Scholarships	79,600	100,400	+20,800
Total	319,003	214,044	—104,959
University of Pennsylvania:			
Loans	264,629	123,386	—141,243
Scholarships	86,000	114,000	+28,000
Total	350,629	237,386	—113,243
University of Pittsburgh:			
Loans	205,134	92,647	—112,487
Scholarships	60,000	85,600	+25,600
Total	265,134	178,247	—86,887
Medical College of South Carolina:			
Loans	12,150	14,935	+2,785
Scholarships	9,400	13,800	+4,400
Total	21,550	28,735	+7,185
Meharry Medical College:			
Loans	58,994	32,469	—26,525
Scholarships	21,600	30,000	+8,400
Total	80,594	62,469	—18,125
University of Tennessee:			
Loans	4,782		—4,782
Scholarships	61,800	82,600	+20,800
Total	66,582	82,600	+16,018
Baylor University:			
Loans	159,300	86,586	—72,714
Scholarships	60,000	80,000	+20,000
Total	219,300	166,586	—52,714
University of Texas:			
Loans	36,000	45,000	+9,000
Scholarships	58,000	77,000	+19,000
Total	94,000	122,000	+28,000
Medical College of Virginia:			
Loans	144,689	69,486	—75,203
Scholarships	42,000	43,000	+1,000
Total	186,689	112,486	—74,203
University of Washington:			
Loans		68,836	+68,836
Scholarships	48,000	63,600	+15,600
Total	48,000	132,436	+84,436
West Virginia University:			
Loans	81,000	47,189	—33,811
Scholarships	32,800	43,600	+10,800
Total	113,800	90,789	—23,011
Marquette University:			
Loans	224,173	101,522	—122,651
Scholarships	70,400	93,400	+23,000
Total	294,573	194,922	—99,651
University of Puerto Rico:			
Loans	63,300	31,386	—31,914
Scholarships	20,600	29,000	+8,400
Total	83,900	60,386	—23,514
Grand total:			
Loans	6,777,734	3,360,802	—3,416,932
Scholarships	2,354,245	3,164,945	+810,700
Total	9,131,979	6,535,747	—2,606,232

Mr. MUSKIE. Mr. President, it is all too likely that many students who have received loans from this program in the past will be unable to continue receiving them, as there will be no available funds. This is a critical situation for students who, in their second, third, or fourth year, find themselves unable to continue because of lack of financial support. I do not believe the claim that the decrease in loan funds will be offset by increases in the number of health professions students receiving Office of Education guaranteed student loans. But the fact is that current demands on this program are much larger than it can handle. Further, we all know that with the prime interest rate at a high 8.5 per-

cent, students will find it exceedingly difficult, and often impossible, to secure these commercial loans at the authorized Government guaranteed interest payment of 7 percent.

Mr. President, the manpower pool in the field of mental health represents a major resource for dealing with many of the critical social problems of the day. This group of specialized personnel not only deals with the crucial problems of mental illness in the traditional sense, but they are becoming increasingly involved in such social problems as the treatment of alcoholism, the control of drug abuse, and the understanding and amelioration of many of the problems of urban living. Psychiatrists, psychologists, psychiatric social workers, and psychiatric nurses are the core personnel now serving in the many community mental health centers developing throughout the country. These centers have broadened our horizon regarding the potential scope and effectiveness of treatment and social intervention.

There have been impressive increases in mental health manpower to meet these needs. At the same time, however, there has also been an increasing pressure to train additional personnel to meet the rising demand for mental health services and to deal with the exacerbation of social problems. This added pressure, for example, is represented by our national commitment to develop a full network of community mental health centers throughout the country. Each of these community mental health centers will use approximately 30 new core professional personnel. Thus, the 50 to 70 new centers started each year will immediately create a need for additional 1,000 to 1,500 professional staff, who, through these facilities, will serve an additional 8 to 12 million Americans.

At this critical point when new service resources are being created, the current budgetary constraints imposed by the Nixon administration are severely curtailing the manpower production vital for their development. For example, the budgetary increase necessary for fiscal year 1970 to maintain the adequate additional production of mental health manpower would require $15 million over the $109,046,000 appropriated for fiscal year 1969. The incremental amount actually proposed by the administration in the hearings before a subcommittee of the House Committee of Appropriations in March of this year was only $3.5 million. This increase is more than offset by a $5,997,000 increase in expenditures necessary simply to maintain the continuation of existing programs.

In view of the long-standing and continuing shortage of mental health manpower, it is essential to sustain the goal of 4,000 to 5,000 additional mental health personnel obtainable with the $15 million increase. Instead of providing this necessary support for additional personnel, there will actually be a level of support which at best will produce 250 fewer professional persons in training next year than the 12,000 supported in 1969.

At a time when we have developed an increasing capability for the effective professional services by mental health personnel and a capacity for organizing more adequate methods of mental health service delivery, it would be especially tragic if any delay in providing additional mental health resources were created by a major curtailment of the modest, but necessary, budgetary growth required to insure adequate development of such personnel.

Mr. President, I am dismayed to discover that President Nixon has entirely eliminated the allied health training centers construction program, the health research facilities construction program, and the medical library construction program. In addition to this, he has reduced by $10,781,034 the amount appropriated in 1969 for nursing school construction. Federal support for the construction and renovation of educational facilities is essential if we are to meet the health manpower needs of this country. Funds are required to replace facilities which are obsolete or unsuited to programs under development. Established schools will require new space to accommodate increased enrollments and revision in their educational programs to make them more relevant to changing health needs.

I echo President Nixon's statement that we do indeed face a major crisis in health care, a crisis for which his administration will be largely responsible due to neglect of the needs of the health manpower field.

I recommend to Senators an article entitled "Health Field's Money Famine," published in the June 27, 1969, issue of Medical World News. I ask unanimous consent that the article be printed in the RECORD.

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

HEALTH FIELD'S MONEY FAMINE

A medical student living in a Chicago slum walk-up says he will have to drop out of school next fall because he can't get a loan to continue his education. Another would-be physician in California reports that tight money will either force him to suspend his medical schooling or put off his sister's start in college. A multispecialty group of 36 physicians at the Oklahoma City Clinic, unable to postpone construction of a $3-million new clinic, may have to raise fees to pay interest charges almost sure to be 7½% for a mortgage loan. A Catholic hospital in Illinois, saddled with a new 8% building mortgage, isn't sure that it can pay its bills in the months and years ahead.

All these people and institutions are victims of an inflationary crisis that became dramatically worse this month when major banks in the U.S. raised the prime interest rate by a full percentage point, from 7½% to a 20th-century record of 8½%. Individual physicians also can expect the money squeeze to hit their practices soon, if it hasn't already. Patients who owe doctor and other bills will have to pay almost prohibitive interest charges, ranging from an effective annual rate of 13% to as high as 19%, to get debt consolidation loans. And because average personal income in the U.S. has not kept up with inflation in the past ten months, physicians' collections are likely to get slower and more difficult from patients without medical insurance. "Pediatricians," says one expert, "will probably be the hardest hit."

The hardest hit in the health-care field as a whole, though, will be students or young professionals who must borrow to complete their training, and any hospital, group practice, nursing home or other facility that needs to build and has to borrow to do it. Medical students may suffer the most from the tight-money, high-interest crunch. The problem for them isn't so much paying the interest as it is finding banks willing to lend money. The two biggest guarantors of medical student loans, the AMA Educational and Research Foundation and the federal government, both operate with a 7% ceiling on the interest a student must pay. In the case of the AMA-ERF, this ceiling is generally set by state usury laws, while under the U.S. Higher Education Assistance Act of 1965, which empowers the government to insure tuition loans, Congress has specified that no higher than 7% can be charged.

Now that major banks are charging their best business customers 8½% on short-term loans, bankers are either refusing or are extremely choosy about extending credit to students for seven to ten years at 7% under the AMA and U.S. guarantee programs. The nation's biggest bank, the Bank of America in San Francisco, says that despite the prime-rate increase, it is, for the moment at least, continuing to renew 7% student loans, both under the AMA-ERF plan and under the federal guarantee program.

But the big New York banks simply won't make new loans of this kind. "Because of the complicated paper work involved in getting the college's and the government's approval," explains Chase Manhattan Bank vice president Philip Smith, "we feel that it costs us 12% the first year to process a student loan." First National City Bank vice president Cedric Lane says that his institution, the second largest in the nation, will make loans to students only on the regular consumer installment loan basis, which requires the borrower to begin paying back monthly, starting the month after the loan is made and at an effective annual interest rate of 13.3%. A medical student, intern, or resident would be unlikely, he says, to qualify except in the final year before entering practice.

An exception is the Continental Illinois Bank and Trust Co. of Chicago, which has done the lion's share of lending under the AMA-ERF plan. "In the past several years we have had over 2,000 AMA-ERF loans maturing each year, and when you consider that about 8,000 medical students are graduated annually, you can see how many we have been helping," says Continental Bank second vice president James A. Matthews. "But with the Illinois usury-law ceiling of 7% interest and the prime rate now at 8.5%, the spread is so big that we have told the AMA that we will have to limit our commitment. In fact, I don't know how long we can remain in this program."

William Simmons, chief of the Insured Loan Branch of the U.S. Office of Education, says most of the $1.3 billion in federally guaranteed loans now outstanding to 1.5 million students in college and graduate school will be renewed while the borrowers are in school, and the government will continue to pay the interest for students whose families' incomes are less than $15,000 a year. But new loans will be hard to find because "the banks are in a real bind. The program is in big trouble unless it can be made financially more attractive to the banks."

Comments Charles Hewitt, executive director of the Student American Medical Association (SAMA). "The bank rate increase has made a difficult situation in the student loan field almost impossible." The medical students, says Hewitt, are being hit from two directions at once. Not only are sponsored commercial loans becoming almost impossible to get, but the U.S. is threatening to cut in half its low-cost direct loan program, which was designed to aid the most needy students in the medical, dental, and allied health fields. Under the Health Professions Educational Assistance Act of 1963, the gov-

ernment has loaned students up to $2,500 each per year, with ten years to pay back at an interest charge substantially below going rates. Ironically, Congress voted last year to reduce the interest from a fluctuating, Treasury-set figure of between 4% and 5% the last two years, to a ceiling of 3% effective next month. But the Nixon Administration currently is proposing to spend only $6.9 million on the program in fiscal 1970, as against $14 million proposed by the Johnson Administration. Hundreds of medical students are now being told by their schools that the low-cost loans will no longer be available.

When combined with the great difficulty of getting even a 7% bank loan, the cut in the low-cost loan program may spell curtains for an undetermined number of medical students for now, at least. And the supreme irony, notes Dr. Joseph J. Ceithaml, dean of students at the University of Chicago Pritzker School of Medicine, is that the less affluent student will be the hardest hit, because of his lack of credit standing. "We have been making efforts to recruit economically disadvantaged students," says the dean. "Now we have no idea where we are going to get the money to keep them in school."

To solve the dilemma, either state legislatures must raise usury law ceilings or Congress must relax the limit on federally insured student loans. As for hospitals, there is no rate ceiling. Such was their loan squeeze that even the cream of the crop—nonprofit operations that have ample net income to service debt—were finding it tough to borrow. The nation's largest bond underwriter in the hospital loan business, B. C. Ziegler & Co. of West Bend, Wis., carries about half a billion in mortgages on about 250 financially first-rate hospitals. President Thomas J. Kenney says his firm "is making no bond offerings until the dust settles—and we have commitments with 100 hospitals over the next two years, running into another $200 million."

This could mean that dozens of high-quality hospitals dealing with Ziegler will find their building programs delayed. If and when they do issue bonds, they will find their carrying charges higher. Kenney says that the effective cost of the ten-year hospital bond offerings that Ziegler had been arranging was 7% to 7½%. To that must be added Ziegler's commission, and trustee and appraisal charges.

Northwest Mutual Insurance Co. of Milwaukee, the country's largest hospital mortgagor, carries at least 100 hospitals on the books for about $150 million and claims its effective interest rate recently had been about 8½%. Vice president Robert B. Barrows says that when the next hospital borrows from Northwest Mutual, it may be payng 9½%, and adds, "The situation is getting insupportable for hospitals that are undertaking major capital improvement programs."

Not all hospitals need to borrow, of course. Many institutions, particularly in the South and East, raise all the money they need through fund drives and Hill-Burton grants. A bill just passed by the House would partly replace grants with $300 million worth of guaranteed loans. "But who would make them now, and how would the government subsidize 3% of the interest?" asks Northwest Mutual's Meyer.

One institution, St. Anthony's Hospital of Rock Island, Ill., is the first to qualify under the Federal Housing Administration's new guaranteed loan program for hospitals. St. Anthony's has received a $15.5-million loan to build a 350-bed annex to its present 240-bed hospital. The interest rate: a fat 8%. "Our first notes fall due January 1," says the administrator, Sister Mary Rose, somewhat shakily. "We certainly hope we can meet them."

Hospitals that borrow working capital are also in for a cost boost, to 8¼% interest or higher. Massachusetts General Hospital's controller, Lawrence Martin, says he started heavy borrowing for working capital 18 months ago because of lags in third-party payments. The hospital now owes $3.5 million, and the prime rate jump means an extra $35,000 a year in interest payments. Medical schools, too, says Dean William F. Maloney of Tufts, often borrow bank funds on the strength of pending research grants, and their interest costs will go up appreciably.

Most physicians who take out professional loans will similarly face an 8½% rate or higher while the prime rate stays where it is. And even good credit risks such as doctors who want to build homes, says Saul B. Klaman, chief economist for the National Association of Mutual Savings Banks, will usually find that they must put up 25% to 33% in cash to get a conventional mortgage.

Klaman says that "the evidence is that the economy is slowing down, and by the end of the year, some interest rates will be lower. But there will be a backlog in demand for mortgage money persisting into next year at least."

A LEADER WITH A NEW LOOK

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting article entitled "MANSFIELD: A Leader With a New Look," published in U.S. News & World Report of August 11, 1969.

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

MANSFIELD: A LEADER WITH A NEW LOOK

It was Mike Mansfield, Majority Leader of the U.S. Senate, who once said of himself: "I am what I am, and no title, political face lifter, or image maker can alter it."

Many who know Mr. Mansfield declare this to be as true today as it ever was.

If he suddenly seems more of the lion, less of the lamb, they say, it is because the situation, the issues, the faces have changed—not the Senator from Montana.

More and more Senator Mansfield is forcefully speaking out on various issues. And more and more he is taking firmer stands as Majority Leader—the post he has held since 1961.

TROUBLE FOR REPUBLICANS

Whatever the reason, Democrat Mansfield has caused some headaches for President Nixon's Republican Administration.

Not only did Mr. Mansfield oppose the Administration's attitude on extension of the income surtax, but he has been fighting the Safeguard anti-ballistic-missile system proposed by Mr. Nixon. And the Majority Leader has criticized the Administration's policy on the Vietnam war—just as he often differed with that of the Johnson Administration.

On the surtax, Mr. Mansfield took the position that a year's extension should be accompanied by a broad overhaul of tax law. The Administration wanted to accept a House-passed bill—including some tax changes—and undertake far-reaching reforms later.

Some observers noted that the Senator—not given to threats—was being typically himself when he offered a compromise and said, "This is an accommodation, not an ultimatum."

A six-month extension of the surtax was passed by the Senate July 31.

WORST MISTAKE

About Vietnam, the Senator feels that getting into the war "was the worst mistake we ever made." And, on July 18, he said the U.S. should get out of South Vietnam and Thailand "lock, stock and barrel."

Often in the past, Senator Mansfield was called a weak Majority Leader under whom the Senate was a "rudderless ship." Some associates say there is little of the politician about him and that he is so shy it is a "marvel" he has come as far in politics as he has. As shown by his own words, he has advanced even further than he himself expected. For he once said: "I achieved the height of my political ambitions when I was elected Senator from Montana."

Even those who discount theories that Mr. Mansfield has become a stronger Majority Leader concede that he has somewhat changed his way of operating.

Many believe that one of the main reasons for this is the fact that Lyndon Johnson is no longer around.

Their reasoning is that, when Mr. Johnson was President, the policy shots were being called by the White House, not by the Majority Leader. Now, of course, there is a Republican in the White House, and, it is argued, Mr. Mansfield is more "his own man."

When Mr. Johnson held the post now in the hands of Mr. Mansfield, the Texan was considered a strong Majority Leader. Invariably, Mr. Mansfield has been judged in comparison with his predecessor. The Montanan's defenders say this is unfair, that the two are very different.

They insist Mr. Mansfield simply believes in the independence of Senators, that he feels committees are the best judges of when to report bills, and that he thinks the Majority Leader should not interfere until committees act.

Senator Mansfield is not regarded as being close to President Nixon. He sees the President once a month or oftener. Said one Capitol Hill observer:

"The Majority Leader's relations with President Nixon are correct and businesslike, each respecting the other's official position. They are unlikely ever to be warmer."

On the other hand, Senator Mansfield has had a close working relationship over the years with Everett M. Dirksen, the Senate Republican Leader.

Those who know Mr. Mansfield say he is not one to indulge in idle chatter, and is sometimes considered aloof.

Generally, the rounding up of party votes has been left to Senator Edward Kennedy, who—as Democratic whip—is the No. 2 party leader in the Senate.

Even before the recent tragedy on Martha's Vineyard in which Mr. Kennedy was involved, Senator Mansfield had said he did not think Senator Kennedy would seek the Presidency in 1972. But one source noted that Mr. Mansfield was "quite shaken" by the incident. This was not surprising, however, to those who had considered Mr. Kennedy somewhat of a protégé of Mr. Mansfield's.

VARIED CAREER

Though Mike Mansfield, now 66, may not in his own view have changed his philosophy very much, he certainly has altered the course of his own life from time to time.

Not only did he serve in the Army, but in the Navy and Marine Corps as well. Once a miner, he became a professor. Then he developed an interest in politics, going first to the House and then to the Senate. Before becoming Majority Leader, he was Democratic whip.

While he was teaching, he became an expert on Southeast Asia. And his abiding interest during his public career has been foreign relations.

A report he made in January, 1966, after a trip abroad has been termed by some "prophetic" about Vietnam. The report first used the term "open-ended war," and predicted that escalation would lead only to counter-escalation.

CAUTIOUS REPLIES

Most newsmen consider Mr. Mansfield straightforward and to the point. In sessions with reporters before each meeting of the Senate, he is often called "Mike" as questions are asked. His answers are generally low-keyed and cautious, sometimes simply "Yep," "Nope," or "Maybe."

Not everybody agrees with the way Mike Mansfield does things, but respect for him among his colleagues runs high.

Says one person who knows him well:

"He has a very balanced sense of what is important and what is not. He is one of the few men in the Senate not needing food for their egos. He is willing to say he was wrong."

A BRIEF HISTORY OF THE BASQUES

Mr. CANNON. Mr. President, the Washington Post for Sunday, August 3, 1969, published two articles written by Paul A. Dickson, portraying the courage, industry, and independence of the Basques.

These proud people are famed for their skill as shepherds, sailors, fishermen and explorers. Above all, they have demonstrated a fierce desire for freedom, one of the many qualities they have brought to the United States where they have settled in large numbers in my State of Nevada.

I consider this brief history of the Basques as a high tribute to their strength and durability and integrity.

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:

FRANCO FACES BASQUE POWER

(By Paul A. Dickson)

Part of the legacy that Generalissimo Francisco Franco of Spain will pass on to his announced heir, Prince Juan Carlos de Borbon y Borbon, is the "Basque problem."

Franco first faced the Basques during the Spanish Civil War, when the Basque provinces of Vizcaya and Guipuzcoa existed as the Republic of Euzkadi. The weak republic was easily conquered in a few months, but in his 30 years in power Franco has been unable to kill the Basque's independent spirit and separatist aspirations.

Events of recent months—strikes, renewed separatist activity, demonstrations by the clergy, acts of terrorism, university uprisings and the like—may portend even tougher days ahead for Franco or his successor.

"The Basque problem" has existed for those who have ruled the Iberian peninsula since the days before Spain was a nation. Often described as the oldest homogeneous racial group in Europe, the Basques are closely knit and have resisted amalgamation since the first Roman legions descended upon them. They waited until the 11th century to embrace the "foreign" influence of Christianity, but when they did, they produced such illustrious Christians as St. Francis Xavier and St. Ignatius of Loyola.

By reputation—often self-proclaimed—they are a proud, industrious and strong people. By profession, they are famed as sailors, shepherds and smugglers. They have excelled in each area.

Basques claim that their fishermen were fishing off the Grand Banks of Newfoundland before Columbus set sail. Another claim has it that when the Genoan stopped in the Azores, Basque fishermen assured him that there was land toward the setting sun. In addition, there is a Basque claim, though never given wide publicity, that Basques landed in Newfoundland before 1492.

These claims aside, their position in the age of discovery is well established. Elcano, a Basque, was Magellan's navigator and took command when his master died in the Philippines. Chachu, another Basque, served as Columbus's boatswain on the Santa Maria. Basque fishermen are to this day considered the most daring in Spain and brave the North Atlantic in small boats to bring back cod and other fish from the Grand Banks.

As for their reputation as smugglers, it is not as sinister as it might sound. There are about 600,000 Basques living in the Spanish provinces of Vizcaya and Guipuzcoa and about 200,000 in the French Basque provinces of Labourd, Basse Navarre and Soule. The feeling among the Basques of both nations is that all Basques should live with the best that both countries can manufacture: hence the traffic through the Pyrenees. Part of the Basque rationalization of smuggling points out that Basques are not greedy smugglers (which may also account for their success).

LANGUAGE OF PARADISE

The Basque language is called Euskara. It has no clearly recognizable roots in any other language, although tenuous links have been made between its pronouns and Hebrew pronouns, its verbs and Aztec and Dakota Indian verbs and other elements of the language and tongues as diverse as Arabic and Japanese. One Spanish linguist early in this century went as far as to propose that Euskara is the basis of all language and was spoken by Adam and Eve.

The Basque hills are rugged and rocky and the Basque aptitude for shepherding is legendary. Many of the estimated two million Basques in the Western Hemisphere are shepherds and special immigration rules in the United States permit Basque shepherds to enter the country on a preferred basis.

The language does not lend itself to abstraction and has never lent itself to literary use. It is spoken in several dialects. There was a moment in 1937 when the Franco government tried to outlaw Euskara in an attempt to curb Basque nationalism, but the edict was written in Spanish and, in many small towns, few people understood any Spanish.

The unique flavor of the language, which is peppered with Xs, Ks and Zs, can be sampled in a few words. The numbers one through five are, *bat, bi, iru, lau,* and *bost*. The sun is *eguzki* and the moon is *illargi*. The sea is *itxaso* and river is *ur*. Man is *gizon* and woman is *emazteki*. Many Basque words are onomatopoeic: *gili-gili* is the verb to tickle and *bimbi-bimbaki* is the pealing of bells. The word for god is *jaungoika*—literally "the lord of the manor most high."

Basque folklore is concerned with objects and settings foreign to the Spain of the hot sun and sprawling bullranch. Witches, shegoats, night visitors, demons of all types, devils and ancient woodsmen cavort in caves, dark forests, inert swamps and rocky crevices.

The Basques' earliest history is mostly a matter of conjecture and is as elusive as their language. Such tags as Cro-Magnon, Berber, Lapp, Celt, Finn and Magyar have been used to explain their origins, and the idea that they were the basis of the original Iberian tribe has been advanced regularly. From time to time, it is suggested that the Basques are the human remnants of the lost continent of Atlantis.

A WILD BAND

When the Basques were found by the Romans, blood sacrifice was common among them, their staple was acorn bread and their many gods lived in mountains and among the rocks of the Basque shores. Basque customs and cults were upheld during the Roman period.

In the 6th century, they were invaded by the Visigoths, who were soon driven out. The Moors, after taking most of the rest of Spain, were content to leave them alone, calling them "a band of wild asses." Basque mountaineers trapped and defeated part of Charlemagne's army under Roland in 778. They resisted the centralizing grasp of both the Bonapartes and Bourbons.

From the early 14th century to 1839, they lived in confederation with Spain, recognizing the King of Spain as the Lord of the Basques with the understanding that he would affirm the established liberties or *fueros* of the Basques.

In the aftermath of a civil war, which ended in 1876, the Basques were fully incorporated into the Spanish state and lost their final special privileges of exemption from military service, financial autonomy and local administration. From this time forward, the Basques always have had a substantial cadre of separatists in their provinces.

The Spanish monarchy fell in 1931, and the Spanish Republic was established. The Basques immediately petitioned for independence. In 1933, the Republic authorized a plebiscite among the Basques and an overwhelming 88 per cent voted for a separate state, which was finally authorized as the Spanish Civil War broke out in 1936.

If the existence of the Basque Republic of Euzkadi was short, it was not without worldwide implication. The attack on Guernica by German planes on Franco's side clearly established the Nazi proclivity for brutality.

In a war of intense cruelty and vindictiveness, it was the Basques alone who were reported by the correspondents as incapable of atrocity. As the front moved closer, the Basques attempted to evacuate their children. (The United States made a decision during this period that struck some as particularly pathetic: to turn down a cargo of 500 Basque children who had been evacuated from Bilbao before it was attacked. Though many nations that were neutral during the Spanish war accepted children, the United States decided that such an action would be taking sides).

IGNORED BUT ALIVE

The history of the Basque national movement in Spain has been for the most part unchronicled since 1937.

None of the world's major newspapers or press services have correspondents in the area, and the Spanish press does little to report events that reflect antagonism to the government. Most of the old voices of Euzkadi are gone.

But in the more than 30 years since the fall of Euzkadi, Basque nationalism has stayed very much alive. In the last two years have occurred some of the strongest separatist demonstrations since the early 30s. It is almost impossible to know exactly how many have been arrested for nationalistic activities, but the number is sizable.

Except for major eruptions, Basque nationalism traditionally has provided those one-inch fillers in the back of major newspapers: like "15 Basques on Trial" and "25 Successionists Arrested." In the period from 1950 to 1967, The New York Times reported a total of more than 300 arrests. In the last two years, more than twice that number of arrests have been reported.

Basque priests have been consistently outspoken in their dealings with the Franco regime. The priests have been almost constantly at odds with their Franco-appointed bishops, provincial governors and the regime itself.

By making decisions that pertain directly to religion, the governors have kept dissatisfaction alive. Euskara has been banned for use on tombstones and outlawed as the language in sermons.

In 1960, 342 Basque priests signed a letter to Franco protesting the "lack of freedom" and "oppression of the Basques" by his regime. In 1963, a Basque statement was forwarded to the Ecumenical Council in Rome denouncing a "violation of basic human rights" by the government in Madrid.

Recently, the action has been more direct. Priests have refused to allow the Spanish flag in their churches, refused to bless Franco-sanctioned public works or buildings, staged vigils (sit-ins) in the offices of higher authority (in one case, 47 stayed in the bishop's

palace in Bilbao for six days) and bluntly advocated separatism.

Several monasteries have become active centers for nationalism and one went as far as to edit and publish a pro-Basque newspaper that reached a circulation of 40,000 before being stopped by the regime. Last summer, the problem became so severe that Pope Paul ordered Basque priests to stay out of politics and, at the same time, asked the Franco government to release eight priests arrested for alleged collusion in the Basque movement.

ACTS OF TERRORISM

While much of the leadership—or at least those with a platform from which to be vocal—is in the clergy, the move to nationalism is strong among the rest of the population. It ranges from the Basque who is simply in favor of regaining old freedoms to the members of the small terrorist organization known as ETA or Euzkadi ta Askatasuna (Basque Land and Liberty). In the middle is the Basque Nationalist Party, a loosely organized group that has peacefully lobbied for separatism for almost 100 years.

For 30 years, Basque nationalists have been a tolerable nuisance to the Spanish government. Manifestations of the nationalist spirit were for the most part confined to nonviolent but illegal acts such as clandestine meetings, painting slogans on walls, circulating pamphlets and the like. In the last two years, however, matters have become much more serious.

Acts of terrorism have occurred, including the killing of two Spanish policemen. Massive demonstrations have taken place in San Sebastian and Bilbao, resulting in numerous arrests and other forms of retribution. Twice, rights guaranteed under Spanish law have been suspended in the Basque area. Rights regarding arrest, house search and freedom of movement have been suspended on occasion.

Day-to-day expressions of Basque nationalism come in many forms. Speaking Basque in the presence of outsiders is one. Calling Pio Baroja and Miguel de Unamuno Basque—not Spanish—writers and pointing out that Simon Bolivar and Maurice Ravel were Basques are others. The green, white and red colors of Euzkadi are illegal on a flag but are worn discretely on jacket lapels at festival time. Basque Christian names are also illegal, but there is no way of stopping a mother from calling her son, christened Jose, by the equivalent Basque name Joseba.

EVERY MAN A NOBLE

Basque Liberty is not a vague concept but a specific tradition that has been maintained, at least in men's minds, for centuries.

The Basque *fueros*, or rights, were for the most part formulated in the *Batzar*, or parliament, in Guernica. Nobody is exactly sure when the *batzar* first convened, but it produced a body of laws that were egalitarian and often unique.

A fuero written in 1526 declared that every Basque was a nobleman. The law not only prevented nobility from dominating the Basque lands but also gave Basques traveling in other lands the privileges of title.

Other fueros prohibited torture as a means of punishment, allowed for free trade with other lands and guaranteed a trial by a jury of peers.

A fuero of the 16th century stated that freedom and liberty were established by law and that any order from the king in contradiction with the fueros would be "respected but not carried out." No law or decree issued by the king went into effect until ratified by the batzar.

No taxes (stipulated as free and voluntary gifts) could be paid to the crown until all petitions were heard and wrongs redressed.

Although Basques have a reputation for being extremely religious and concerned with law, their fueros prohibited clergy or lawyers from sitting as deputies at Guernica.

Contemporary Basques claim that their 16th century forebears had more personal freedom than they do.

The Basques, who hold tenacity and strength to be great virtues, have been around for a long time and know that the irritations of a dictatorship cannot last forever. Their ideals, manners and customs have had the strength of centuries.

When John Adams wrote "A Defense of the Constitution of Government of the United States," he spoke of the Basques:

"While their neighbors have long since resigned all their pretensions into the hands of kings and priests, this extraordinary people have preserved their ancient languages, genius, laws, government and manners without innovation, longer than any other nation in Europe."

The Basque ethic and ideal may be the sanest on the whole Iberian peninsula, but it will probably be a while before they dominate in their native provinces again. Until that time, resilience will have to do.

THE BASQUES' PRESIDENT

(By Paul A. Dickson)

The North of Spain was falling and the leaders had retreated as far as the city of Santander. Jose Antonio de Aguirre was convinced by his ministers that he must escape immediately. Under heavy aerial bombardment, he managed to board the only airplane his tiny government still owned, an old Curtiss pursuit plane that had onc belonged to Haile Selassie. An hour later he was in France.

Aguirre was the elected president of Euzkadi, the Basque Republic, which had come into existence in October, 1936. Now, with Aguirre's exile, it had fallen in less than a year. As the Nationalist armies of Francisco Franco moved through Vizcaya and Guipuzcoa, the two separated provinces once again became part of Spain.

As the errant provinces were again being put under Spanish rule, Aguirre had to plot and execute his escape from Europe. He stayed in France for a while, but was soon on the run again.

Aguirre had been an outspoken antifascist who rallied worldwide sympathy for the Basques when he cried out against the bombings of the undefended Basque towns of Guernica and Durango by the Nazi Condor Legion, then in the service of Gen. Franco.

The Nazis and their collaborators actively pursued Aguirre in occupied Europe. If caught, he would presumably have shared the same fate as Luis Companys, president of the similarly separatist Catalan Republic, who was captured in France by the Vichy regime, turned over to Spain and shot.

Aguirre moved from hiding place to hiding place. Just as he felt he was about to be captured in occupied Belgium, he decided upon a bold course of action: he would escape through Berlin. As he later explained in his book, "Escape Via Berlin," "While the rest of the world ran away from their clutches, I would run between their legs."

He was crafty and calm, and it seems, driven by the same sense of bravado usually attributed to spies in Hollywood movies. Posing as a Panamanian traveler, bolstered only by a false passport and a new mustache. Aguirre attended the funeral of the Spanish King Alfonso XIII in Berlin and sat in the same section of the church as Spaniards who would have had him shot had they recognized him. He dined with a Spanish diplomat and impishly brought up the subject of "that criminal" Aguirre. In occupied Belgium, he played in a well-attended tennis match with his brother—who was being watched to see if he would make contact with the escaped president.

With the help of several sympathetic Latin American diplomats, Aguirre escaped with his family to neutral Sweden, then Brazil and finally New York, where he established headquarters for his exile government. When World War II ended, the government-in-exile moved to Paris (where it still exists) and Aguirre continued as an active propagandist for the rights and separatism of the Spanish Basques.

Aguirre died in 1960. The world's press gave him the type of deferential obituary reserved for men who have had their one moment of significance. To the world he was a colorful, quixotic anachronism crying for separatism at a time when alliances, treaties and blocs were the order of the day.

Throughout history there have been many exiled leaders: men who perish in foreign lands claiming to the last that they have been slighted and their people deprived of their birthright. The Spanish Civil War alone provided a handful of such men. Often the claims of deposed leaders add up to nothing more than bids for publicity by desperate despots. To the end, Aguirre claimed that he represented a courageous, idealistic and democratic people with a long felt desire for nationhood. Seen in the context of the Spanish Basques and their history, customs and traditions, Aguirre's claim appears valid.

—PAUL A. DICKSON.

COMMENT ON THE ABM DEBATE

Mr. MURPHY. Mr. President, during the course of the debate on the Safeguard anti-ballistic-missile system, many Senators have given the impression that the people of the United States favor other programs or, at least, do not wish to see this defensive system built. The distinguished Senator from Pennsylvania (Mr. SCOTT) has already revealed a comprehensive nationwide poll which shows that the majority of those persons interviewed do believe that such a defensive system is essential to our future defense.

Such is also the case with much of the Nation's press. I recently read in the Los Angeles Times an article, published at the request of the Times editors, written by Prof. Albert Wohlstetter as a comment on the ABM debate. Additionally, the San Diego Union has published another editorial, entitled "Need for ABM Is Overwhelming."

I ask unanimous consent that these important articles be printed in the RECORD.

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

[From the Los Angeles Times, Aug. 4, 1969]

SAFEGUARD CRITICS CONTRADICT SELVES

(By Albert Wohlstetter)

Will the Safeguard ABM system work? The critics say that the answer is no.

When a critic says Safeguard won't work, it sounds as though he were claiming that when a switch is thrown, there will be a fizzing sound and then merely some smoke coming out of the computers. A closer look at his argument, however, will reveal that he means Safeguard will not work because in an actual war the adversary won't let it work; the adversary will think of all sorts of effective countermeasures.

If the trouble lies in what an enemy can do to counter Safeguard or its alternatives, however, complexity is not the issue at all. Many very simple things won't work when a modern adversary won't let it: slingshots, catapults and moderately hardened silos among them.

The cost of the defense and the cost of offensive countermeasures are at the heart of the matter, and it is here that the critics have been weakest.

The components of Safeguard and their interactions have undergone and will under-

go very extensive testing. Sometimes the argument is made that this is not enough, that the only realistic test would be an actual nuclear war. This is one test we all want to forgo.

TWO-WAY LIMITATION

However, the critics appear unaware that absence of realistic testing is a limitation affecting our certainty as to the performance of our offense also.

Another question is relevant to the ABM debate: If deterrence fails is it worth attempting even a limited population defense—one that works at least against irrational small attacks?

The critics of defense in general hold that there is no need to worry about reducing the damage that would be done in case deterrence fails, because, they say, it is extremely unlikely that it will fail. But they are really of two quite different minds.

When they want to forgo any attempt to reduce the catastrophe, they are extremely reassuring about the low probability of nuclear war. They say deterrence is stable now and will be in the face of technological change. When they are urging drastic early steps towards disarmament and perhaps risky ones, they say the very opposite. Far from being stable, it seems that deterrence is certain to fail. The apocalypse may be soon.

UTTERED OPPOSING VIEW

Take Prof. Wiesner. Against the Chinese as against the Russians, he says, ". . . we must rely on the offensive deterrent . . . on our known ability to retaliate devastatingly in case of a nuclear attack. Ten percent of our SAC bomber force could kill 200 million Chinese." This is evidently all right for he also says, "The fantastic power of nuclear weapons provides a high degree of stability. Consequently a few bombs, certain to be delivered, will constitute a powerful deterrent."

On the other hand, in his apocalyptic mood Dr. Wiesner has said, "There is an ever-increasing likelihood of war so disastrous that civilization, if not man himself, will be eradicated." He has stated recently, "the odds are in favor of a major war within the next two decades."

Similarly, Sen. Fulbright expressed astonishment at recent hearings that the Department of Defense has sponsored a system for protection against the Chinese, since a Chinese attack would be irrational, suicidal.

On the other hand, in an article entitled, "Now Is the Time to Take Great Risks," in which he urges drastic and evidently chancy steps towards disarmament, he explains, "Sooner or later the law of averages will turn against us; an extremist or incompetent will come to power in one major country or another, or a misjudgment will be made by some perfectly competent official, or things will just get out of hand without anyone being precisely responsible as happened in 1914."

My own view is that the probability of nuclear war, if we are careful, can be kept small. But this requires continuing attention to the protection of strategic forces in the face of technical change. And even then there is always a significant possibility of breakdown and therefore the need for some insurance in the form of defense.

Critics of ABM are strikingly inconsistent in their treatment of the Russians and the Chinese. In saying we don't need to defend Minuteman against Russian attack in the mid or late 1970s, they presume that, 20 years after Sputnik, Russian missiles would not be able to achieve accuracies and other performance characteristics of the Minuteman III and Poseidon missiles that we are now in the process of deploying. But in opposing an area defense of population against Chinese attack, they assume that the Chinese in their first generation ICBMs will be able to deploy penetration aids that took us billions of dollars, many trials and failures, and a dozen years to develop.

At a modest extra cost over and above that of defending our offense force, we can manage a very effective defense of our population against the Chinese. And moreover, given the general technological levels in the two societies, we can stay ahead of them for the foreseeable future.

Those who reject even a thin shield for population manage simultaneously to hold that (1) the shield would have no substantial effect even against small first generation Chinese attack, but (2) it would be so effective against the Russian massive sophisticated force that the latter could not inflict enough damage on us to deter us, even though (3) it takes only the prospect of a few bombs delivered to deter the Russians. These and other absurdities stem, I believe, from an extreme strategic dogma whose origins go back many years to the French General Staff and to operational research staffs like the Weapons System Evaluation Group of the Joint Chiefs of Staff.

I refer to a doctrine known as "Minimum Deterrence" that holds that any attempt to protect our civilians will make nuclear war more likely, that we must depend exclusively on a threat to bomb enemy civilians. Not an obviously humane or liberal doctrine!

I would not myself have thought a few years ago that one could organize widespread popular indignation among church groups and mothers on the basis of so extreme and far-fetched a dogma: one that suggests that it is all right to threaten to launch missiles at enemy civilians, but peculiarly heinous to prepare to knock a missile down on its way to destroy millions of our civilians.

When men and women of "good will" take it as so obviously right to depend solely on a threat to launch nuclear weapons against cities we've come a long way from the position taken throughout most of the 1950s by the scientists who now refer to any use of defense as "Maginot Line psychology."

It is interesting to recall how the final report of the Lincoln Summer Study in which Drs. Wiesner, Killian, Kaysen and others were prominent replied to the offense enthusiasts of that time. Putting "all our eggs in one basket" they said is the essence of "Maginot psychology" and it is exemplified by the "great emphasis placed in recent years on the development of an effective 'retaliatory force.'"

Indeed liberals forget that many scientists who oppose the ABM have turned 180 degrees at least twice since Hiroshima in their slogans about defense.

Immediately after the war the American Federation of Scientists printed its "Creed" with the second point in bold face There Is No Defense. It was they said One World or None. But after the Russians turned down the Baruch plan for international control of atomic energy and it soon became clear that we were not about to have one world a majority of the articulate scientists looked a bit more closely at whether the alternative really was no world at all.

Then it was announced (e.g. by Ralph Lapp) that the scientists were "rebelling against the *military* dictum that there is no defense." The rebels lobbied for civil defense and continental air defense; opposed the H-bomb on the grounds that it was infeasible; or if feasible undeliverable; and in any case usable only against cities rather than legitimate military targets; and finally clashed bitterly with a minority that favored going ahead with the H-bomb.

The next 180 degree turn at the end of the 1950s saw the majority faction turn once more and adopt almost the caricature of the position it had been most recently opposing. It now calls for a nearly exclusive reliance on offense and the total rejection of defense of population against ballistic missiles. Cities, it seems, are now the only "legitimate" targets and defending cities is a provocation.

SOME DEFENSE BACKED

But even minimum deterrers who oppose defending population normally believe that we should protect our retaliatory force by concealment, shelter or active defense. The Safeguard ABM which aims to protect bombers and missiles is precisely the kind of thing that minimum deterrers would normally support. And in fact, many of them did, at least through March 6 of this year in testimony before the Senate. Hans Bethe, for example, said unequivocally that while he was opposed to the Sentinel defense of cities, there was another kind of ballistic missile defense, namely the defense of retaliatory hard points, and that was different; he favored that.

Then on March 14 the President announced the Safeguard program which was primarily directed at the defense of missiles, bombers and the national command authority.

This apparently posed something of a dilemma. A tremendous effort had gone into lobbying against ABM when it had been intended mainly to provide a shield for population against light ballistic missile attack. Hundreds of scientists had signed indignant petitions; public interest groups had been mobilized; speeches had been written for now indignant senators; ABM had become a Symbol.

At any rate, a good many of these scientists now said that, even with the change, they were still against it; and some offered extremely hasty calculations to suggest that the missiles and bombers really required no protection, that Sprints and MSRs wouldn't do it anyway, that it would be better simply to multiply offense forces, or launch them on warning or do almost anything other than defend them.

This sequence of events suggests the folly of transforming a complex substantive issue into a symbol in black and white. I would not turn the simple picture upside down, with the good guys supporting ABM and the bad guys in opposition. I do not represent the Safeguard issue as one that divides the forces of light from those of dark. And neither do temperate opponents of starting deployment this year, such as Sen. Brooke.

Simply for the symbolism of taking Safeguard out of the country, some senators propose to build on distant Pacific atolls PAR and MSR radars that had been planned to protect Minuteman sites in Montana and Dakota. This would waste billions of dollars just to defeat the bad guys in the Administration. It is such bitter symbolic struggle with shadows that makes reflective choice hard to manage and delays the sober and rigorous examination required both for our defense and domestic needs.

[From the San Diego Union, Aug. 2, 1969]

WORLD AWAITING U.S. DECISION—NEED FOR ABM IS OVERWHELMING

The United States of America has been surfeited with pro and con arguments since March 14 when President Nixon recommended that we arm ourselves against the threat of enemy ballistic missiles.

Some scientists have said an Anti-Ballistic Missile (ABM) system will not work. Others have said it will.

Some have said it is too expensive, that the money could better be spent on other programs. Others have said that no price can be put on the minimum defenses essential to our security.

On the whole, we believe, the technologic, economic and self-preservation arguments overwhelmingly favor the creation of an ABM system.

More scientists by far support the ABM than oppose it. The President, with all the technology at his command, believes it will work well. Most important, and based on the tremendous intelligence resources available to him, he is convinced that ABM develop-

ment and deployment are a minimum investment in the security of our society.

So the evidence stands strongly on the side of creating an ABM system—and as soon as possible. But beyond that there is another issue—the status and the symbolism that our ABM problem has now acquired around the world.

There can be no doubt that the confidence of the United States of America in its defensive system and the credibility of the United States in its foreign commitments are on center stage as we approach an ABM decision. Friends and enemies alike are following the discussion in the Senate with the greatest absorption.

The effect of the decision on the non-Communist world will be great either way; either in terms of the encouragement and stabilizing effect of a strong decision or the stultifying effect of a decision which tells the world that the United States does not have the will to protect its major deterrent strength—our land based missiles, our bombers and our command structure.

In this case, and faced with the possible reduction of protection from the United States, the free world nations will have nowhere to turn except toward coexistence with communism.

The decision also will have important connotations in the Communist world, in terms of the oft repeated historical lesson that Communists recoil from strength, just as they move aggressively ahead when they encounter weakness. There is no doubt, for example, that a weak decision would encourage Red China to intensify its development of missiles to carry its nuclear warhead to all parts of the world.

And the ABM issue faces grave hazards in the Soviet Union which has consistently misread the American political scene, interpreting debate even less intensive than the ABM discussion as an irreconcilable division in our nation.

Now the Soviet Union is experiencing a resurgence of old, hard-line Communist leaders in the Kremlin. If we show a lack of resolve for even what appears to be a lack of resolve to defend ourselves, it undoubtedly will be misread in Moscow.

The result could well be another international crisis somewhere in the world to probe our remaining firmness and to exploit any internal sentiment against adequate security for the United States.

The United States Senate, therefore, will be considering more than just a defensive missile system when the ABM issue reaches the floor for a vote Wednesday.

In a greater sense it will be taking a position as to whether the United States intends to fulfill its destiny as a world leader, or, in an unconscionable concession to fear and expediency, accept the role of a second-class power.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. RIBICOFF. Mr. President, the issue of testing and stockpiling of chemical and biological warfare weapons is one that concerns me deeply.

Not only have we developed destructive nuclear weapons, we have now created devastating chemical and biological warfare capabilities.

Though their destructive potential is often hidden under claims that they merely incapacitate, chemical and biological warfare agents are as dangerous as nuclear weapons—perhaps more so.

For while nuclear weapons are in the hands of only a few nations with advanced technology, chemical and particularly biological agents can be manufactured by the smallest and most unsophisticated nations.

Already, within our own shores, we have had some terrible experiences. Some 6,400 sheep were poisoned recently in Dugway, Utah, 47 miles from a Department of Defense nerve gas testing center.

More importantly, it was disclosed recently that last year 100 children became ill while swimming near the U.S. base at Okinawa, where gas is stored.

The deaths of the sheep in Utah apparently served as no lesson to the Department of Defense over open air testing of gases. The U.S. Army continued with such testing, not in the middle of a western desert, but in Edgewood, Md., only 15 miles from the city of Baltimore.

The Okinawa incident apparently served as no lesson to the Department of Defense. The Army intended to dump 27,000 tons of "surplus" nerve gas into the Atlantic Ocean until congressional protests forced a change of military minds.

Further protests have forced the Pentagon to agree to temporary suspension of open-air testing at Edgewood and at Fort McClellan, Ala.

Nonetheless, the Pentagon is still pursuing an inexcusable course.

Defense Secretary Laird said on July 28 that the United States must continue to develop offensive chemical and biological weapons as a deterrent.

The result has been the rhetorical escalation of CBW weapons into the arms race. Other nations could not have missed noticing our new emphasis on these weapons.

For a weapon to be a real deterrent, the other side must know just what a particular weapons system can do.

In this light, CBW could not have been a deterrent until very recently since the Pentagon has been very secretive over its CBW capabilities.

In fact, the Pentagon has been so secretive about CBW, that President Nixon and Secretary of State Rogers have not been aware of the extent of testing and stockpiling.

The Pentagon remains secretive. It has not yet given to Congress a full and complete report on funds used for chemical and biological weapons production.

Notwithstanding this secrecy, another disturbing aspect of chemical and biological warfare has appeared. It is the supposed distinction between offensive CBW weapons research and defensive research.

Defensive research involves developing masks and treatment for chemical exposure and vaccines and other treatment for biological exposure.

But this defensive research could very well be offensive.

For the scientists who are developing vaccines against disease may inadvertently encourage the use of bacteriological agents. If American servicemen can be protected against these agents, what is to prevent the distribution of infectious disease agents on a battlefield where immunized Americans are fighting?

Consider also the potential offensive use of information on newly discovered diseases. Each time the medical research community isolates a virus, it becomes a potential weapon in our CBW arsenal.

I think we should begin to question the casual manner in which the words "defensive" and "offense" are bandied about.

Furthermore, I think we should begin to question the involvement of some of our Nation's colleges and universities in chemical and biological warfare research.

Educational institutions from coast to coast are involved in this kind of research. There has apparently been so much information uncovered that the University of Pennsylvania received a grant from the U.S. Army simply to compile all the data on incapacitating biological agents.

The danger of further CBW production lies in its complete uncontrollability. Chemical and biological agents cannot be limited, nor confined to targets.

A recent United Nations report shows that CBW is as dangerous as nuclear weapons. The report states:

> Because certain chemical and bacteriological agents are potentially unconfined in their effects, both in space and time, . . . their large-scale use could conceivably have deleterious and irreversible effects on the balance of nature.

Birds, insects and winds may be carriers of chemical and biological agents. There is no way to limit the spread of contamination. There is no radar system available to warn against attack. There are no vaccines against drug resistant biological strains.

Continued production of CBW weapons will only serve to escalate the arms race. Worldwide proliferation is also a real possibility.

Although CBW has a destructive potential equal to that of nuclear weapons, it is far less costly, and much easier to produce. Nations not having the technological capability to produce nuclear arms can easily produce chemical and biological weapons, thereby lowering the threshold for keeping chemical and biological weapons off the battlefield.

There are already some grim precedents: Poison gas was used in World War I by Germany against France and Britain; by Italy against Ethiopia, and, as late as 1967, by Egypt against Yemen.

Incidents such as these must never happen again. To assure this, we should examine closely the policies of our own Government. These policies, past and present, have exposed the difference between what we say and what we do.

The United States, in word, has supported the Geneva Protocol banning the first use of chemical and biological warfare. However, the United States has not moved to commit itself formally to the British Resolution being considered at the present Geneva Disarmament Conference to further the control of CBW agents.

Moreover, we have not yet ratified the 1925 Geneva Protocol, though the United States initiated and signed the Protocol.

On March 15, President Nixon directed the U.S. delegation to the Disarmament Conference to join with other "delegations in exploring any proposal to pre-

vent the use of and eliminate stockpiles of chemical and biological weapons."

In June, the President directed the executive branch to undertake a comprehensive review of all aspects of CBW. However, recent reports from the summer session of the Geneva Conference cast doubt on the sincerity of our commitments.

International skepticism over the U.S. position stems from an important sentence in a statement of the President submitted to the Conference. The sentence in question states:

> The specter of chemical and biological warfare arouses horror and repulsion throughout the world.

Indicative of the vacillation of the United States on CBW, the sentence was originally included in the statement, was then deleted, and was finally restored to the text when it was printed.

Furthermore, international skepticism over America's CBW position was deepened because of events in Vietnam.

The United States is using defoliants and anti-crop agents in Vietnam. These gases have been justified on the basis that they isolate victims from unwarranted suffering.

However, Dr. Jean Mayer of Harvard University, now a Presidential consultant, and Dr. Victor Sidel, his colleague on this report, have disclosed:

> It is not that innocent bystanders will be hurt by such measures, but that *only* innocent bystanders will be hurt.

In the case of defoliants which destroy food, it is the women and children, the sick and the elderly, not the soldiers, who first succumb to starvation.

To begin to harness this potentially destructive force, to halt the proliferation of CBW weapons to small countries, and reestablish our international credibility, we must act with all speed.

We must impose control on the further production of chemical and biological warfare.

We must ratify the 1925 Geneva Protocol.

We must act to impose a ban on open air testing.

We must require the Pentagon to disclose its total CBW expenditures to Congress.

The time for secrecy and decision-making independent of Congress must come to an end. Congress must reassert its control and its authority. We must not be led into an apocalypse resulting from disease started because of policies we could not control. The dangers from inaction are too great for the people of the world, for the citizens of America, and for our children.

This is a glorious moment in the history of mankind. We have recently set foot upon the moon.

We took every precaution to prevent the contamination of the moon. We must now take every precaution to prevent the uncontrollable contamination of the earth.

THE ABM DEBATE EXTREMELY USEFUL

Mr. SCOTT. Mr. President, I believe the spirited debate on the ABM issue has created the false public impression that the U.S. Senate is now irrevocably split along partisan lines. No one can deny that the arguments were heated. But they were also extremely useful. They have united the Senate in its resolve to give the most scrupulous consideration to the proper balance between the needs of national security and our duty to promote just and progressive domestic programs. Now that the vote has been taken, let us all move "forward together" to the many urgent tasks still at hand.

I ask unanimous consent that a statement which I issued yesterday following the voting on amendments to President Nixon's Safeguard proposal be printed in the RECORD.

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

STATEMENT BY SENATOR SCOTT

The defeat of the Hart-Cooper amendment indicates that the President's Safeguard System will be approved finally by Congress. I do not believe the division in the Senate on this issue is as sharp as some might think. This is not a black-white issue, although the public debate hastened to portray it as such.

The contending opinions are actually not so far apart. Everyone agrees that the President must provide for our Nation's defense. The question on ABM was whether we should have continued research and development only, or limited deployment of a prototype system at two sites only.

I opposed the Sentinel System proposed by the previous Administration because I believed it would magnetize our cities. President Nixon's proposal is a responsible and flexible approach. He has the option to scale down the program if the Soviet Union cooperates in disarmament talks, and it gives him the necessary lead time to develop responses to future Soviet threats in the 70's should they materialize. It is a modest program and, in my opinion, it is the very least we can give our President at this time.

I believe this debate has been useful to everyone involved. Certainly it has alerted the Administration and the Pentagon that defense proposals are due, and will receive, the same scrutiny by Congress that all other programs receive.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 20 minutes p.m.) the Senate adjourned until tomorrow, August 8, 1969, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 7 (legislative day of August 5), 1969:

COMMISSIONER OF INDIAN AFFAIRS

Louis R. Bruce, of New York, to be Commissioner of Indian Affairs, vice Robert LaFollette Bennett, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate August 7 (legislative day of August 5), 1969:

U.S. ATTORNEY

George E. Woods, Jr., of Michigan to be U.S. attorney for the eastern district of Michigan, vice Lawrence Gubow, resigned, sent to the Senate May 16, 1969.

EXTENSIONS OF REMARKS

DUNES TORPEDO FIZZLES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BRADEMAS. Mr. Speaker, under unanimous consent I insert in the Extensions of Remarks of the RECORD the following editorial dated July 26, 1969, from the South Bend, Ind., Tribune entitled "Dunes Torpedo Fizzles":

DUNES TORPEDO FIZZLES

The attempt by Rep. Earl F. Landgrebe, R-Valparaiso, to torpedo the development of the Indiana Dunes National Lakeshore along the lines approved by Congress two years ago apparently has been blocked.

The Landgrebe torpedo was in the form of an amendment to an appropriation bill carrying $10 million in funds and contract authority for land acquisition. In effect, it would have whittled the size of the lakeshore recreation area by approximately 6,000 acres.

Fortunately, the amendment went down to defeat in a voice vote in the House this week. Moreover, there are indications that another Landgrebe bill aimed at curtailing the dimensions of the park will never get out of committee.

Had Mr. Landgrebe succeeded in destroying the compromise under which both the Burns Harbor and park projects were authorized, it most certainly would have returned the issue to the hot coals of controversy.

Controversy over the park proposal and port-industrial development raged for years before the sensible compromise was reached to permit both.

Rep. John Brademas, D-South Bend, fought the Landgrebe attack on the park plans. After the appropriation bill amendment was beaten, he hailed the action as