passed a series of resolutions which I believe are of interest to all of us.

This outstanding union's president, Joseph A. Beirne, has provided leadership in social legislation for many years and it should come as no surprise that the recent convention reflected his deep compassion for human dignity in America.

The resolution follows:

RESOLUTION 31A-69-14—MINIMUM WAGE

Over 22 million Americans subsist on incomes below what the government terms the "poverty" level, $3,500 per year.

Many programs have been discussed and some have been enacted to remove this blight from our land, but the obvious starting point is full employment coupled with adequate minimum wage legislation. Without this foundation, all other programs, no matter how necessary, are but castles built on sand.

The amendments to the Fair Labor Standard Act, adopted in 1961 and 1966, represent great steps forward. However, the present minimum wage of $1.60 an hour is wholly inadequate, since $64 a week or $3,328 a year is still below the "poverty" level—and far below the $9,000 a year researchers say a family of four needs for a "moderate" standard of living at today's prices.

Still, even that limited protection is denied to 11½ million people employed by private business and another 4 million employed by state and local governments, since they are excluded from coverage under the present law. Still others, including many agricultural workers covered by the Act for the first time in 1966, didn't reach $1.30 an hour until Feb. 1 of this year and won't reach $1.60 until 1971.

Such is the legacy of a nation which for so long has put its machines ahead of its men, granting a 7 per cent tax investment credit for new machines, yet allowing human beings to be bought for $1.30 an hour, while ignoring the the rest of a lifetime that goes with that hour's work.

Such a system could not be maintained without the help of some popular mythology. Unfortunately, the propaganda has been used so expertly that the myths persist, and are used expertly in blocking meaningful improvement in the Fair Labor Standards Act.

Myth No. 1 is that those below the $3,500 poverty level are a shiftless lot who won't work anyway. The truth is that three out of five of those 22 million are employed. They are the working poor, doomed to jobs which pay below the poverty level. When you add the 8.8 million children among those 22 million, plus the fatherless homes, the aged and the disabled, the "won't work anyway" myth evaporates.

Myth No. 2 is that expanded minimum wage legislation would put some small companies out of business. The truth is that in 1967, the year after the minimum wage increase, the U.S. Department of Labor made a concerted effort to gather reports of adverse effects. Yet in surveying 700,000 newly-covered businesses, only three closings could be found—and those three had employed 33 people.

Myth No. 3 is that an increase in the minium wage would be inflationary, or otherwise "bad" for the economy. Yet in evaluating the 1966 amendments, the Secretary of Labor reported: "Employment in the areas affected by the extensions of coverages has increased, and there is no evidence of any restraining effect on the broader coverage of employment opportunity. The increased minimum levels set in 1966 have not contributed to the current inflationary spiral to an extent which permits reasonable questioning of their net value in strengthening both the position of low-paid workers in particular and the economy in general."

Myth No. 4 says that farm workers are "exceptional" and should be excluded from minimum wage coverage. The truth is that farm labor on newly covered farms increased 36 percent from May 1967 to May 1968 while on farms with no wage minimums, employment declined 9 percent: Obviously, the newly-covered farms prospered, with no ill effects from the minimum wage law.

Myth No. 5—perhaps the most vicious—is an appeal to racial animosities which says minimum wage is a plot that would benefit only minority groups. The truth is that three-fourths of the 22 million Americans under the poverty level are white.

If they were associated with a less tragic subject, it would be laughable to see such myths carefully perpetrated in a nation which in the last 8 years has seen after-tax profits increase 91 per cent and dividend payments increase 84 per cent. Over the same period, wages are up 31 per cent and, in terms of buying power, only 11 per cent.

While minimum wage is the platform upon which all programs to eradicate poverty must be built, it would effectively replace some programs. Full employment coupled with adequate fair labor standards would constitute a guaranteed annual income and would remove many of the ills a negative income tax is designed to cure.

Since 90 per cent of the Americans who work are wage earners, the combination goal of full employment and adequate minimum wage is the only program that makes sense. Such a program would remove the necessity for many of the tax schemes and benefit far more people than any attempt to set up minority group members as proprietors of enterprises whose futures are limited at best. Therefore, be it

Resolved: That the 31st Annual Convention of the Communications Workers of America calls on the 91st Congress to:

1—Increase the minimum wage under the Fair Labor Standards Act to at least $2 an hour immediately;

2—Broaden the coverage and eliminate the exemptions under the Act so as to extend coverage to 13 million workers now excluded; and

3—Require the payment of overtime after 8 hours in a day and 40 hours in a week to all workers.

RESOLUTION 31A-69-8—FARM LABOR

Almost four years ago American farm laborers began an intensive effort to achieve what most American workers won more than 30 years ago—the right to bargain collectively.

The focal points of that effort now are the grape vineyards of Central California, the produce counters in America's stores, and the Congress.

The effort began as a strike by the Agricultural Workers Organizing Committee against the rich grape growers in the San Joaquin Valley, near Delano, Calif. A week after the strike started, a community-oriented group of grape workers headed by Cesar Chavez, and called the National Farm Workers Association, joined in.

The two striking units merged within a year, and were chartered as the United Farm Workers Organizing Committee AFL-CIO.

From those first days to today, the struggle of these farm workers has generated great admiration and support from organized labor, because the farm workers, are, in effect, evidence of what it would be like to have to work under pre-collective bargaining conditions, and a reminder of the great battles labor fought in the past.

A generation after Congress established organizing and collective bargaining as national labor policy, which is indispensable for industrial peace and economic progress, farm workers are still denied that policy's coverage.

They face the unchecked hostility of the most wealthy and powerful elements of the agricultural community but without legal protections available to organized workers.

They face questionable government immigration policies, and lax enforcement of immigration regulations, which give the growers a steady stream of alien strike-breakers.

They face the combined and organized forces of reaction lined up against them—the John Birch Society, the National Right to Work Committee, the American Farm Bureau, and the rest of the far-right coalition that always chimes in with the union-hating chorus.

They face propaganda produced by one of the biggest public relations firms in America—disseminated through phony fronts, so-called loyal worker unions, paper consumer groups—all designated to deecive the public.

They are fighting this with two weapons—the truth and the boycott.

In cities and towns all over the country, representatives of the farm workers have spoken, most often to labor groups, spreading the word about their strike, urging support of the boycott, and requesting aid.

CWA has long been on record in support of the farm workers.

Locals have contributed to the UFWOC effort, have supported and publicized the boycott, and after the UFWOC ran into difficulties concerning telephone service in Delano an international officer of CWA informed the company that poor service to UFWOC would be considered a personal affront to CWA.

The UFWOC has achieved some successes.

It has won some contracts.

It has convinced many members of Congress that legislation must be written to give farm workers the rights won by labor a generation ago.

But the Administration's version of what that legislation should contain is far from what is actually needed.

The Department of Labor has devised a plan which in principle advocates union rights for farm workers, but, in fact, organizing and collective bargaining by farm workers remains difficult. It does this through a list of "special rules and procedures."

The administration of the rules and procedures would be by a Farm Labor Relations Board weighed in favor of large growers.

Growers could invoke compulsory arbitration to prevent strikes, and the roster of arbitrators would be furnished by the Secretary of Agriculture.

This legislation must be rewritten to give farm workers the same organizing rights and collective bargaining rights that others enjoy.

But meanwhile the fight continues, in the grape fields, at the produce counters, and in Congress. Therefore, be it

Resolved: That this 31st Annual Convention of CWA requests that every CWA Local make a contribution to the UFWOC Defense Fund at Box 130, Delano, Calif. 93215, and that every Local inform union families of the fight the farm workers are in and of the need to support them both by boycotting grapes and by informing store operators of their participation in the boycott, and be it further

Resolved: That CWA inform appropriate members of Congress and the Administration of our support for legislation giving farm workers the full organizing and collective bargaining rights of American workers.

SENATE—*Friday, August 8, 1969*

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

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

Eternal Father—
"May Thy spirit which is eternal be within us to refresh us,
Above us to bless us,
Around us to protect us,
Before us to lead us on,
Beneath us to hold us up."

In the Redeemer's name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 7, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 13270) to reform the income tax laws, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13270) to reform the income tax laws, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study, was referred to the Committee on Rules and Administration.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DIRECTOR OF THE MINT

The assistant legislative clerk read the nomination of Mary Brooks, of Idaho, to be Director of the Mint.

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

DISTRICT COURT OF THE VIRGIN ISLANDS

The assistant legislative clerk read the nomination of Almeric L. Christian, of the Virgin Islands, to be judge of the district court of the Virgin Islands.

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

U.S. DISTRICT JUDGE

The assistant legislative clerk read the nomination of Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama.

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

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

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

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

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The assistant legislative clerk read the nomination of Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

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

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

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

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

DIRECTOR OF THE CENSUS

The assistant legislative clerk read the nomination of George Hay Brown, of Michigan, to be Director of the Census.

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

ATOMIC ENERGY COMMISSION

The assistant legislative clerk read the nomination of Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all commit-

tees be authorized to meet during the session of the Senate today.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, the call for the quorum is rescinded.

EVERGLADES NATIONAL PARK, FLA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 342, S. 2564, which I understand has been cleared on the other side; and if it is not this action will be rescinded.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2564) 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.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 3, after the word "of" strike out "$1,000,000," and insert "$800,000,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein and to provide for the transfer of certain land not included within said boundary, and for other purposes", is amended by inserting "(a)" after "SEC. 8.", and by inserting at the end of such section a new subsection as follows:

"(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of $800,000, as is necessary for the acquisition, in accordance with the provisions of this Act, of the following described privately owned lands:

"Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south range 37 east, Tallahassee meridian."

Mr. MANSFIELD. Mr. President, it is my understanding that there is a very precise time limitation on this particular matter. It is almost mandatory that the bill be brought up today. This is a bill in which the distinguished senior Senator from Florida (Mr. HOLLAND) and, I am sure, his colleague, the junior Senator from Florida (Mr. GURNEY), are vitally interested.

The bill authorizes $800,000 to exercise an option for 6,640 acres of land by the Park Service to add to the Everglades National Park. The price is considered good, and the option runs until November 16, 1969; unless it is exercised, it is feared the price will go up.

The reason for wishing to bring this matter up now is that time is needed, taking into account the recess, to complete necessary authorizing action and to get the money reprogramed from land acquisition funds in time to pay off the option.

To the best of my knowledge, the bill has been cleared on all sides.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I thank the distinguished majority leader.

The majority leader has correctly stated the situation. The option price is a bargain, in the opinion of the Park Service. The owner declined to renew the option so that it is highly necessary that this purchase of land in a very vital place be accomplished under the option.

Again, I thank the distinguished majority leader and the Senate for taking up this bill in emergency fashion.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATION

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

REPORT OF EXPORT-IMPORT BANK

A letter from the Secretray of the Export-Import Bank of the United States, reporting, pursuant to law, the amount of Bank insurance and guarantees issued in June 1969 in connection with U.S. exports to Yugoslavia; to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the County of Westchester Board of Supervisors, White Plains, N.Y., remonstrating against the enactment of legislation relating to the present tax exemption of interest on State, county, and municipal bonds; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2000. A bill to establish the Lyndon B. Johnson National Historic Site (Rept. No. 91-364); and

S.J. Res. 26. A joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, and for other purposes (Rept. No. 91-365).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

S. 2593. A bill to exclude officers and employees of Western Hemisphere businesses from being charged against the Western Hemisphere immigration quota (Rept. No. 91-366).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. Res. 97. Resolution to refer S. 1003 to Court of Claims (Rept. No. 91-367).

By Mr. PELL, from the Committee on Labor and Public Welfare, with amendments:

S. 2721. A bill to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education (Rept. No. 91-368).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. YARBOROUGH. Mr. President, as in executive session, I report favorably sundry nominations in the Public Health Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

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

BILLS INTRODUCED

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

By Mr. SCOTT:

S. 2800. A bill to amend title 38 of the United States Code to provide a paraplegia rehabilitation allowance of $100 per month for veterans of World War I, World War II, or the Korean conflict; to the Committee on Finance.

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

By Mr. PEARSON:

S. 2801. A bill for the relief of Jing-Jizy Huang; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 2802. A bill to assist the States in establishing coastal zone management programs; to the Committee on Commerce.

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

By Mr. BYRD of West Virginia:

S. 2803. A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. BURDICK, Mr. JACKSON, Mr. DOLE, Mr. ANDERSON, and Mr. BENNETT):

S. 2804. A bill to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this compact; to require certain sellers to collect sales and use taxes; and for other related purposes; to the Committee on Finance.

By Mr. HART:

S. 2805. A bill to reform the Federal income tax laws; to the Committee on Finance.

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

By Mr. PROUTY (for himself, Mr. SCOTT, Mr. GRIFFIN, Mr. BELLMON, and Mr. SCHWEIKER):

S. 2806. A bill to further promote equal employment opportunities for American workers; to the Committee on the Judiciary.

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

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 2807. A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado; to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. YOUNG of North Dakota):

S. 2808. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Minot Extension of the Garrison Diversion Unit of the Missouri River Basin Project in North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH (for himself, Mr. BROOKE, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. ERVIN, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. KENNEDY, Mr. MCCARTHY, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, Mr. TYDINGS and Mr. WILLIAMS of New Jersey):

S. 2809. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Labor and Public Welfare.

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

By Mr. COOPER:

S. 2810. A bill for the relief of Major Willis R. Hodges, U.S. Air Force; and

S. 2811. A bill to waive the 2-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act for medical doctors who are willing to serve in a poverty area for 5 years; to the Committee on the Judiciary.

(The remarks of Mr. COOPER when he introduced the bill, S. 2811, appear later in the RECORD under the appropriate heading.)

By Mr. GOODELL:

S. 2812. A bill to extend the period of eligibility of local noncash credits for certain neighborhood development projects; to the Committee on Banking and Currency.

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. 131

Mr. MCINTYRE (for himself, Mr. NELSON, Mr. GOODELL, Mr. HUGHES, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. PELL, Mr. HARTKE, Mr. MONDALE, and Mr. STEVENS) proposed an amendment to 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, which was ordered to be printed.

(The remarks of Mr. MCINTYRE when he proposed the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED—AMENDMENTS

AMENDMENT NO. 132

AMENDMENT TO PROHIBIT POLLUTION OF INTERSTATE WATERS BY PESTICIDES

Mr. NELSON. Mr. President, today I am submitting an amendment to S. 7, the water pollution control bill, to require that maximum limits be set on pesticides as part of the interstate water quality standard program initiated in the 89th Congress.

I think it is clear that we can no longer tolerate the massive accumulation in our environment of these toxic compounds.

Twenty years ago, DDT and other emerging pesticides were acclaimed as the victors over diseases threatening man.

Their uses spread quickly to agricultural operations and later for the control of pests bothersome but not hazardous to man.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of most users has been to apply more, perhaps twice as much, to overcome the pest's newly attained resistance.

Pesticides have become a panacea to gardeners, farmers, entomologists and public officials as the easy way of solving a difficult problem of ecological balance. The highly publicized, but little understood, qualities of pesticides have encouraged many to use them in great quantities regardless of the potential and too-often-ignored danger to the environment.

The result in too many cases has been new generations of harder-to-kill pests and massive pollution of our soil, water and air of toxic, persistent pesticides.

Today, more than 600 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigrants, are used annually in the United States, about 3 pounds for every man, woman, and child in the United States. Last year, the sales of pesticides increased some 10 percent over the previous year and, by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an average of nearly 4 pounds of pesticides every year.

Alarming danger signals are clearly visible, warning of an environmental disaster if the use of persistent pesticides is not curbed.

As Rachel Carson dramatically described in her book, "Silent Spring," most pesticides cannot distinguish between man's friends and man's enemies. They can be as lethal to beneficial creatures as they are to destructive pests. This has been the curse of pesticides as they have drifted through the air, washed through the water and seeped through the soil to contaminate the environment on a worldwide basis.

Pesticide residues have been found in reindeer in Alaska, in penguins in the Antarctic, and in the dust over the Indian Ocean.

They are seriously threatening the existence of widespread species of fish and wildlife, including the American bald eagle, the blue shell crab, osprey, pereguine falcon, and bermuda petrel.

The threat of pesticides to man is currently under intensive study by the U.S. Public Health Service and the Food and Drug Administration. Potential links to cancer and liver and stomach ailments have already been established for certain pesticides.

As public support grows for improved regulation of pesticide use, the argicultural community and others warn of crop disasters and skyrocketing food prices without pesticides.

But it is not an all or nothing situation. Effective, economical, alternative means of pest control have been developed to make many currently used persistent pesticides obsolete.

For example, the U.S. Department of Agriculture suggests an effective alternative for DDT on virtually every crop on which this most persistent, most expendable pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures.

More than 6 years ago, the President's Science Advisory Commission on Pes-

ticides cited the grave dangers of pesticides to the environment and human health and said the Nation's goal must be "eliminating" the use of persistent, toxic pesticides.

If there has been any real progress at the national level since then, I have yet to see it. In fact, use of persistent pesticides last year was at a level as high as ever before. Average annual use of the chlorinated hydrocarbon insecticides, not counting their most popular member, DDT, was 82 million pounds for the 5-year period ending in 1967, an increase of 73 percent over a similar period ending in 1957. And in addition, the use of even more toxic pesticides, such as parathion and malathion, has increased markedly in recent years.

It is clear that the Federal Government has utterly failed to take effective action either to clean its own house, or to carry out its responsibilities for others to put theirs in order. Just last month, it was revealed that the Department of Agriculture, with major responsibilities for pesticide regulation, has been sponsoring with the Air Force a program which has been distributing highly toxic dieldrin at Air Force bases throughout the country. Scientists across the country have pointed out that this was a senseless and dangerous pesticide misuse.

Through the Federal Committee on Pest Control, this program had twice been reviewed and approved by the other key departments with pesticide responsibilities: The Department of Health, Education, and Welfare, and the Department of the Interior.

The fact is that on pesticides, the Federal Government has been perpetrating, rather than solving, this grave environmental and health problem.

It is an outrageous situation, and it must be stopped. It is time we seized opportunities to achieve rational pesticide use, rather than continuing to ignore them.

It is time the Department of Agriculture used its existing authority to place effective limitations on the use of all pesticides, including a cancellation of the registrations for the uses of those hard pesticides especially hazardous to the environment. But it has not taken these steps, and to date, has given only the most vague indications of plans for action.

It is necessary that the Department of Health, Education, and Welfare set effective tolerance levels for pesticides in fish, to protect human health, and that it determine the other specific threats pesticides pose to man and act accordingly. Steps taken by the Department in recent months, such as creation by the Secretary of a Commission on Pesticides and Their Relationship to Environmental Health to make recommendations within 6 months, could bring results, if they are followed through.

And finally, it is the responsibility of the Department of the Interior to move vigorously in dealing with pesticides as a water pollutant.

It is to this last point that my amendment is directed. The evidence is irrefutable that pesticides have concentrated to dangerous levels in our rivers and lakes, and perhaps even in our oceans, upsetting the delicate balance of ecological systems, inhibiting or killing fish and wildlife, posing threats to the health of man.

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of 5 parts per million in 12 of the rivers and lakes, including the Hudson in New York, the Delaware, the Cooper in South Carolina, St. Lucio Canal and the Apalachicola in Florida, the Tombigbee in Alabama, the Rio Grande in Texas, Lake Ontario, Lake Michigan, the Arkansas and the White in Arkansas, and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 part-per-million FDA limit in 15 rivers and lakes including the Connecticut, the Hudson, the Delaware, the Savannah in Georgia, the Apalachicola, the Tombigbee, the Rio Grande, Lake Ontario, Lake Huron, the Illinois in Illinois, the Arkansas and the White, the Red River in Minnesota, the San Joaquin in California, and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

These shocking results substantiate the fears of concerned environmentalists who have warned of the widespread poisoning of our air and water by pesticides.

Over the 4-year period, ending in 1968, more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide polluted of the Great Lakes, are in the low parts per trillion range.

At last year's Lake Michigan Water Pollution Conference, a spokesman for the U.S. Bureau of Commercial Fisheries testified that the concentration of pesticides in Lake Michigan could reach a level lethal to both man and aquatic life if the use of pesticides was continued at such a heavy rate in the Lake Michigan watershed.

W. F. Carbine, Great Lakes Regional Director for the Bureau of Commercial Fisheries, stated that:

> Lake Michigan has the highest concentration of pesticides of any of the Great Lakes, which now are only slightly below levels that are known to be injurious to man or aquatic life. . . . A continuation at high levels or an upsurge in pesticide application anywhere in the Lake Michigan basin could increase the pesticide concentration prevailing in the open lake from the present on-lethal level to a lethal value.

This testimony was certainly substantiated last spring when the Food and Drug Administration seized 28,000 pounds of pesticide-contaminated Lake Michigan coho salmon.

According to the FDA, the concentration of DDT in the salmon was found to be up to 19 parts per million while the accumulation of dieldrin was about 0.3 of a part per million, both levels considered hazardous by both the FDA and the World Health Organization.

Not only does the FDA's action prove the increasing pesticide pollution of Lake Michigan but also demonstrates the tremendous persistence of these pesticides. To ultimately reach the salmon, the DDT and dieldrin probably traveled hundreds of miles through the air, water, and soil and were consumed through the normal food chain of up to half a dozen different organisms.

With the Water Quality Act of 1965, Congress gave the Department of the Interior a mandate to deal with exactly this kind of problem. It required standards of quality to be set which took into consideration such factors as use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

In implementing the act, a National Technical Advisory Committee on Water Quality Criteria was established. The recommendations of the committee to the Secretary of the Interior were to provide the technical basis for the Secretary to review and approve standards submitted by the States. Interstate water quality standards submitted by all 50 States have now been reviewed and approved, in whole or in part, by the Secretary, and those are now in effect.

On pesticides, the Technical Avisory Committee specifically recommended that—

> Since any addition of persistent chlorinated hydrocarbon insecticides is likely to result in permanent damage to aquatic populations, their use should be avoided.

The hydrocarbons include DDT and other especially persistent pesticides.

The committee also recommended application limits on the other pesticides to insure that their concentrations in our waters would not exceed safe levels for a number of important fish and other species.

Unfortunately, most of the States had prepared their proposed water quality standards before the committee's recommendations were made, and to date, specific limits on pesticides have been set in only three States as part of their interstate water quality standards.

And with interstate water quality standards already submitted by all 50 States, it will be necessary for the vast majority of them to be revised in order

for proper pesticide limits to be established. It is clear from the Technical Advisory Committee's recommendations that even now we have the technical knowledge on which to base at least initial standards establishing more effective guidelines to avoid more pesticide pollution.

I believe it is urgent that all the States set comprehensive limits on pesticides in our rivers and lakes as soon as is reasonable possible. Clearly, these toxic compounds are one of the major pollution sources in this country.

It is evident, from my discussion with experts in this field, that with adequate research, meaningful criteria could be developed within 2 years as the basic for setting effective standards for pesticides in interstate waters in order to protect the environment, fish and wildlife and man.

A great deal is already known about this, as shown by the Technical Advisory Committee's recommendations, but more work is needed to complete the picture for the wide range of fish and other life which must be considered.

The standards should be such as to result in the appropriate regulation of pesticide use so that concentration in our waters would not rise above safe levels.

The amendment which I am submitting today would require the Secretary of the Interior to develop water quality criteria for pesticides, which the States would use as the basis for the adoption of State-by-State standards to effectively control pesticide pollution in lakes and rivers.

The criteria would be developed and provided to the States within 2 years after the enactment of S. 7. The States would then be in a position to incorporate specific limits on pesticides as part of their existing water quality standards. The States, of course, may establish standards more stringent than outlined in the criteria issued by the Secretary.

In addition, the amendment requires the Secretary to report to the Congress on an investigation regarding methods to control the release of pesticides into the environment and an examination of the persistency of pesticides in the water environment. This research should include the determination of the manner by which pesticides degrade, decompose, or persist in the environment; the discovery of means and methods by which pesticides may be caused to degrade more rapidly after their introduction into the environment; the ascertainment of the toxic or lethal concentrations of pesticides; the ascertainment of the synergistic and accumulative effects of pesticides on man, on fish and wildlife, and on the environment; and the development of rapidly degradable pesticides.

In the development of both the criteria and his report, the Secretary is expected to consult with the appropriate local, State, and Federal agencies, public and private organizations and interested individuals.

In the 2-year interim before the optimum pesticide standards would be prescribed under this amendment, it should be feasible for the States to adopt initial standards similar to those recommended by the Technical Advisory Committee and begin to deal with this problem. The Secretary of the Interior should take immediate steps to work with the States to accomplish this. As I have pointed out earlier in this statement, the Technical Advisory Committee standards are based on sound research, and are adequate for an immediate beginning.

I believe my amendment is a reasonable and practical approach to the very grave and increasing problem of pesticide misuse in our environment. It takes account of the need to develop the rest of the information necessary for the setting of optimum pesticide standards; yet it also recognizes that action can and must be taken within a reasonable time and that a deadline must be set to put these limits into effect so we can control pesticide concentrations in our Nation's waters and in the chain of life.

Before the Senate considers S. 7, I will contact all Senators to ask their support for this amendment, and my staff and I are available to provide any further information we can to those who may be interested in this important matter.

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

The PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 132) is as follows:

On page 69, line 7, in lieu of "(k)" insert "(l)". On page 72, between lines 8 and 9, insert the following: "(j)(1) The Secretary shall, after consultation with appropriate local, state, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such criteria whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the Secretary shall, in consultation with appropriate local, state, and Federal agencies, public and private organizations and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The Secretary shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

One page 72, line 9, in lieu of "(j)" insert "(k)".

S. 2800—INTRODUCTION OF A BILL RELATING TO A REHABILITATION ALLOWANCE FOR CERTAIN VETERANS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to provide for a paraplegic rehabilitation allowance of $100 per month for veterans of World War I, World War II, or the Korean conflict. This legislation would aid those pre-Vietnam war veterans who have suffered a spinal cord injury resulting in paralysis, but who, with proper financial assistance, could now leave the hospital.

I was privileged to be chairman of the Republican platform subcommittee on human needs, which dealt with veterans' affairs, at the GOP National Convention last year in Miami Beach. At that time I heard testimony from Mr. Gerald Doyle and Mr. William Dick, representing the Paralyzed Veterans of America, in support of this legislation. They discussed some of the inadequacies of the Veterans' Administration's medical services, pointing out that such inadequacies have "become more glaringly evident with the influx of the many seriously wounded Vietnam veterans." Messrs. Doyle and Dick suggested:

> One method to free more beds in the acute medical wards would be the creation of a paraplegic rehabilitation allowance. This will permit the spinal cord injured, nonservice-connected veteran the financial means to live outside the hospital environment.

With such a rehabilitation allowance provided for other veterans, those who were seriously wounded in Vietnam could receive more intensive care during their hospital stay.

The essence of the problem facing these paraplegics is how to afford living outside the confines of a hospital or other institution. It is difficult for the paraplegic who still has the use of his upper extremities, but it is just about impossible for the quadriplegic who has either no use, or severely limited use of his upper extremities.

Adequate housing is a problem common to both. It must be adaptable to the wheelchair and usable by the individual. This requires homes or apartments with no steps and with elevators to upper floors. These always cost more rent. In some cases, these apartments require alterations in order to accommodate the wheelchair.

A telephone is essential to both in case of emergency and for delivery of food, medicines, and other essentials. Air conditioning is a vital necessity for the quadriplegic. He could not live without it—literally—because he cannot perspire.

In many instances these individuals can drive, in spite of their severe disabilities, if they can afford the price and maintenance costs of a car. If not, they must use expensive taxis because public transportation such as buses is totally inaccessible. The severely limited quadriplegic needs an attendant. Many are living with their parents or another relative to service their needs. But the parents of World War II veterans are in their seventies and eighties. At the present time, the Veterans' Administration provides an aid and attendance allowance of $100 per month. That sum is far from enough to hire an attendant even if two quadriplegics were to live together.

I believe that additional financial help is essential to the discharge of the spinal-cord-injured from the VA hospitals. My bill would grant an additional $100 per month to the paraplegic or quadriplegic when not hospitalized at Government expense. Based on VA statistics, it has been estimated that less than 5,000 non-

service-connected veterans would be eligible for this award. Far fewer may perhaps take advantage of it. But the $1,200 it affords is far less costly than retaining these disabled in a VA hospital. At the conclusion of my remarks, I ask unanimous consent to have printed in the RECORD a survey of non-service-connected veterans completed by the Paralyzed Veterans of America.

Mr. President, I am proud to have played a part in writing the 1968 Republican platform statement dealing with human needs. With specific reference to veterans, we pledged "a rehabilitation allowance for paraplegics to afford them the means to live outside a hospital environment." My bill will make this pledge a reality, and I urge its prompt enactment.

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

The bill (S. 2800) to amend title 38 of the United States Code to provide a paraplegia rehabilitation allowance of $100 per month for veterans of World War I, World War II, or the Korean conflict, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Finance.

The survey, presented by Mr. SCOTT, is as follows:

SURVEY ON NON-SERVICE-CONNECTED VETERANS

In February of 1967, a survey was completed by the Paralyzed Veterans of America on Non-Service Connected Veterans' Benefits. It was the purpose of this survey to secure statistics on the income and expenditures of the non-service connected veterans and their dependents, as well as getting an over-all picture of the conditions in which these veterans are living. For purposes of this survey, those receiving benefits were broken down into the following categories:

Quadriplegia: Paralysis in all 4 extremities.
Paraplegia: Paralysis in lower half of body.
Triplegia: Paralysis in 3 extremities.

The number of questionnaires returned in response to this survey produced the following total figures:

Quadriplegia	265
Paraplegia	446
Triplegia	28
Total	739

In the first category Source of injury, the majority of paraplegics had sustained their injury in an automobile accident. While automobile accidents were also the leading cause of injury for quadriplegics, almost as many quadriplegics were injured while swimming.

1. SOURCE OF INJURY

	Quadriplegia	Paraplegia	Triplegia
Automobile	89	195	4
Swimming	79	3	----
Gunshot	5	34	1
Industrial	3	19	----
Multiple sclerosis	5	17	6
Polio	20	22	11
Other	53	150	6
Not noted	11	6	----
Total	265	446	28

In all categories, the largest percentage of those returning questionnaires were World War II veterans, who were married and had at least two children.

2. TIME OF SERVICE

	Quadriplegia	Paraplegia	Triplegia
World War I	2	19	2
World War II	173	312	22
Korea	87	100	5
Peacetime	26	32	1
Total[1]	288	463	30

[1] Service in more than 1 category.

3. MARITAL STATUS

	Quadriplegia	Paraplegia	Triplegia
Married	141	268	19
Widowed	3	15	----
Divorced	46	55	6
Separated	4	18	----
Single	71	90	3
Total	265	446	28

4. CHILDREN

	Quadriplegia	Paraplegia	Triplegia
Number with children	142	262	22
Average number of children	2.6	2.3	1.9

Hospitalization is required annually by more than half of the responding paraplegics and quadriplegics. The majority of these require hospitalization of one month or longer each year. Many of those hospitalized for a month or less are admitted for check-ups only, while those hospitalized for longer periods of time are generally treated for pressure sores or genito-urinary infections. Remembering that the total number of quadriplegics responding in this survey is 265, it is important to note that 53 of these require year 'round hospitalization because they cannot afford adequate care outside the hospital.

5. HOSPITALIZATION

	Quadriplegia	Paraplegia	Triplegia
Currently hospitalized	78	47	3
Hospitalized year around	53	17	1
Hospitalized 6 months to 1 year	21	35	2
Hospitalized 1 month to 6 months	58	132	3
Hospitalized less than 1 month	46	66	2
Total (including year around)	178	250	8

Most veterans live in houses, and a large percentage of these own or are buying their homes. They have at least two dependents. Very few are able to live alone or with someone other than relatives or family.

6. RESIDENCE

	Quadriplegia	Paraplegia	Triplegia
Living in house	199	342	19
Living in apartment	23	66	7
Living in trailer	4	7	----
Other	39	31	2
	265	446	28
Own or buying home	103	216	14
Live alone	10	26	2
Live with wife	141	268	19
Live with relatives	55	69	4
Share cost with someone	6	21	1
Not noted	53	62	2
Total	265	446	28

7. DEPENDENTS

	Quadriplegia	Paraplegia	Triplegia
Number with dependents	181	304	21
Average number of dependents	2.5	2.3	2.3

A major portion of those surveyed receive a pension and, of those, most are under the new pension law. Those who still retain coverage under the old law do so for a variety of reasons, the dominant ones being the fact of frequent hospitalization which would result in pension reduction under the new law and the fact that they are single.

8. PENSION

	Quadriplegia	Paraplegia	Triplegia
Under old law	60	95	4
Under new law	150	226	15
Total receiving pension	210	321	19

Those under Old Law will not change because:

	Quadriplegia	Paraplegia	Triplegia
Single	26	17	1
Hospitalization	36	22	----
Estate	4	5	----
Wife's income	8	20	2
Other	1	7	1
Total[1]	75	71	4

[1] Inaccuracy due to listing of more than one reason or no reason given at all by some.

Although almost all the veterans were working before their injury, only a very small portion have been able to secure and maintain a job since that time.

9. EMPLOYMENT

	Quadriplegia	Paraplegia	Triplegia
Working before injury	227	375	23
Attending school/not noted	38	71	5
Total	265	446	28
Average income per week	$106.86	$116.07	$199.28
Currently employed	29	76	11
Reported income	25	69	11
Average income per week	$110.59	$124.19	$98.44

A comparison of average monthly expenses and income shows that in no instance is the income sufficient to offset the expenses. Even those who are able to be employed have a hard time meeting expenses. The quadriplegic has a particularly difficult time due to the excessive cost of required medical care. The need for constant additional assistance is another factor contributory to the financial difficulties of the quadriplegic.

10. EXPENSES (AVERAGE PER MONTH)

	Quadriplegia	Paraplegia	Triplegia
Rent of house payments	$96.40	$81.61	$129.36
	(207)	(372)	(22)
Furniture and maintenance	$42.09	$33.56	$29.75
	(166)	(309)	(20)
Food	$102.66	$97.38	$143.54
	(216)	(385)	(25)
Clothing	$26.59	$28.36	$27.13
	(222)	(369)	(24)
Miscellaneous	$48.02	$42.24	$75.71
	(203)	(324)	(24)
Medical care	$69.52	$21.05	$29.6
	(160)	(274)	(20)
Medicine and drugs	$14.38	$16.99	$14.16
	(160)	(295)	(22)

10. EXPENSES (AVERAGE PER MONTH)—Continued

	Quadriplegia	Paraplegia	Triplegia
Prosthetics	$11.92 (90)	$13.55 (212)	$10.50 (4)
Prosthetic repair	$8.19 (83)	$9.64 (193)	$9.30 (10)
Car maintenance	$74.57 (168)	$78.55 (316)	$83.67 (22)
Other transporation (Do not own car)	$28.85 (39)	$25.31 (56)	$45.00 (3)
Average monthly expenses	$524.04	$422.93	$552.80

Note: Numbers in parentheses indicate the number giving estimate.

11. INCOME

Quadriplegics	Number receiving	Average income	Overspent each month
Employed	29	$442.36	$81.68
Income only	7	178.89	345.15
Social security only	2	168.17	355.87
Pension only	34	169.12	354.97
Income/pension	50	348.01	176.03
Income/social security	60	347.06	176.98
Social security/pension	45	337.29	186.75
Social security/pension/income	38	516.18	7.86
Average monthly expenses			524.04

PARAPLEGICS

	Number receiving	Average income	Overspent each month
Employed	76	$496.76	
Income only	12	257.44	$165.49
Social security only	21	160.34	262.59
Pension only	31	187.07	235.86
Income/pension	41	272.20	170.73
Income/social security	22	356.21	66.72
Social security/pension	184	305.86	117.07
Social security/pension/income	59	417.05	5.88
Average monthly expenses		422.93	

TRIPLEGICS

	Number receiving	Average income	Overspent each month
Employed	11	$393.76	$159.04
Income only	1	250.00	302.80
Social security only			
Pension only			
Income/pension	3	361.50	191.30
Income/social security			
Social security/pension	5	338.33	214.47
Social security/pension/income	8	418.25	134.55
Average monthy expenses		552.80	

When queried as to which part of the pension laws hurt them the most, an overwhelming majority said that the low income limitation of the pension law was most detrimental to them. The inclusion of social security as annual income was the second greatest factor. The following tables indicate the preference of those responding.

12. PREFERENCE QUESTION

Quadriplegia

1. Low income limitation overall.
2. Inclusion of Social Security as annual income.
3. No out-patient care in VA hospital.
4. Reduction of pension; loss of aid and attendance when hospitalized.

Paraplegia

1. Low income limitation overall.
2. Inclusion of Social Security as annual income.
3. Inclusion of wife's income as annual income.
4. Refusal of VA to issue prosthetics and other rehabilitation devices.

Triplegia

1. Inclusion of Social Security as annual income.
2. Inclusion of wife's income as annual income.
3. Low income limitation overall.
4. Reduction of pension when hospitalized more than sixty days.

Overall

1. Low income limitation overall.
2. Inclusion of Social Security as annual income.
3. Inclusion of wife's income as annual income.
4. Reduction of pension when hospitalized more than sixty days; no out-patient care in VA hospital.

ADDENDUM

The statistics that have been compiled are necessarily only the average. Unfortunately, this does not reflect the number of veterans (and their families) who are forced to live in considerably below-average conditions. Nor does it show those that live comfortably above this average because of their wife's wages, their own employment, or income from investments. The following excerpts from the questionnaires are presented in order to focus on some of the specific problems of the totally disabled, non-service connected veteran.

"My wife sold a fur coat to raise funds for a Christmas tree, decorations, doll, toy tea set, and clothing to enable the child to observe the holiday season."

"The only reason that we can keep going is because the members of the congregation give us things like meat, vegetables, etc."

"I live in New York City where the cost of living is the highest in the country. As can be seen, my expenses are the same as my income. It is very difficult to make ends meet. My family and I are deprived of many things the average family can get with little or no trouble. Due to my income and expenses being the same, I am unable to carry Blue Cross-Blue Shield. My oldest boy needs an eye operation and I am unable to pay for this."

"I live at home with my mother and father and two children, and am divorced from my wife. My parents have now reached the age where they can no longer care for me, so I must look for a nursing home to accept me; and, yet, I still have two children to support. . . ."

"My wife smokes—helps her relax and relieve her tensions. Sometimes I wonder how she has kept from 'cracking up.' I can hear her answer now, 'I haven't got time.'"

"My father is supporting me. I live with my father in his house . . . He is 77 years old. . . ."

"For a man like myself, totally unable to care for myself, it is impossible on $135.45 a month to leave the hospital. The best I can do at present is to remain in the hospital and on occasion hire a person to drive my car for a day or two-day excursion into town."

"At the present time, with my wife and I working, our income is just livable. Nothing extra to buy or money to save. We are dependent upon each other to get by. If either one of us were unable to work, I hate to think what I would do."

"Due to the poor pension laws, I lost my family and home. I had to put my three children up for adoption because I couldn't support them."

"We are in great need of a two-bedroom apartment because our 11-year-old daughter needs a bedroom of her own."

"I have been fortunate in that, in spite of my situation, my needs for medical supplies and prosthetics are minimal, and I have a wife, who along with working full time and tending to all of my care, can still smile."

In conclusion, reproduced in its entirety is a letter from a 15-year-old boy, living in Mexico with his father:

"To Whom It May Concern:

"I am the son of this veteran. I am fifteen years old and I am separated from my mother, brother, sister, the rest of my family, and friends for the simple reason that my father does not receive enough benefits to live in the United States.

"I am totally disappointed in a country that can spend billions of dollars of foreign aid to countries that openly displayed their hostility towards the United States, but then can forget the men that made it possible. My father won at least ten battle stars, and two presidential citations, but yet he is exiled from the same country that he fought for. Not just was he exiled from his country, but his family and friends too."

S. 2802—INTRODUCTION OF COASTAL ZONE MANAGEMENT ACT

Mr. MAGNUSON. Mr. President, I introduce, on behalf of myself and the senior Senator from Michigan (Mr. HART) a bill which would provide for the comprehensive and coordinated long-range planning and management of our Nation's coastal zone so that these areas will be developed in a manner which will provide the maximum benefit to society.

The coastland of the United States is, as we all realize, one of the Nation's most important and valuable geographic features. Our Atlantic, Pacific, and Arctic coastlines total 88,633 miles and there are an additional 10,980 miles of shoreline bordering the Great Lakes, the world's largest body of fresh water. The 30 States bordering our coast, including the Great Lakes, contain 75 percent of the Nation's population. Understandably, most of the Nation's industrial and commercial activities are also concentrated within this densely populated area.

To emphasize the importance of this coastal area to our society, let me cite just a few additional statistics. Ninety percent of our foreign trade of $56 billion a year moves by water. Seventy percent of the Nation's commercial fishing takes place in coastal waters, and the estuarine waters and marshlands provide the nutrients for many different species of sports and commercial fish. Seven of the 10 most valuable species in American coastal fisheries spend all or important periods of their lives in these estuarine areas. According to a 1966 report prepared by the Battle Memorial Institute, 8.2 million Americans participated in marine sports fishing and an estimated 16 million will engage in this recreational activity by 1975. That same report indicated that 33 million persons swam in coastal and offshore areas in 1964, and it predicts that that number will increase to 40 million by 1975. In addition, 9.6 million Americans enjoyed using the coastal waters for pleasure boating in the survey year, and an estimated 14 million will engage in this activity by 1975. Clearly, the coastal zone is one of the Nation's major commercial and recreational assets.

And the importance of the coastal waters as a source of mineral wealth is also increasing dramatically. Prod-

ucts from sea water—magnesium metal compounds salt and bromide—were valued at $145.4 million in 1967; sand and gravel, feldspar, cement rock and limestone from the beaches and seafloors were valued at $55.9 million; and petroleum, natural gas, and sulfur on the ocean subfloors have a value of $1,404.8 million in 1967. The value of products derived from sea water has more than doubled since 1960, those obtained from beaches and seafloor have increased by 20 percent, and those from the ocean subfloors have more than tripled. The value of all minerals produced from Federal and State offshore waters in the past decade exceeds $7.5 billion. Petroleum production has accounted for $6 billion of this total.

The very wealth of our Nation's coastal zone and the diversity of beneficial uses for which it can be employed, have created massive problems in the orderly planning and development of this area, however. Dr. Edward Wenk, Jr., executive secretary of the Marine Science Council, has given a good indication of the scope of this problem in an address entitled "Productive Use of the Coastal Zone." To quote Dr. Wenk:

> They (the States) decide how mineral resources beneath coastal lands and waters are to be exploited, and how coastal fisheries are to be harvested. They decide how coastal land and waters may be altered and which uses should receive preference in tradeoffs.
>
> Nevertheless, present state authority over coastal zone activities frequently does not seem to have the institutional muscle compatible with the problems. Some examples:
>
> In most States, there is no single focus for guiding rational development, because conservation, economic promotion, pollution control, tourism, highways and community planning are considered separately.
>
> Funds for land acquisition are hard to come by.
>
> Legal control over land use is complex and ineffectual.
>
> Ambitious and overlapping jurisdiction between local, State and Federal government create serious problems because the marine environment is a continuum.
>
> The answer to these problems, in my view, is not to turn to increased Federal regulation, except as a last resort. Rather, it is necessary to buttress the State role and strengthen coordination so as to protect the public interest.

The bill which I am introducing today will help to deal with these very important problems. Under the bill, the National Council on Marine Resources and Engineering Development will be authorized to grant up to 50 percent of the cost of establishing or maintaining a State coastal zone management program. In order to be eligible for these funds, however, a State must establish a program which provides for both the planning and the development of the coastal zone.

Under the bill, the planning and development program established by a coastal authority must consist of three basic components. First, it will require the formulation of a master plan for the coastal zone. This master plan will be designed to promote the balanced development of natural, commercial, industrial, recreational, and esthetic resources and to accommodate a wide variety of beneficial uses. In preparing this master plan, the coastal authority is instructed to consult with the various governmental bodies whose jurisdiction extends over land located within the coastal zone, as well as with various Federal agencies and other interested parties. It is further directed to project the future growth of the coastal zone and the need for various types of uses, so that the master plan may serve to direct the course of future development in a manner which promotes economic efficiency and the general welfare.

The second component of the State coastal management program will be to provide for the development of the coastal zone in accordance with the master plan. This development authority must specifically include the power to draw up land-use and zoning regulations to control public and private development of the coastal zone; to acquire land within the coastal zone; to develop land and facilities; and to operate such public facilities as beaches, marinas, and other waterfront developments which may be necessary to carry out the State's plan for the coastal zone.

Finally, as the third component of the coastal management program, the State coastal authority must have the authority to review all development projects in the coastal zone which are submitted by any State or local authorities or private developers, and it must have the power to reject any proposed development plan which is inconsistent with the principles and standards set forth in the master plan.

Federal agencies are specifically instructed to make their research and other activities consistent with the programs of the appropriate coastal authorities. All Federal development programs in the coastal zone are to be reviewed by the State coastal authorities, but if they are rejected as inconsistent with the master plan, the Council, after receiving detailed comments from both the Federal agency and the coastal authority, may reverse that determination if it finds that the project is, on balance, consistent with the general objectives of the bill. Conversely, if the coastal authority approves a Federal development project as consistent with its master plan, the Council, upon petition of at least six of its members, may nevertheless review the development project and reject it, if it finds that the project is, on balance, inconsistent with the general objectives of the bill.

To fund this program, the bill would establish a special Marine Resources Fund of $75 million which will be derived from revenues obtained under the Outer Continental Shelf Lands Act. This fund shall be used to carry out the purposes of both the coastal zone management program and the sea grant college program which was established by the 89th Congress.

Section 3 of the bill would amend the Marine Resources and Engineering Development Act of 1966 to specifically include the Secretary of the Army as a member of the Council on Marine Resources. This change has been made because of the large and important role played by the Army Corps of Engineers in the Nation's coastal zone. For example, the corps, which has already estimated that 50,000 miles of shoreline are vulnerable to erosion and require attention, was authorized by the 90th Congress to conduct a national study of shoreline erosion. It is also making a study of offshore deposits of material which might be suitable for beach restoration and fill, since it has already had considerable success in restoring beaches in several States.

Together with the Panel on Multiple Use of the Coastal Zone of the Council of Marine Resources the corps is undertaking factfinding studies of port modernization. This is being done, in cooperation with State and local authorities and with other Federal agencies, because many of the Nation's ports are approaching obsolescence. Only about 10 percent of the Nation's ports, we are advised, have channel depths greather than 40 feet, yet some of the mammoth new tankers have drafts of up to 70 feet.

The corps also conducts a broad program of surveys in the Great Lakes, which include investigations of applied hydraulics and hydrology, river discharge measurements, and provision for consulting services to various international boards and committees.

In addition Corps of Engineers grants permits for structures over and in navigable waters, establishes regulations for use, including dumping grounds, restricted areas, and danger zones of these waters, and establishes harbor lines.

"The Corps of Engineers has perhaps the greatest impact on the coastal zone of any Federal agency," states the report of the Commission on Marine Science, Engineering and Resources, and for this reason, this bill would give them full representation on the Council on Marine Resources.

The final two sections of the bill would extend the life of the Council on Marine Resources and Engineering Development for an additional 5 years to June 30, 1975, and it would increase the annual authorization for this Council to $3 million. I would like to emphasize, however, that although the Council is the body entrusted with the administration of the coastal zones management program under this bill, this in no way represents a position on the recent proposal that we create a new National Oceanic and Atmospheric Agency. At the present time, the Council is the only agency in existence which has the capability of coordinating the oceanographic programs of the various Federal agencies. Should a new oceanic agency be subsequently created, I would expect that the functions assigned to the Council under this bill would be transferred to that new organization.

Proposals for a strong Federal coastal zone management program have received enthusiastic endorsement by many sources. Both the National Council on Marine Resources and Engineering Development and the Commission on Marine Science, Engineering, and Resources are in agreement on the need for creation of coastal authorities in which the several States will have a key role in dealing with the many problems of the coastal zones.

Both the Council and Commission had special panels make extensive studies of these needs and problems.

The Commission Panel on Management and Development of the Coastal Zone was headed by Dr. John A. Knauss, provost for marine science at the University of Rhode Island. Included in the Panel were Robert M. White, Administrator of the Environmental Science Services Administration; Frank C. Di Luzio, Assistant Secretary of the Interior for Water Pollution Control in the previous administration, and Mr. Leon Jaworski, prominent attorney of Houston, Tex., who had also served on other Government commissions.

A major recommendation of this Panel and subsequently of the full Commission was:

That a Coastal Management Act be enacted that will provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State coastal zone authorities empowered to manage the coastal waters and adjacent land.

The Marine Science Council, concerned since its inception with the orderly development of the coastal zone, early established an Interagency Committee on Multiple Use of the Coastal Zone. This Committee is the largest of five interagency committees or groups and it has representatives from 19 Federal agencies.

James T. McBroom, Assistant Director for Cooperative Services of the Bureau of Sport Fisheries and Wildlife, was Executive Secretary of this Committee. In November of last year it held an important seminar at Williamsburg, Va., on Multiple Use of the Coastal Zone, attended by more than 80 delegates representing industry, consulting firms, academic leaders, and State, county, municipal and Federal officials. I am happy to note that there were attendees from every State on the Pacific Ocean, and from most, if not all, of the States bordering the Atlantic Ocean, Gulf of Mexico, and Great Lakes.

Prominent at this seminar was Dr. David A. Adams, a member of the Commission on Marine Science, Engineering and Resources, a former commissioner of fisheries for North Carolina, and presently senior staff member of the Marine Science Council.

Dr. Adams' report on "Proposals for Improved Coastal Zone Management Systems" was a highlight of the seminar, and has provided valuable guidelines to preparation of the legislation introduced today.

Among other observations, Dr. Adams said:

Many, if not most, of the problems of the coastal zone could be solved at the State or regional level. The States are large enough to have—or to develop—the needed breadth of view and expertise, yet close enough to the problems to see them realistically. State governmental organizations are diverse and flexible enough to adapt to rapidly changing situations in the coastal zone.

Comprehensive planning for coastal development is greatly influenced, if not actually conducted, at the State level. The fish and wildlife resources of the coastal zone are held in trust by the States. Lands beneath navigable waters are in most cases owned by the States. Funds for coastal engineering of many kinds comes from State treasuries, and most of the impetus for industrial development in the coastal zone emanates from State governmental agencies.

Supplementing the work of the Interagency Committee has been a task force on identification of problems, opportunities and needs, headed by Capt. William A. Jenkins, Deputy Chief, Office of Operations, U.S. Coast Guard, Department of Transportation. This group included representatives of the Department of Health, Education, and Welfare, Bureau of Commercial Fisheries, Geological Survey, National Science Foundation, and Smithsonian Institution, which reported to the Marine Science Council in April of this year.

In their detailed report, this task force recommended defining the national policy and goals for the coastal zone, and establisment of a permanent, coordinating mechanism for the programs of Federal, State, and local governments, as well as private industry, which affect the planning, development, and management of the coastal zone.

Finally, I might add that the State Oceanographic Commission of Washington has reviewed the recommendations of the Commission on Marine Science, Engineering and Resources. Capt. Griffith C. Evans, Jr., U.S. Navy, retired, Executive Director of the Commission, has written me a letter enthusiastically endorsing the Marine Science Commission's recommendation for the creation of coastal zone authorities.

Mr. President, I believe the bill I am introducing would implement all of these recommendations. Most importantly, it will help to secure for future generations the maximum benefit which can be derived from one of our most valuable geographic assets—our coastal lands and water.

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

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

The bill (S. 2802) to assist the States in establishing coastal zone management programs, introduced by Mr. MAGNUSON (for himself and Mr. HART), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—MULTIPLE USE OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Coastal Zone Management Act of 1969'.

"STATEMENT OF POLICY

"SEC. 302. The Congress finds and declares that the coastal zone of the United States is rich in a variety of natural, commercial, industrial, recreational, and esthetic resources of immediate and potential value to the present and future development of our Nation; that unplanned or poorly planned development of these resources has destroyed or has the potential of destroying, the basic natural environment of such areas and has restricted the most efficient and beneficial utilization of such areas; that it is the policy of Congress to preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal areas.

"DEFINITIONS

"SEC. 303. For the purposes of this title—

"(a) The term 'coastal zone' means lands, bays, estuaries, and waters within the territorial sea or the seaward boundary, whichever is the farther offshore, of the various coastal States and States bordering the Great Lakes and extending inland to the landward extent of maritime influences.

"(b) The term 'territorial sea' means a belt of sea adjacent to the coast of the United States and extending three geographic miles offshore from the baseline and within which the United States exercises sovereign rights, subject to the right of innocent passage.

"(c) The term 'baseline' means the reference line from which the outer limit of the territorial sea and other offshore zones are measured by the United States Government.

"(d) The term 'seaward boundary of the various coastal States' means a line drawn three geographic miles offshore the baseline or nine geographic miles offshore the baseline in the cases of Texas and Florida in the Gulf of Mexico, or such other seaward boundaries as may be recognized by the United States Government.

"(e) The term 'coastal State' means any State bordering on the Atlantic, Pacific, or Gulf Coast or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(f) The term 'landward extent of the maritime influences' means such amount of land running back from the high water mark which in contemplation of human and natural ecology may be considered to come under the direct and immediate influence of the adjacent sea or lake.

"(g) The term 'Council' means the National Council on Marine Resources and Engineering Development.

"(h) The term 'coastal authority' means a commission, council, center, agency or other governmental entity, broadly representative of coastal needs, problems, and uses, designated by the Governor of a coastal State through legislative or other processes. Coastal States may jointly designate an interstate agency of which they are a member, including a river basin commission, to serve as a coastal authority, in which case such an authority shall be subject to the same provisions as a State agency for the purposes of this title, and shall be entitled to funding equivalent to the sum of the allotments of its member States.

"APPROVAL OF STATE PROGRAMS

"SEC. 304. (a) In recognition of the need for increased participation by the States in

the comprehensive planning and development of the coastal zone, the Council shall review any planning and development program submitted by a coastal authority and may, in accordance with the provisions of this title, make grants to such authorities in order to assist them in developing a long-range master plan for the coastal zone and implementing a development program based upon such master plan.

"(b) The Council shall approve any planning and development program for the coastal zone which is submitted by a coastal authority, if such program—

"(1) provides for the formulation of a master plan for the coastal zone over which such authority has jurisdiction as follows:

"(A) such master plan shall include general planning principles and provide a statement of desired goals and standards to help shape and direct future development of the coastal zone, and such standards shall be based on a study of current population and development trends and existing or potential problems within the coastal zone, and be designed to promote the balanced development of natural, commercial, industrial, recreational, and esthetic resources and to accommodate a wide variety of beneficial uses;

"(B) in preparing such master plan, the coastal authority shall examine the land use regulations and plans of the various governmental bodies whose jurisdiction extends over territory located in the coastal zone; shall consult with interested parties, including local governmental bodies, regional development agencies, port authorities, and other intrastate agencies, the various Federal agencies affected by the development of the coastal zone, adjacent coastal States or authorities, and private groups concerned with the commercial, industrial, recreational and esthetic development of the coastal zone; shall examine to the extent possible land use plans and regulations of any adjacent foreign countries; and shall conduct or support such research, studies, surveys, and interviews as are necessary to assist it in making informed decisions on the most beneficial allocation of uses of coastal waters and lands;

"(C) such master plan shall include studies, conclusions, and explanatory diagrams with respect to (i) the estimated future population growth within and adjacent to the coastal zone, including an indication of those areas which may anticipate the greatest future growth; (ii) a description of the location and characteristics of water currents and tidal movements in the coastal zone, and an analysis, including diagrams, of the probable effect of such currents and tides on the interrelationship of various types of uses; (iii) an estimate of the future need for use of the coastal zone for commercial, industrial, residential, recreational, conservation, and esthetic purposes, including diagrams for the most efficient, beneficial, and liveable interrelationship of these various uses, so that the plan may serve to direct the course of future development in a manner which promotes economic efficiency and the general welfare; and (iv) such additional information as the Council deems necessary to promote the orderly and beneficial development of the coastal zone;

"(D) in formulating such master plan, the coastal authority shall hold public hearings on the proposed master plan or on various alternative master plans in order to obtain all points of view in the final preparation of the master plan;

"(E) the coastal authority shall be authorized to amend such master plan at any time that it determines that conditions which existed or were foreseen at the time of the formulation of such master plan have changed to such a degree as to justify modification of such plan, and authority for such modification shall provide for adoption of amendments only after a full opportunity for comment, including hearings, have been afforded to interested parties; and

"(F) at the discretion of the coastal authority and with the approval of the Council, a master plan may be developed and adopted in segments so that concerted and early attention may be devoted to those areas of the coastal zone which most urgently need comprehensive planning and development: *Provided*, That each such segment does not exclude any portion of the coastal zone which is substantially interrelated economically, socially, or by peculiar geographic configuration or movement of ocean tides or currents with the area which is included within such planning segment: *And provided further*, That the coastal authority adequately allows for the ultimate coordination of the various segments of the master plan into a single unified plan and that the coastal authority satisfies the Council that such unified plan will be completed as soon as is reasonably practicable;

"(2) provides authority for the development of the coastal zone in accordance with such master plan, and such authority shall include power—

"(A) to draw up land use and zoning regulations which shall control public and private development of the coastal zone in order to assure compliance with the master plan and to resolve conflicts among competing uses;

"(B) to acquire lands within the coastal zone through condemnation or other means when necessary to achieve conformance with the master plan;

"(C) to develop land and facilities and to operate such public facilities as beaches, marinas, and other waterfront developments, as may be required to carry out such master plan;

"(D) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects; and

"(E) to exercise such other functions as the Council determines are necessary to enable the orderly development of the coastal zone in accordance with such master plan; and

"(3) provides authority for the coastal authority to review all development projects or regulations proposed by any State or local authority or private developer to determine whether such project or regulation is consistent with the principles and standards set forth in the master plan and to reject a development plan which fails to comply with such principles and standards: *Provided*, That such determination shall be made only after there has been a full opportunity for hearings: *And provided further*, That such determination shall be subject to judicial review.

"ALLOTMENTS

"SEC. 305. (a) In making the grants pursuant to section 304, the Council may make available to a coastal authority up to 50 per centum of the costs of developing a long-range master plan and implementing a development program pursuant to such section. The actual amount of the allotment to each coastal authority shall be determined, in accordance with the Council's regulations, on the basis of (1) the population of the State, (2) the area of public water within the State's coastal zone, and (3) the need for comprehensive planning and development of such coastal zone.

"(b) In addition to grants in aid, the Council is authorized, under such terms and conditions as the Council may prescribe, to enter into agreements with coastal authorities to underwrite by guaranty thereof bond issues or loans for the purpose of land acquisition or land and water development and restoration projects.

"PAYMENTS

"SEC. 306. The method of computing and paying amounts pursuant to this title shall be as follows:

"(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each coastal authority under the provisions of this title for such period, such estimate to be based on such records of the coastal authority and information furnished by it, and such other investigation, as the Council may find necessary.

"(2) The Council shall pay to the coastal authority from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such coastal authority for any prior period under this title was greater or less than the amount which should have been paid to such coastal authority for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Council may determine.

"REVIEW

"SEC. 307. Whenever the Council after reasonable notice and opportunity for hearing to a coastal authority finds that—

"(a) the program submitted by such coastal authority and approved under section 304 has been so changed that it no longer complies with a requirement of such section; or

"(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such coastal authority that no further payments will be made under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such coastal authority under this title.

"RECORDS

"SEC. 308. (a) Each recipient of a grant under this Act shall keep such records as the Chairman of the Council shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking in connection with which the grant was made and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Chairman of the Council and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"FEDERAL PROJECTS

"SEC. 309. (a) All Federal agencies conducting or supporting research or other activities in a coastal zone shall seek to make such activities support and be consistent with the program of the appropriate coastal authority.

"(b) Federal agencies shall not undertake any development projects in a coastal zone which, in the opinion of the appropriate coastal authority, are inconsistent with the master plan of such coastal authority unless the Council, after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, finds that such project is, on balance, consistent with the general objectives of this title.

"(c) When the appropriate coastal authority approves a development project of any Federal agency in the coastal zone as consistent with its master plan, the Council may, upon petition of at least six of its members, review such development project, and after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development

project, reject such development project if it finds that such project is, on balance, inconsistent with the general objectives of this title.

"(d) All Federal agencies shall include in any request for authorization or funding of Federal projects in a coastal zone a statement of their relevance to the plan of the appropriate coastal authority.

"REGULATIONS

"SEC. 310. In carrying out the provisions of this title, the Council may issue such regulations as may be appropriate.

"VOTING

"SEC. 311. All Council actions taken under this title shall be by majority vote of its members. In the event of a tie vote, the Chairman is authorized to cast an additional vote.

"ANNUAL REPORT

"SEC. 312. (a) The Council shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding calendar year and a description of these programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's program and its accomplishments during the preceding calendar year; (3) an itemization of the allotment of funds to the various coastal authorities and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Council has reviewed under section 308 of this title and a summary of the final action taken by the Council with respect to each such project; (6) a summary of the regulations issued by the Council or in effect during the preceding calendar year; and (7) a summary of outstanding problems arising in the administration of this title in order of priority.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Council deems necessary to achieve the objectives of this title and enhance its effective operation.

"TITLE IV—MISCELLANEOUS

"MARINE RESOURCES FUND

"SEC. 401. The sum of $75,000,000 of all revenues received in each fiscal year beginning after June 30, 1969, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1337 et seq.), including the funds held in escrow under the interim agreement of October 12, 1966, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow fund, shall be placed in a special fund in the Treasury to be known as the 'Marine Resources Fund'. Money in such fund shall be used only for the purposes of (1) assistance to States qualifying under the provisions of title III of this Act, and (2) funding of programs authorized under title II of this Act, and are hereby authorized for such use to the extent made available in appropriation Acts."

SEC. 3. Section 3(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102 (a)) is amended by adding at the end thereof the following:

"(10) The Secretary of the Army."

SEC. 4. Section 3(f) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

SEC. 5. Section 9 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1108) is amended by striking out "$1,200,000" and inserting in lieu thereof "$3,000,000".

S. 2805—INTRODUCTION OF THE TAX REFORM ACT OF 1969

Mr. HART. Mr. President, I introduce the Tax Redistribution Act of 1969.

This bill is for all intents and purposes the same as the amendment I submitted to H.R. 12290 on July 18.

However, as I explained when I submitted the amendment, H.R. 12290 had been unexpectedly voted out by the Senate Finance Committee and my amendment would not be referred to committee.

So that the bill can be considered by the Senate Finance Committee, I reintroduce the amendment as an individual bill.

There is no need to spell out again the provisions of the Tax Redistribution Act of 1969.

In brief, the bill generates about $17 billion in new tax revenues by closing tax loopholes which, with no justification favor the wealthy, and grants about $6.7 billion in tax relief, most of which goes to persons earning less than $20,000 a year.

The net gain of about $10 billion in new revenues would permit Congress to appropriate additional funds to domestic programs and to eliminate the surtax completely.

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

The bill (S. 2805) to reform the Federal income tax laws, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on Finance.

S. 2809—INTRODUCTION OF BILL TO AMEND THE PUBLIC HEALTH SERVICE ACT FOR AN EXTENSION OF THE AUTHORITY TO MAKE FORMULA GRANTS TO SCHOOLS OF PUBLIC HEALTH

Mr. YARBOROUGH. Mr. President, during the debate in 1958 on Public Law 85–544, which originally provided formula grants to schools of public health, it was pointed out that the schools of public health were, in effect, the public health equivalent of West Point, Annapolis, and the Air Force Academy in providing professional health training and leadership for the Nation. Most graduates of these schools go into the public service in staffing essential public health positions in municipal, county, State, and Federal Government levels.

Over the years, the Nation's schools of public health have fulfilled their commitment to the Congress and the American people to help provide expanded and higher quality services to people by training of health personnel. The formula grants allocated to the schools have been the key factor in training the vitally needed cadre of health specialists that are in such short supply in Federal, State, and local health agencies

These schools, with the assistance of the Federal formula grant program funds, have been able to fulfill their mission in serving the complex, changing health needs of our modern society, in meeting new challenges to our health environment, and in seeking innovative approaches to the age-old problems of disease, chronic illnesses, and the protection and promotion of our national health and well-being.

In so doing, the schools play essential roles in many diverse fields that are important to the national welfare.

Teaching: The teaching role of the schools prepares physicians, dentists, engineers, nurses, and other professional public health personnel to organize and administer programs and to perform research and teaching functions aimed at controlling and preventing disease and other health hazards. It is also directed toward the promotion of sound health practices among population groups at the local, State, and Federal levels.

Public Service: A survey of graduates of public health schools shows that more than 90 percent enter professional employment in public agencies at the State, local, or Federal health levels. Many faculty members of the schools also serve as expert consultants to public and private health agencies concerned with public health matters. The increasing concern with such health problems as air and water pollution, aging, chronic diseases, radiation, accident prevention, mental health, and nutrition has caused a corresponding increase in demands for new curriculums and training of professional public health personnel in these and other fields to fill existing vacancies in public agencies.

Research: The schools' research role is oriented primarily to the search for the causes and for the means of controlling and preventing disease, accidents, and other health hazards on a mass basis, rather than to the clinical aspects of healing sick persons—the primary concern of research in medical schools and hospitals. Other public health research develops basic knowledge of the social, cultural, and economic factors involved in effective application of proven health measures among various population groups.

This remarkable record of accomplishment could not have been made without the financial assistance provided during the administrations of four Presidents and the bipartisan support of the 85th through the 90th Congresses. Nor could such progress in public health training and progress have been made without formula grant funds, which provide the flexibility required in the schools' teaching and administrative structure.

Schools of public health, unlike other institutions, cannot rely on alumni contributions for financial support, since virtually all graduates are engaged in public-service activities. Thus, they must depend more heavily on grant programs than many of the other professional schools.

Since the enactment of the Federal formula grant program in 1958, Congress has authorized $41 million in assistance to the schools of public health. Of this amount, only $26 million has been sub-

sequently appropriated by the Congress and expended by the schools to carry out the purposes of this program.

For the 1969–70 school year—fiscal year 1970—the schools of public health have estimated their financial needs at $8.8 million in formula grant funds. This amount is required just to keep pace with increased student enrollment, the need for new courses, and rising operating costs. This compares with a current authorization ceiling of $7 million for fiscal 1970 and the President's budget request of only $4,554,000—the same amount as appropriated by Congress last year.

The serious financial crisis facing schools of public health during the next several years poses a growing threat for the 1970's in their ability to supply the increasing demands by health agencies for trained professional health manpower. Vacancies already exist in key health positions at all levels of Government despite the tremendous increase in the numbers of skilled health personnel being trained each year by the schools of public health.

It is clear that since the schools of public health are the only source to train these vitally needed health professionals, our national needs can only be met by increasing the appropriations level in the 91st Congress to more realistic levels. Only then can our Nation be assured of meeting our National, State, and local health manpower requirements.

Therefore, I am introducing today a bill to extend this program for an additional 5 years, with authorized funds of $9 million for the fiscal year ending June 30, 1971, $12 million for the fiscal year ending June 30, 1972, $15 million for the fiscal year ending June 30, 1973, $18 million for the fiscal year ending June 30, 1974, and $20 million for the fiscal year ending June 30, 1975.

Mr. President, the future progress in the pubilc health field in America depends, in large part, on the continuing and expanding support of the schools of public health through formula grant funds. I call on the Congress to give these schools its assistance, encouragement, and support through the enactment of this bill.

I also want to report that the newest school of public health is located at the University of Texas in Houston. I am very proud that the school received accreditation in June of this year. For this achievement, I congratulate Dean Reuel Stallones and his dedicated staff.

At this point, I ask unanimous consent that a copy of the text of the bill be printed in the RECORD.

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

The bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, introduced by Mr. YARBOROUGH, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(c) of the Public Health Service Act is amended by striking out "$5,000,000 for the fiscal year ending June 30, 1968, $6,000,000 for the fiscal year ending June 30, 1969, and $7,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof: "$7,000,000 for the fiscal year ending June 30, 1970, $9,000,000 for the fiscal year ending June 30, 1971, $11,000,000 for the fiscal year ending June 30, 1972, $15,000,000 for the fiscal year ending June 30, 1973, $18,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975".

S. 2811—INTRODUCTION OF A BILL TO WAIVE THE FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN MEDICAL DOCTORS UNDER THE IMMIGRATION AND NATIONALITY ACT

Mr. COOPER. Mr. President, I am introducing for appropriate reference a bill to amend the Immigration and Nationality Act to waive the 2-year foreign residence requirement of section 212(e), for medical doctors who are willing to serve in a poverty area for 5 years.

In my State of Kentucky, as well as in other States, there are areas which have been classified as "poverty areas" where it is virtually impossible for the area to obtain qualified doctors.

This bill would allow the Attorney General, on request of a medical doctor admitted under section 101(a)(15)(J), to waive the 2-year foreign residence requirement, if the doctor enters into an agreement, in writing, that he will serve in a poverty area of the United States for a period of 5 years.

In my State, there is a community consisting of three counties, approximately 20,000 people, whose one hospital is without physicians. Two doctors, man and wife, in this country under section 101(a)(15)(J), a surgeon and pediatrician, wanted to serve this community, but the petitions filed in their behalf were denied by HEW. This community is still without medical assistance.

It is my opinion that this measure, if passed, will be of great benefit to such communities, not only in my State, but in other States where there are similar conditions.

I would like to add, that if, for any reason, the doctor failed to honor his agreement, he shall, upon the order of the Attorney General, be deported.

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

The bill (S. 2811) to waive the 2-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act for medical doctors who are willing to serve in a poverty area for 5 years, introduced by Mr. COOPER, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 2422

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH) I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mr. MUSKIE), the Senator from Utah (Mr. Moss), be added as cosponsors of S. 2422, to amend the Higher Education Act of 1965 to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest for the students insured loan program.

The PRESIDENT pro tempore. 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 Idaho (Mr. CHURCH) and the Senator from Michigan (Mr. GRIFFIN) 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 PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a consponsor of S. 2721, the Insured Student Loan Emergency Amendments of 1969.

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

SENATE RESOLUTION 239—RESOLUTION RELATING TO REFERENCE OF SENATE BILL 2807 TO THE U.S. COURT OF CLAIMS

Mr. ALLOTT (for himself and Mr. DOMINICK) submitted the following resolution (S. Res. 239); which was referred to the Committee on the Judiciary:

S. RES. 239

Resolved, That the bill (S. 2807), entitled "A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner of the United States Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

FEDERAL REVENUE SHARING FOR STATE AND LOCAL GOVERNMENTS

Mr. KENNEDY. Mr. President, in the past few months a number of useful legislative proposals have been put forward to provide increased revenues to help State and local governments meet their growing fiscal needs. Most recently, the House Ways and Means Committee has included, as part of its Tax Reform Act of 1969, an imaginative proposal for a Federal interest subsidy to encourage State and local governments to issue taxable bonds, and thereby forgo their

longstanding privilege of issuing tax-free bonds.

As I have often stated in the past, I believe that one of our most urgent domestic priorities is to find more effective and efficient ways to help State and local governments finance their expanding social programs, and I look forward to the coming Senate debate on tax reform as a method of clarifying the issues in this crucial area.

Another group of proposals that has received wide support in this area involves the concept of Federal revenue sharing with State and local governments. The report last December of the Commission headed by Senator Paul Douglas—the National Commission on Urban Problems—identified many of the most significant issues in the proposals for revenue sharing, including the amount of Federal funds that should be made available; the formula and procedure for allocating funds to the States; the need for special incentives to encourage consolidation of governmental units and increase their reliance on State and local income taxes; the need for so-called pass-through provisions to provide direct assistance to cities and urban counties, with or without a population cutoff; the degree of control to be exercised by the Federal Government over the use of the revenues to be made available; and the effect of the proposal on other Federal grant priorities.

According to press reports, President Nixon will discuss the concept of revenue sharing as part of his address to the Nation this evening, and I am hopeful that the discussion will help to carry us forward along this important path.

Recently, in his column in the Washington Evening Star, Michael Harrington wrote perceptively of the difficult problems involved in tailoring revenue sharing to meet the challenge of the seventies. In his article, Mr. Harrington makes the central point that many of our current domestic problems—especially education, employment, housing, and pollution—transcend State and local boundaries, and must be attacked on a coordinated regional basis if they are to be successfully resolved.

Mr. President, because of the importance of Mr. Harrington's article and its provocative contribution to the developing debate over revenue sharing, I ask unanimous consent that it be printed in the RECORD. I do also ask unanimous consent that a preliminary discussion of the administration's intended proposal, which appeared in yesterday's Wall Street Journal, be printed in the RECORD.

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

[From the Washington (D.C.) Evening Star, Aug. 5, 1969]

(By Michael Harrington)

REVENUE SHARING TESTS STATE LINES

The state and city lines of America are among our most beloved historical accidents. For some time these quaint boundaries have been serving reactionary purposes and there is now a very real danger that the Nixon administration will institutionalize this evil.

Revenue sharing is the reason why our inherited political geography has become so important. For it is most likely that President Nixon will shortly propose a scheme whereby Washington returns a portion of its income tax receipts to local governments. There is already a fight between the state houses and the city halls for control of these funds.

But there is another issue in revenue sharing which has not been so widely debated. Are the political units which, in some cases, were set up to deal with colonial America adequately designed to cope with the technology of the 21st Century? George the First of England gave Maryland to Lord Baltimore but must we go on obeying that royal writ?

In fact, America has been answering these questions affirmatively and using its archaic structures to confront futuristic changes. The result has been anti-social and if this approach is incorporated in the revenue-sharing plan it would amount to a giant step backwards.

The suburbs are the most obvious case in point of what is involved. For some time now prosperous white areas have used their municipal boundaries and zoning power to keep out "undesirables," i.e. the poor and particularly the black poor. Often the people living in these affluent Shangri-las—built with federally subsidized, tax deductible interest and served by billions of dollars worth of Federal highways—still work in the big cities. At the end of the day they take their taxes home and leave their social responsibilities behind.

The states have used their sovereignty in similar ways. Some of them have passed "Right to Work" laws in order to create a cheap, unorganized supply of labor and thus provide business with an anti-social inducement to build in their area. And some states (usually the same ones with "Right to Work" laws) have kept welfare benefits scandalously low precisely in order to export their poor to big cities where they are unprepared, because of their lack of education and skill, to live.

But even beyond these instances of the reactionary uses of state and city rights, there is another trend which demands that we rethink our borders. For it is increasingly clear that problems like education, employment, housing and pollution of all kinds spread out over entire metropolitan areas and multi-state regions. And they simply will not be solved if Washington invests billions of shared revenues to make the ancient borders even more rigid.

Once, in the Tennessee Valley Authority, the nation understood this point and the result was one of the most imaginative and comprehensive social programs in our history. And a few years back, when it seemed that the Appalachian program was going to be a new point of departure and not just a road-building effort, the Congress officially endorsed a regional approach to a problem which just didn't confine itself within the old state lines.

But now revenue sharing provides a tremendous opportunity for making more meaningful political units in America. The funds should not simply be earmarked for broad categories of social expenditure, although that is basic. Beyond that the law should provide that no state or city could qualify for its money unless it had presented plans for regional and metropolitan action in the critical areas which were up for subsidy.

Another idea, put forward by Paul Douglas' National Commission on Urban Problems, would help enormously in making political life in this country more democratic. Revenue sharing, the Commission said, should sytematically favor larger and consolidated units. The basic point here is that many of the more than 80,000 local governments in this country are costly gimmicks for evading social responsibility and creating public problems rather than centers of grass roots creativity. And many of them are so small that they do not have the resources to provide decent public services for their citizens. If revenue sharing could help to simply this labyrinth and make political power more rational and transparent, that would be a major step toward involving the people in governing themselves.

So revenue sharing can be an excellent reform—or it can be a menace. In the debate over the seemingly technical details of the bill, there will be a fateful confrontation and social future of this nation. In short, read the fine print carefully.

[From the Wall Street Journal, Aug. 7, 1969]

NURTURING THE GROSS RATE: NIXON TO UNVEIL PLAN TO SHARE TAX REVENUE WITH STATES, CITIES IN TV TALK TOMORROW

(By Alan L. Otten)

WASHINGTON.—For years, both Democratic and Republican Administrations have talked long and eloquently about the need to strengthen state and local governments. And back from the state capitols and city halls always has come the pointed message: "Skip the sweet talk. Just send money."

Tomorrow night, President Nixon is to unveil to a national television audience his plan for doing just that: Sharing about $500 million of Federal tax revenue, no strings attached, with financially strapped states, cities, towns and counties in the fiscal year starting next July 1. Faced with the hard, political reality that a united front is needed if revenue-sharing was to have any chance of becoming law, the Governors, mayors and county executives appear to have gone a long way toward compromising differences among themselves and agreeing with White House officials on the broad outlines of a plan.

This is indeed a major breakthrough in the long, uphill struggle to enact revenue-sharing, yet the hurdles ahead still loom ominously high. Some mayors may back away and oppose the plan as inadequate once details are known. Powerful Congressmen, including the House Ways and Means Committee chairman, Rep. Mills (D., Ark.) and ranking committee Republican Byrnes of Wisconsin, oppose the idea. Potent lobbies, such as the AFL-CIO, prefer new, or expanded, grant programs in which Congress specifies the projects for which the money is to be spent; probably they will fight revenue-sharing.

ODDS AGAINST US

"The Governors will be for it, most mayors will be for it, the county executives will be for it," says a White House man; "the question is whether all these people will still be enough." Declares a state official active in the fight for revenue-sharing: "The odds are still against us."

The approach Mr. Nixon will put before the nation was worked out by a task force headed by Assistant Treasury Secretary Murray Weidenbaum. It has been refined in White House huddles masterminded by Presidential counselor Arthur Burns. It would earmark and automatically turn back each year to state and local governments, to use however they see fit, a small percentage of the individual income-tax base—the total taxable income reported by all individuals.

For the calendar year starting Jan. 1, 1971, the amount probably would be 0.25% of the individual income-tax base. Because that base could be as high as $400 billion, the revenue-sharing kitty would be close to $1 billion for the calendar year; the figure would be only $500 million for the fiscal year ending June 30, 1971, because the sharing would be in effect for only half of that year. The earmarked percentage gradually would increase over the next two-to-three years until it reached 1% of the base, at which time it probably would be turning

back almost $5 billion a year to state and local governments.

Governors, mayors and county executives wanted a larger turn-back right away but the Administration, trying to hold down total Federal budget spending, argues it's better to start small, get the precedent established, and increase the amounts later. The initial revenue-sharing fund would be larger only if Mr. Burns wins a last-minute victory in another area and succeeds in cutting down the cost of a proposed welfare-reform plan. Then, some of the money "saved" there might go into a larger initial revenue-sharing fund—perhaps starting with 0.50% or closer to $2 billion.

TWO ADJUSTMENTS OUTLINED

The shared money would be distributed to the states basically in proportion to their population, but with two adjustments. One would lift payments above this base for state and local governments already making an above-average effort (as determined by a series of complicated mathematical formulas) to pay for broad public services with their own tax revenues; it would lower payments to those making a below-average effort. The other, an "equalization" adjustment, would fatten somewhat the share of lower-income states and slim down the share of wealthier ones.

Each state would keep part of its Federal payment, but would be required to relay automatically, or "pass through," the rest as an allotment to cities, counties and towns. Though the pass-through portion would vary widely from state to state, depending on the relationship between state and local-tax efforts, nationally it would work out, quite coincidentally, so that the local units get just about half the total Federal revenue-sharing pot.

"We are pretty firm on the broad principles," a Nixon lieutenant asserts, "but very flexible on details. There's really no right or wrong in this area." The White House is sending its plan to Congress now for study and discussion; even the most optimistic Nixon men don't expect any action until well into the 1970 session.

The rationale for revenue-sharing is simple. The Federal Government's progressive income tax has proven a highly efficient tool for raising more and more revenue from an expanding economy, while state and local governments have been hard-pressed to find money to cover outlays swelling almost 10% a year. So Uncle Sam should turn back some of his fast-multiplying dollars, but without tying any strings at all to the largesse—unlike grant programs that will continue to provide Federal funds specifically to build highways, or hospitals, or help pay welfare or school costs. The no-strings funds would not only help state and local governments out of their financial hole, but would also tend to decentralize decision-making by reducing the Federal role in local affairs and encouraging state and local initiatives in developing new approaches and programs.

States long have been enthusiastic about revenue-sharing, provided that all the money would go to them; cities and counties have been similarly enthusiastic, provided that half the pot, or more, would go to them without the states getting their hands on it. The Nixon Administration has leaned toward the state side—partly because more governors are Republicans and more mayors Democratic, partly because the President and his aides honestly believe in the need to shore up the Federal system by giving the states a larger role.

VITAL COMPROMISE MADE

A surprising degree of consensus was reached at a White House meeting last month; the automatic pass-through arrangement was the vital compromise, and the Administration has been working out details ever since.

White House officials met with representatives of the governors Tuesday, and will meet with a group of mayors today, and preliminary signals suggest trouble ahead. Governors of wealthier states may feel they are being cheated, and fight the plan in Congress openly or quietly. Some mayors may balk at the small size of the total pot, or at the states' half of it, and decide they can use their political muscle better by fighting for income maintenance, or other specific grant programs. Larger cities may decide too much would go to smaller cities. Many local leaders may conclude all the funds are too "iffy" to warrant much of a lobbying effort.

Declares John Gunther, executive director of the U.S. Conference of Mayors: "Our members' first reaction is going to be, 'Hell, we can do better some other way' Now if there's really a pass-through, if the governor simply takes one check from David Kennedy and sends out a batch of smaller checks to the cities and counties, maybe they'll buy it. But if it looks like it has any catches or gimmicks, they'll oppose it. Some may oppose it, anyhow."

Among the Senators and Representatives who must vote to impose the Federal taxes, there's some reluctance to let governors and mayors grab the glory for spending the resulting money. "And this is going to be underlined by all the recent agony over extending the surtax," a Democratic Senator predicts.

REP. MILLS IS OPPOSED

Two key lawmakers already have indicated strong opposition. Ways and Means Chairman Mills proclaims himself "unalterably opposed" to revenue-sharing. "I've told the states I'll make a deal with them," he snorts. "We'll share our revenue if they'll share our deficit. But they say they've got all the deficits they need." Republican colleague Byrnes doubts the Administration could dream up any plan that would satisfy him. As do many conservatives, he argues that, if the Federal Government has any extra tax dollars, it should reduce its income-tax rates—and then the states and cities can increase their taxes. (The Administration is exploring the possibility of routing its proposal to some other committee, to bypass Mr. Mills and Mr. Byrnes.)

Many special-interest groups, and quite possibly some Federal bureaucrats, would prefer to see any loose Federal dollars spent to expand specific grant programs with which they're concerned. The Administration promises that existing grant programs won't be trimmed as a result of revenue-sharing—but doubters envision these programs growing at a slower pace in the future if revenue-sharing is on the books.

"The budget is going to be tight for many years," a cities lobbyist argues. "Now just suppose there's a White House meeting on a new hospital program or school program, and it's going to cost $500 million. Won't Burns, or some other economizer, argue, 'Well, they have all that money from revenue sharing; why not just make this $250 million instead?' " Admits a White House man: "If revenue-sharing works, it certainly becomes an attractive alternative to new grant programs."

The Administration counts on the mayors to line up labor support for revenue-sharing but, even if the mayors do go along, chances are the AFL–CIO won't. Labor leaders like having Washington specify the projects for which Federal funds are to be spent; few state legislatures, even after considerable reapportionment, share labor's preoccupation with urban problems.

Yet pressures slowly may build for the Administration proposal, or some variant of it. Mr. Nixon will push hard for enactment; "He sees it," an aide says, "as a domestic program uniquely his own—not a continuation of something started by Roosevelt, Truman, Kennedy or Johnson." It also could be advanced as a concrete token of his urban concern.

More than 100 members of Congress have sponsored revenue-sharing bills, providing a sizable nucleus of support. As time goes by, state and local officials may find appealing even a small amount of extra Federal funds. "As a practical political consideration," one urban leader remarks, "it isn't going to be easy to argue that we don't want $1 billion because we really think we're entitled to $2 billion." Once the principle is established, too, the share funds would grow, and that envisioned $5 billion would be a very substantial addition to existing state and local tax revenues, which reached $76 billion in the 12 months ended March 31.

Here are further details on the plan the Administration probably will propose:

Division of the total revenue-sharing pot among the 50 states would be based on population and would be recomputed each year, with each state's basic share augmented, to reflect the special-effort and income-equalization formulas.

A low-income state making a high tax effort, such as Mississippi, would benefit from both formulas and find its per-capita allotment substantially higher than the base. A rich state making a low tax effort, such as Ohio, might be penalized by both formulas and find its per-capita allotment substantially below the base. A low-income state making a low tax effort, such as Alabama, or a rich state making high tax effort, such as New York, might find the two factors just about offsetting.

Each allotment would be split between the state and its local governmental units in the proportion at which the state, on one hand, and all the localities, on the other, contribute to total state-local-tax revenue. The state-local division could vary widely from the national norm of about 50–50. In New Jersey, for example, where the state has been accounting for only about 38% of total state-local tax revenue, the state government would have to pass the other 62% of the Federal allotment along to cities, towns and counties. In contrast, Hawaii, which has been raising about two-thirds of the state-local tax total, would have to pass along only about one-third.

Each city, town or county would share in the passed-through funds in the proportion at which its tax revenue contributes to the total of tax revenues from all the localities in the state. If New York City, for example, raised half of all tax revenue raised by cities, counties and towns in New York State, it would receive half the funds New York State would be passing on to local governments.

In the latest Administration version, any city, county, town or other "general purpose" government, excluding "special purpose" units such as school or water district, would share in the plan, no matter how small. Earlier versions had proposed population cut-offs at 1,000, 2,500 or 50,000, to reduce the number of units sharing in the kitty.

MISSOURI ADDRESS BY SENATOR MUSKIE

Mr. SYMINGTON. Mr. President, on behalf of my colleague, Senator EAGLETON and myself, and in the belief that its thoughtful and constructive contents would be of interest to the Members of the Senate, I ask unanimous consent that an address made by the distinguished Senator from Maine (Mr. MUSKIE) in Jefferson City, Mo., at a dinner on July 26 in honor of Governor and Mrs. Warren Hearnes, be inserted at this point in the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE AT PARTY HONORING GOVERNOR AND MRS. HEARNES, JEFFERSON CITY, MO., JULY 26, 1969

State Chairman Del Houtchens, Warren and Betty Hearnes, my colleagues Stu Symington, Tom Eagleton, and Dick Ichord and my distinguished friends of the great State of Missouri: I am delighted, as always to be here in Missouri, and most grateful for that overly generous introduction which Stu has given me.

It is never easy to listen to an overly fulsome introduction of one's self. I think one of the best descriptions of my political career that I have heard was given by Gene McCarthy years ago. I met Gene for the first time in 1959, when we were first inducted into the Senate of the United States. We had both been elected that fall, and Gene and I became the closest of friends of the fifteen new Democratic Senators that year. I say that in order to put what I am about to say in the proper perspective.

Gene said, "You know, Ed, we have watched your career out in the Midwest. When you were first elected governor in September of 1954, you heartened us in our part of the country so much that we went on in November of that year to elect Democrats. Again in 1956," he said, "when you were re-elected to the governorship in September of that year you gave us a shot in the arm for November of that year in our State. And again in 1958," he said, "you impressed us, but now that I've met you I think all you've proven is that anybody could get elected from Maine!"

That's not a bad perspective for all of us to have when we are in public life. A little touch of humility is pretty good, but not on one's birthday. And I'm especially delighted to be here to join you in this happy birthday greeting to the Governor and his lady, a man whom I consider one of the outstanding leaders of our country, not only as a Democrat but as a governor.

I was first impressed with him not when I heard of his first election as governor, but when Stu brought him to Washington for a dinner one evening. In the course of a very pleasant and stimulating evening, Warren had the nerve to disagree with me. I've been impressed with him ever since. And I know that I'm going to be increasingly impressed with him in the months and years ahead. I wish him well. And I know that in wishing him well, I am wishing your great State well. In his hands you will have a brighter future.

Now I'm not going to forget to say something about Tom Eagleton. Tom is on the Committee on Public Works of which I am a member. We have had recently some long, dreary, and sometimes controversial discussions over the newest water pollution bill. Seventeen mark-up sessions took place over a period of two months before we could finally hammer out a bill. We could have used a little of that humor of yours, Tom. Where was it? I'm already developing plans about where to use you.

As you have all noticed, the light touch has been missing in Washington since January 20.

I understand that this is the fifth annual dinner of this kind. I'm not surprised that it had small beginnings. We had similar experiences in my State. But these dinners do grow when you have a governor in office, but they grow at the expense of the same people.

You know, a young lawyer in my State, and I'm sure it's also true here, finds himself engaged in all kinds of civic activities that he undertakes to make his name known so he can attract business, clients, and eventually an income so he can support his family. One of the civic activities I found myself engaged in many, many times was fundraising of one kind or another for one worthy cause after another. After the first three or four, I became a little embarassed about going to the same people, to touch them for another contribution. But at that point I was reassured by an old-time fund-raiser who was born on the farm. He said, "Ed, long ago I learned as a boy on the farm that if you want to keep a cow fresh, you've got to milk her regularly and often." So if you've been milked, count it a blessing.

This is supposed to be a political speech. As I think of political speeches of the old style, I think of a friend of mine who was just recently Democratic National Committeeman from Maine. He was a neighbor of mine when I was still a happy young lawyer. We lived one street removed from each other. He was Godfather to one of my daughters. We had elected him mayor over a Republican incumbent.

We enjoyed going fishing together, but he was one of those fishermen that you could never believe, and I could never outdo him. It was like golfing with Stuart Symington. No matter how big a fish I caught, he always outdid me, but I could never figure out why—until one night a neighbor and mutual friend of ours living next door gave birth prematurely to a child at two o'clock in the morning. The child was born at home. Adequate preparations hadn't been made, but the doctor still managed to get there and bring the child into the world.

He needed some scales to weigh the child for his records, but the only scales available were my lawyer friend's fishing scales. And believe it or not that baby weighed 42 pounds!

Well, that's in the nature of the old style political speech—exaggeration, maybe humor. The new approach to political speeches is typified more by a down-to-earth, laconic Maine story.

It's the story of an out-of-stater who crossed the New Hampshire border into Maine at Kittery. Within a few hundred yards, he came to an intersection of two roads both pointing north. Each of them had a sign pointing to Portland, Maine. The man was puzzled by the two signs, so he stopped and asked the natives, "Does it make any difference which road I take to get to Portland?" They said, "Not to me, it don't."

"Well, the story is told, of course, to characterize my Maine, and to a certain extent, it is accurate. But actually, of course, Maine people are not indifferent to what happens to our guests. And more than that they have learned, as have people all over this country, that it does make a difference to each of us what happens to the rest of us. And I think there is a growing awareness of that fact which is changing political parties and the relationships of people with each other in this country, and which is contributing to the reluctance of growing numbers of people, especially the young, to accept the old assumptions, old ideas, and old politics which bear upon these questions.

I suppose that the perspectives which the Apollo missions have given us of the earth have intensified that awareness. Through their eyes we recognize as never before that we do occupy a small planet, a tiny planet. Small and vulnerable in the vastness of space. And as they give us that perspective, I think we recognize increasingly that we are vulnerable not so much to assaults from outer space as to our own divisions and weaknesses here on this planet.

The Apollo flights, of course, have been inspiring things to see. They've been a demonstration of the capacity of man to grow, to enlarge his understanding and capability to set goals and to reach towards them and to meet them.

Whatever the unprecedented nature of the exertion, whatever the unprecedented nature of the problems, whatever new capabilities and technology must be developed, it is an awesome thing which man has done in the 1960's. To have seen it, to have heard their voices from the surface of the moon, has endowed each of us with the memory which is not only personal to us in our lifetime but which is one of the precious memories of the species.

Man has achieved greatness momentarily on another body in space. And this feeling is shared by all mankind. Here at home the poor and affluent, the white and the black, the young and old, and around the earth people who never know a full meal, people whose lives hold nothing but hope, as well as citizens of the great industrial nations who may be inclined to envy our achievement—all human beings who know of this event and who witnessed it know that something great has happened.

Our challenge now is to understand the nature of this greatness. Was it the technology of this space craft—all of the back-up equipment and machinery? Was it technology of the electronics equipment which beams the pictures and the voices back to us on earth? Was it the fact indeed that it was accomplished by Americans?

We are all awed that human beings like all of the rest of us on earth were able to put this together.

What is inspiring about it all is that it showed in a traumatic, memorable way that man is capable of doing whatever great things he sets his mind, heart and spirit to do. Our challenge is not whether we can do these things—whatever they may be. Our challenge is to decide what the great things are, what they are to be.

We know that if we identify the right ones and if we pursue them diligently with determination and wisely, we can enhance the lives of countless millions of human beings—not only those alive on this planet today but through the ages which lie ahead.

What an exciting time in which to live! Is it any coincidence that the very time that man has reached the moon the injustices of past ages should be erupting here in our own country and around the globe? Is it coincidence—I don't think it is—that the nation which has put this effort together is also equipped as no nation has ever been with resources, understanding, accumulated knowledge, and an appreciation of what freedom can do in unleashing the creative energies of human beings? Is it any coincidence all of this has been assembled within the borders of the United States at this point in history? I don't think it is, or if it is—it is a blessed coincidence. Shouldn't it be clear to all of us what must be done to make life a thing of promise for all human beings when we have demonstrated man's capacity to do such a thing?

I know Americans are troubled—young Americans especially are troubled, and older Americans are troubled about young Americans—because we find ourselves plunged into a time of ferment and unrest and discontent which threatens to divide us irrevocably.

I'm troubled too—not because we're in ferment, but lest we fail to do what the causes of that ferment suggest that we do.

Times like these are the creative times in the history of any society. Over so much of my lifetime—and it isn't that long—parents have been exhorting young people to become involved in the world about us. To think of serious things, to begin to think about their responsibilities of the lives which stretched ahead of them.

When we finally get a generation of young people who are doing just that, why should we be disturbed? Is it a bad thing that the young of the species should be pointing out

where we've gone wrong? Is it so bad that the young of the species have consciences sensitized by the injustices of man's lot here on earth? Is it a bad thing that they'd like to make things better for others?

Are these values that we don't recognize? Are these values that we think are no longer relevant?

Apollo 11 demonstrated a lot of things and it symbolized some fundamental things. Insofar as space is concerned, Apollo 11 told us that man's role in the universe will never again be the same and that what lies on the other side of the threshold is awesome, unimaginable and a tremendous opportunity for the greater growth of human beings.

But it also symbolized the fact that here on earth—not only because of Apollo 11—but for more fundamental reasons—life will never again be as it was. No human being on this planet has a stake in the status quo that has any meaning at all in the future of mankind.

If we want to build something for ourselves individually we've got to begin not as of some point in the past but as of this moment to build lives of fulfillment for all men. We must dwell upon the objectives of creation, innovation, and invention. We must focus as we never have before on the idea that the only thing worthwhile for the future is the worth of individual human beings. Only when individual human beings—whoever they are, wherever the are—believe that worth is all that counts in the society of which they are a part, will we have a place where people are not alienated from each other but instead are working together to build something together.

You know, Apollo 11 was something like victory on election night—the most exciting thing about a political career. You can have the rest of it. The rest of it after that is hard work, tough decisions, unhappy constituents, problems that can't be solved and won't go away, decisions to be made, and priorities to be set.

A politician learns very soon that politics is not only the opportunity to say yes, it is also the responsibility to say no. This has been the lot of the politician and the political leader for all of our history. From now on it's going to be the lot of the individual citizen. If the individual citizen isn't up to it, this nation isn't going to work.

I know it's trite to say that, because when we began this experiment the founders understood that this was the basis of it all. But instead of developing a society which rested increasingly upon the capacity of the individual citizen to make wise decisions, we built a society which—because of the tremendous growth in its problems and its institutions—is based less and less upon the capacity of the individual citizen to become a leader.

So what is our challenge? Our challenge first of all is an organizational one to reform our institutions so that they do rest upon such a base. Secondly, our challenge is to challenge our citizens to rise to that kind of responsibility. It isn't easy.

A French writer I read recently said that one of the difficulties of society is that leaders do their work upon the assumption that their followers are incompetent—incompetent to make the judgments and incompetent to make the tough decisions. There's some truth to that. It's implicit in a lot of the things that are said on the floors of the Congress and the State Legislatures, the places where leaders congregate. It is there notwithstanding the fact that this is a free democratic society based upon the notion that it's the individual who counts.

There is an underlying feeling that perhaps we haven't yet reached the point where citizens are actually competent to make the tough decisions.

The point that this French writer made—and I think he's right—is that the assumption of incompetence breeds incompetence. When people aren't given responsibilities, they are tempted by irresponsibility. It is only when people are given the tough decisions with the realization that what they decide will be done, that they develop a capacity to make good decisions.

This is why we're troubled by the young. Think of it. Isn't it true that we think they're incompetent to make the decisions that are involved in running a university? That we think they're incompetent to make the decisions which a voter must make? And they often respond to those assumptions of incompetence with evidence of incompetence and irresponsibility.

You see it in your own children. We're so reluctant to give them the chance to make the decisions as to how late they should stay out, when they shall come back, or who they should fraternize with. Of course up to a point we must be reluctant but don't we carry the assumption of incompetence too far?

We've reached the point not only here in the United States but in France and in freedom-loving countries around the globe that we have no choice but to abandon that assumption of incompetence and to bring our people into the act. And unless we do, the momentum which we have built up over a hundred and eighty years will continue—ever greater institutions, ever more impersonal, ever farther removed from the sensitivities of our people, ever less responsive to the desires and the wishes and the judgments of our people. And I speak not only of governmental institutions—I speak of industrial institutions, the military-industrial complex included among them. I speak of the giant educational institutions which are developing.

We've got to find a way to democratize this democracy. We've got to find a way to give it a popular base and then we've got to find a way to trust the people. And if we do that, they can respond to the greatness which lives within every human being in greater or less degrees.

If we can't prove this in the United States of America we haven't proven anything in 180 years, because this is where we began. This is the assumption upon which we've been building and now as we face our greatest challenges we face the question of whether we continue or whether we call a halt here.

It's no mysterious thing that we've got to do. It's very simple. We've got to be able to trust every other American, whoever he is, whatever the state of his education and his experience, whatever his native intelligence. We've got to trust the prospects of human beings no matter how different. I think we can do it. I think Apollo 11 has told us we can do it. And I'm convinced out of last year's campaign and the exposure it gave me to this great people of ours that they're capable of the job which Apollo 11 has set before each of us—to make this country and this earth livable for all God's children.

When we've done that we cannot only match Apollo 11, we can look forward to going into the farthest reaches of outer space to encounter all of the challenging, exciting, stimulating unknowns that lie out there. I don't think there's a human being in this room who doesn't feel excited at the prospects of what may or may not lie out there. There isn't a human being in this room who wouldn't like to live to know more about what is there. We all have the feeling that what is out there is somehow related to the beginnings of man on this planet and we want to know what those beginnings were.

I think that when we get out there, we will learn that what is out there is what we have already here on earth—that is a capacity for greatness, if God's children can only find a way of breaking down the barriers which exist between each other.

Mr. EAGLETON. Mr. President, I wish to join with my distinguished colleague, the senior Senator from Missouri (Mr. SYMINGTON) in expressing my admiration for the speech which Senator MUSKIE delivered in Jefferson City on July 26, 1969. I was privileged to be present and to hear this speech and I wish to assure all that it was a tremendously moving occasion.

ADDRESS BY JOHN E. HORNE AT ALABAMA SAVINGS AND LOAN LEAGUE CONFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a speech given July 24, 1969, at the Alabama State Savings and Loan League convention by my former administrative assistant, and the most recent past Chairman of the Federal Home Loan Bank Board, John E. Horne. I am pleased that the Alabama league invited John to be on its program and also honored him for his many contributions to the savings and loan industry and to a better-housed America generally.

The speech John gave is an excellent discussion of the future of the savings and loan industry, based in part on the monumental and noteworthy legislative and administrative improvements that took place under his chairmanship.

As chairman of both the Housing Subcommittee and the Senate Banking and Currency Committee which handle legislation having to do with housing and the financing of it, I perhaps know better than most the real contributions made by John in these areas. Perhaps his greatest contribution as Chairman of the Federal Home Loan Bank Board was to build a firm foundation on which the savings and loan industry can safely move forward, and at a time when apparently we shall have to rely even more heavily on thrift institutions to carry the burden of home financing.

John resigned as Chairman of the Board following last November's election. However, as president of Investors Mortgage Insurance Co., a private insurer of conventional home mortgages, he continues to give a hand in advising about industry legislation and assisting in home financing. I know his many friends in Congress and the industry wish him success in building his new company. He has earned our good wishes and support.

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

SPEECH DELIVERED BY JOHN E. HORNE, PRESIDENT, INVESTORS MORTGAGE INSURANCE CO., BOSTON, MASS., AT THE ALABAMA SAVINGS AND LOAN LEAGUE CONFERENCE, POINT CLEAR, ALA., JULY 24, 1969

At the outset I want to thank you all for the privilege of participating in your Convention. It is wonderful to be back home, and especially to be with savings and loan people. Understandably I take great pride when the League from my home state—the people who know me best—invites me to be on its program.

From your own experience you know that if you live with something long enough it becomes part of you. This has happened to me. Since becoming Senator Sparkman's Administrative Assistant in 1947, I have tried to

be helpful to the housing industry generally and especially to the savings and loan industry.

The first home I owned and the one I now own in Alexandria, Virginia, were financed by savings and loan associations. One reason I chose my present job is that it enables me to work with the industry, to keep abreast of developments that relate to it, and to continue to be helpful as opportunities arise. Already on several occasions I have been able to be of service. Even these few points should make clear my abiding interest in this industry.

It was suggested that I discuss with you the future of your industry. Let me say that the future is unlimited. If we exploit wisely even one-half of the potential, your record in the future will shine even more brightly than during the past.

The topic does remind me, though, that not long after becoming a member of the Federal Home Loan Bank Board in 1963 I had the honor of discussing the same subject at your Convention, also held in Point Clear. You will recall that at that time the industry faced some serious problems.

I said then that working together—the Board and other Executive agencies, the Congress and the industry—we could cope with the conditions that produced those problems. And today in talking about the future of this industry I think it appropriate to mention some of the corrective actions taken and to relate them to what is happening now in the industry and to what lies ahead.

As I recall our successes, there are too many industry and congressional leaders to whom credit is due to name at this time. This being an Alabama audience, though, I'm sure it won't be considered an act of immodesty to single out the Alabama League; former Congressman, Albert Rains; Frank Yeilding, whose previous position as President of the United States League proved to be a tremendous asset; former Senate Banking and Currency Staff Director, Lewis Odom; New York Bank President, Bryce Curry; and Senator John Sparkman for special praise. There were others, of course, including practically the entire leadership of the United States League and some members of the National League, but the steady support of these fellow Alabamians was absolutely invaluable.

And what resulted from the joint efforts of industry, Congressional and Executive Branch leaders!

1. Up-to-date examination and supervisory authority which enabled the Board to move toward case-by-case treatment of associations. In its efforts just prior to the mid-1960's to cope with the problems, and in the absence of a modernized legislative structure, the Board was compelled to issue a great raft of new rules and regulations which necessarily had to encompass the entire industry rather than the relatively few associations at which they were aimed. Fortunately, as a result of the 1966 Fniancial Institution Supervisory Act, it is no longer necessary to resort to so many detailed and rigid regulations.

There can now be less regulation and quicker reacting supervision. Management can be given more latitude, because the few who may perform in an unsound manner can now be reigned in.

These were among the Board's objectives in seeking legislation, and the Board immediately chose such a course following passage of the Act.

The 1966 Act not only makes possible extensive use of case-by-case supervision, but also facilitates the Board's efforts to cope with problem associations. As a result of what has been done, I can tell you today that by one method or another problem associations have been removed as a serious threat to the well-being of the industry. Fortunately for the future, the Board now has the tools to prevent a repetition of the situation that existed in the mid-60's.

2. A Savings and Loan Holding Company Act that is proving beneficial to both the holding company and non-holding company segments of the industry.

Thus an unnecessary negative image of the industry was corrected to the advantage of all parties concerned.

3. A Receivership Act which enables the Insurance Corporation, if it so chooses, to take over the assets of an association for which it has paid off the insured accounts. The Act also authorizes the Corporation to make early payment to savers of a closed insured association. These and other provisions of the Act provide much stronger protection to the premium funds which, of course, are contributed by insured members.

4. A Dividend Control Law in September 1966 that:

(a) put an end to the huge outflow of savings from your associations to commercial banks:

(b) resulted in the establishment of a close liaison among the supervisory authorities of financial institutions;

(c) granted a significant rate differential in your favor as compared to that permitted to commercial banks;

(d) made possible the 90-day notice passbook account and the elimination of the 5% "averaging" requirement.

These decisions have been and, if not rescinded, can continue to be of inestimable value to you. Higher interest rate to savers is at least one advantage you enjoy over banks.

5. A new liquidity law which enables the industry to invest its liquidity in government agencies and several other instruments, and not be restricted only to government bonds. This will increase your earnings and your ability to roll in or out of the mortgage market as the Board lowers or raises liquidity requirements.

6. Laws authorizing many new lending powers which make for a more viable industry. Thus there is now available such investment authorities as regular and vocational education loans; lending, including equity investments, in city rehabilitation areas; college housing, including fraternities and sororities; mobile homes (see the excellent study just released by the Federal Home Loan Bank Board); various consumer items; commercial bank certificates of deposits; repurchase agreements; municipal bonds; and a host of others. A greater number of investment powers was granted the industry during 1963–1968 than the years 1934–1963.

Mention here should be made of the Service Corporation. It can be and in a number of instances is already proving to be a very important tool to provide new services and investment opportunities, and greater earnings to associations. Among numerous possibilities is that of using the Service Corporation as a vehicle to purchase land and to develop projects.

There will be more permissive investments, both through law and service corporations, in the years ahead. It is my prediction that eventually the investment opportunities of this industry will be at least as broad as that of the most liberal provisions of mutual savings banks, either through a revival of the Federal Chartering Bill or amendments to existing statutes. Associations can then further improve their asset holdings by having some short-term loans to offset long mortgage loans.

7. Perhaps the legislative accomplishments of greatest current interest and also one included in the 1968 Housing Act, is that authorizing you under Board regulations to adopt deposit and interest terminology; to use an unlimited variety of savings instruments, including fixed rates for fixed terms, and different rates for long- and short-term deposits; to issue debentures, notes and bonds; and other tools to enable you to be more competitive for funds.

Frankly, one regret I felt over leaving the Board following last November's election was not being able to implement all these "goodies".

Already the industry is much sounder as a result of these measures, but it takes little imagination to envision the improved future that complete and intelligent implementation of them hold for you.

The same can be said of administrative improvements. I am making reference to the new rules concerning insurance of accounts negotiated with the Federal Deposit Insurance Corporation and which made clear for the first time that as regards insurance of accounts your industry has parity with commercial banks. This is of major significance.

A complete overhaul of communication was effected between the Board and the Bank Presidents, and among the Office Directors of the Board. More thorough exchange of views between the Board and the industry was established. Among new means utilized to do this are the annual composite meetings of the Board of Directors of the District Banks; meetings with industry representatives on special problems; and the publication of the Journal of the Federal Home Loan Bank Board.

Examination and supervisory procedures were also overhauled. Examiners were encouraged to look for major points rather than inconsequential details. One example of what the Board was seeking is illustrated by an association that in 1963 had $131,000,000 in assets and 8 branches and paid $14,000 for its annual examination. In 1968 the same association had $300,000,000 in assets, 12 branches, and paid only $6,000—even though the daily charge for an examiner had increased from $63 to $78.

Appraisal techniques were improved, and for the first time specific guidelines were established for merger, branch, insurance of accounts and charter applications. These guidelines, in which considerable assistance was given by the industry, have saved the Board and the industry countless hours of time and dollars of cost. Experience will of course produce refinements in these guidelines.

The underlying purpose of all these legislative and administrative measures was to lay a sound foundation to enable this industry to grow even stronger and more capable of serving the nation in the years ahead.

Because of them and despite the tight money situation, the industry is better equipped today to manage present and future problems than it has ever been. It can and will pass safely through the current storm of money squeeze and with less strain than in 1966. Moreover, as you know, the earnings posture improved considerably during 1968. There should be further improvement in 1969.

The industry will continue to enjoy significant growth. As far as one can safely predict the future, it will also remain the dominant single source for residential financing. But I confess pessimism about even the new savings instruments regaining for the industry the relative advantage it once enjoyed over other sources in competing for savings.

Where, then, do you get the money to fill the housing needs? These needs are stupendous. Nearly everyone agrees that a minimum of 26 million new homes should be built over the next ten years. Demand for new residential units will nearly double by the end of the 1970's. We have the resources, and somehow they must be marshaled in a manner that all our people can have access to adequate housing, the low-income families as well as the others. This plus jobs plus education and training will solve nearly all, if not all, our ills.

And what a great opportunity for the savings and loan industry, both in profits and service to the nation, if funds can be found.

A partial answer to obtaining the funds could be the new saving instruments already mentioned, and more innovation by associations. The Bank System can also be used to meet a greater part of the need. Perhaps I should point out, though, that at no time since the 1966 credit crunch has a member association in good standing and operating within its legal lending area been unable to borrow expansion funds from his central bank or roll over funds already borrowed. The $1½ to $2 billion liquidity built within and maintained by the System since 1967 assured this stability. This System liquidity also made possible the heavy advance of funds to associations for commitment purposes during the first half of this year.

The problem for the System is to raise the money and lend it at rates advantageous to the borrowers but also in a manner not unfair to those System's stockholders who borrow little or nothing. There are ways it can be done.

Perhaps other sources of funds in the long run would be more liberalized rules for insurance of pension funds and of public funds if the increased flexibility authorized by the past Board does not prove to be adequate.

Hopefully it is now understood and accepted that there will be times when the Federal Home Loan Bank System will need to supply its members with housing funds, even though the policies of the Federal Reserve Board and of other government agencies are aimed at slowing down economic growth. In fact under its statute, the Home Loan Bank Board is charged with smoothing the ebb and tide of housing money flows and thus preventing, insofar as it can, an undue burden on the home building and home financing industries during times of money stringency.

Also the Bank System can and I believe will be more broadly utilized to offer an additional variety of services to its members. Such services have been expanded within recent years, and when I resigned from the Board it was exploring other steps. One such possibility—and possible under existing authority—is for the Banks through their trust powers to pool association funds for investment purposes, and to distribute the earnings on a pro-rata basis. Literally the law establishing the System is quite liberal as to what can be done on behalf of members.

Another challenge is to complete a task well underway of fulfilling all the home buying and home serving needs of a family. This includes the authority to offer investment advice as regards Keogh funds and mutual funds. A necessary first step toward the latter would be provided in a bill of Senator Sparkman's which passed the Senate a few weeks ago. Its fate in the House is uncertain.

Eventually such additional authorities will be granted you.

Your future would be brightened if an acceptable way could be found to cope with the dilemma of higher rates paid savers but with little or no flexibility built into rates charged on mortgage loans outstanding. A handful of associations have used successfully the variable interest rate. The new savings instruments can be helpful. This dilemma is one worthy of more study.

Still another development that is certain in the years ahead is increased use of private insurance of conventional home mortgages. This tool can make a real contribution, particularly toward helping the fastest growing segment of the population, those between 25 to 45, to buy homes.

Let me only make mention of three or four other areas in which there exists both a great challenge and a potentially improved future for your industry.

One is the opportunity to take a major part in rebuilding our cities. Better tools are available now than ever before, thanks again to the 1968 Housing Act, but Congress will need to fund the supporting legislation. Through service corporations or other combined efforts, or even acting along, associations can now participate in the program with minimum risk.

Those that are in financial position to take the risk may safely and with just cause choose to do so outside a Government program. But I have always considered the inner city problem to be primarily a national problem and that the investments made by private sources should for the most part, but not necessarily always, be underwritten by National resources.

Another consideration as we look ahead—the well-being of the entire thrift industry will be augmented if all segments of it can improve and maintain cooperation with one another. While you all compete in many ways, you also are endeavoring to accomplish the same ends. Moreover, you are opposed by the same groups; and if you fail to cooperate with one another, you, not the opposition, will be the losers.

Let me urge also that there be increasing efforts to build and maintain adequate management. This is always difficult for any great industry, but is essential to cope with the demands that lie ahead. In this respect, the American Savings and Loan Institute is performing a greatly needed service, but much can be done in-house at each association.

It is elementary that a good public image for the industry is of major importance. I believe that on the whole we have such an image, but like anything else, the maintenance of it requires constant attention. Nationally the Savings and Loan Foundation is performing superbly. Local emphasis is also necessary, and can be accomplished in a variety of ways. In connection with your image or good will, let's keep in mind a famous statement by Amos Parrish:

"The most precious thing anyone . . . man or store . . . anybody or anything can have is the good will of others. It is something as fragile as an orchid. . . and as beautiful . . . as precious as a gold nugget . . . and as hard to find . . . as powerful as a great turbine . . . and as hard to build . . . as wonderful as youth . . . and as hard to keep."

In closing I repeat what I said earlier: There are no bounds to the future of this industry. It is limited only by the degree to which our vision, creativity and ability are put to use to capitalize on the unlimited opportunity in our grasp.

To summarize, this is so because:

1. A new foundation has been laid which enables the Board and the industry, working together, to pursue with greater safety and vigor the steps necessary for you to remain the dominant force in home financing.

2. The demand for housing will continue to grow—in fact, will nearly double within the next decade.

3. There is solid and increasing commitment among all sectors—the builders, the unions, the suppliers of equipment, the lenders, and all levels of Government—that the need can and has to be met, but that we all have to pull together to do it. The changes that will take place within the next ten years in building techniques, building codes, financing plans, improved use of land, et cetera, will challenge and excite us all.

4. The commitment for a better housed America assures that new legislation will be enacted as required—at both the state and federal levels—to grant you the necessary tools to continue your prominent role as the largest single source of home financing.

This is evidenced both by what has been done in the past and by two bills introduced a few days ago—one by Senator Sparkman, by request, and one by Senator Proxmire. An innovation in the Proxmire bill would enable the Federal Home Loan Bank Board to borrow up to $1 billion from the Treasury at then current yield costs to be used for housing. The bill introduced by Senator Sparkman includes such provisions as an appreciable rise in the existing $40,000 loan limit, removal of the 15% limitation on apartment lending; unlimited consumer loan authority, an investment of 5% of assets instead of 1% in Service Corporations, state-wide lending, and so on.

Eventually, some of the provisions in these two bills, or modifications of them, will be authorized.

One possibility that I recommend Congress explore is that of utilizing taxing authority in both the corporate and the savings accounts areas to distribute more equitably the restrictions imposed by tight money. Taxes could vary percentage-wise and within prescribed limitations on the earnings of the lending institutions in accordance with the Nation's need and the institutions' support for housing. The same tax principle could apply to dividends paid to savers on savings accounts held at such institutions. In all honesty, I don't think this possibility holds much hope for the moment, but it is an approach which properly used could increase greatly the availability of housing funds.

There are precedents for such tax treatments to encourage housing in many European countries and in Puerto Rico. There are precedents in this country in several areas other than housing.

According to testimony given earlier this year, the housing sector accounted for approximately 70% of the drop in expenditures dictated by the 1966 tight money policy. The Chairman of the Committee said: "When an industry comprising only 3% of the Gross National Product must take 70% of the cutback, something is wrong with the way monetary policy works."

I agree with the Chairman, and I also think it is clear that there must be something more meaningful than has been undertaken in the past if in situations like 1966 and today those who make up the housing industry are not to suffer a similar fate.

For the foregoing reasons, you can and must be a major force in what will be an exciting, challenging, and at times frustrating undertaking during the decade of the 1970's and the years that follow.

PRESIDENT NIXON'S STATEMENTS IN SAIGON AND BANGKOK

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Mr. Nixon Talks His Way Into Another One," published in the Arkansas Gazette and following that, an article entitled "President Mystifies by Hailing Thieu as One of the World's Best Politicians," which was written by Frank Mankiewicz and Tom Braden, and published in the Washington Post.

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

[From the Arkansas Gazette, Aug. 1, 1969]

MR. NIXON TALKS HIS WAY INTO ANOTHER ONE

Richard Nixon in Saigon was as intemperate in his public utterances as Richard Nixon in Bangkok had been 24 hours before, but our instinct now, as then, is to wait and see what the words come to in terms of action.

It is true that we are all accountable for our words and are frequently imprisoned by them, and the words spoken by Mr. Nixon in Saigon, if anything, may prove more imprisoning than those spoken in Bangkok.

What the President said at Saigon is that we already had walked the last mile in the Paris truce negotiations, which, if the words are to be accepted on their face, would mean that our negotiators at Paris might as well pack up and come home, unless—and it is a big unless—Mr. Nixon knows something that we do not know.

Nor did he leave it at that. In his remarks to the troops, he had to indulge simultaneously his gifts for plagiarism, exaggeration and outright falsification to say that "out here in this dreary, difficult war, I think history will record that this may have been one of America's finest hours, because we took a difficult task and we succeeded."

We have, first of all, not "succeeded", and, so far from Vietnam's being one of our finest hours, history may well regard that it was our most ignoble.

When Winston Churchill, under the Blitz, spoke of that being the nation's finest hour, he spoke truly. As much cannot be said for us in Vietnam. In Vietnam, we have been the side with the supposedly overwhelming force. We have done the bombing, while the other side has had to make do with the anti-aircraft defenses, all the while holding on and enduring, enduring.

The truth of course is that Richard Nixon has a kind of personal hang-up on Vietnam. In every sense but the kind that would hold up in court Vietnam is really "Richard Nixon's War." If he had had his way, we would have intervened there a full decade earlier, and we by now would have purged ourselves of the madness. But if we had, Dwight Eisenhower probably would not have died with the reputation that he had, and Richard Nixon almost certainly would never have been president.

It is one of the ironies of history—which is treating us to rather too much ironies these days—that Richard Nixon whose borrowed sense of strategic thinking has been enshrined (and buried) there should be propelled by a failed Vietnam intervention into the presidency with a mandate to cut our losses there and cut out.

Mr. Nixon's symbolic act of tying the impossible Thieu yet more firmly around our collective necks, albatross or Chiang Kai-shek fashion, has only made his own task more difficult.

[From the Washington (D.C.) Post]

PRESIDENT MYSTIFIES BY HAILING THIEU AS ONE OF WORLD'S BEST POLITICIANS

(By Frank Mankiewicz and Tom Braden)

Commenting on a subject where his opinions are entitled to great respect, President Nixon said the other day that President Thieu of South Vietnam is "one of the four or five best politicians in the world." True to form, none of the White House correspondents present at the time asked him the names of the others. On Thieu's record, one wonders: Ian Smith? Fidel Castro? Francisco Franco? Mao Tse-tung?

These are good politicians in the sense that—like Thieu—they appear to have stable governments. But if that is Mr. Nixon's measurement, we should look more closely at Thieu's accomplishments:

On his return from the Midway conference, Thieu announced that anyone in his country even talking about the possibility of a coalition government—the subject of his meeting with Mr. Nixon—would be jailed.

The next day a Saigon newspaper was closed down. It was the 37th paper to be closed by the government since the declaration of freedom of the press 15 months before.

His leading opponent in the last free election in South Vietnam, Truong Dinh Dzu, is still in jail, presumably for the offense of getting too many votes. His trial lasted less than three hours.

Thieu's election itself was a real accomplishment—even for "one of the world's four or five best politicians."

The two candidates with a chance of beating "Old Nguyen," as his clubhouse admirers must call him, were wisely ordered off the ballot. A large number of nondescript and relatively unknown opponents were recruited; the voting lists were carefully culled of suspected dissidents; military assistance in money and travel went only to the Thieu-Ky ticket; the secret police watched the polls. There was no runoff. He even had a blue-ribbon commission appointed by LBJ to certify the results.

With all that going for him, "one of the world's four or five best politicians" couldn't do better than 34 per cent of the vote. With that kind of help, Adam Clayton Powell could be elected governor of South Carolina.

But the identity of the other great politicians of the world is not the only question the President has to answer now that he has returned.

For instance, people will want to know how Mr. Nixon reconciles what he said about Asia in Guam and the Philippines with what he said in Thailand. As the trip began, the President seemed to forecast a sharp departure from the Johnson policy, or even from that of Hubert Humphrey, who once saw in our Vietnam pacification program the beginnings of a Great Society for all of Asia.

Mr. Nixon spoke of U.S. disinvolvement. He emphasized the need for Asian nations to help themselves—even to put their own houses in order so as to minimize the chance of civil war. There were leaked stories that our future policy would be oriented toward real countries like Japan, India and Indonesia.

That was before Thailand. In Bangkok, where the government in power floats on a sea of American military aid while revolt seethes in the neglected Northeast, the President had another policy in mind. "We will defend Thailand," he said "against external aggression or internal subversion."

Since what now exists in Thailand can be described by anyone who wants a war as "internal subversion," this is a large commitment indeed. In fact, it goes far beyond anything we are pledged to do by the SEATO treaty—though perhaps not beyond an agreement with Thailand which the State Department has so far kept secret from the Senate.

But the most mystifying of Mr. Nixon's foreign pronouncements came in his speech to U.S. troops in Vietnam.

He said he thought the war might be called "our finest hour." Later the same day he pointed out that this was the first war we have ever fought "without the support of the people." How, one may reasonably ask, can the first American war fought without the support of the people be our finest hour?

PROBLEMS OF THE NEEDY

Mr. DOLE. Mr. President, tonight President Nixon will outline to the people of the United States a new approach to the problems of the needy.

He has not yet publicly disclosed just what that approach is, but surely it has to be better than the unworkable mishmash now in effect.

But despite the fact that the President has not disclosed his plan we are already hearing the outraged cries of the so-called leaders of the poor, those self-proclaimed welfare rights leaders. And they are angry because they fear the President is going to do away with AFDC—aid to dependent children.

Mr. President, perhaps this program that by its very rules and regulations perpetuates dependency on the Government, breaks up families and destroys dignity should be sharply revised or abolished.

Welfare as we know it today is a colossal failure; it does not work. The aim of welfare should be to make the able bodied and able minded self-sufficient, it was never intended to be a lifetime free ride.

Mr. President, Republicans think too much of the worth and the dignity of the individual to allow this kind of an approach to continue. It is good news that the President intends to change it.

Mr. President, there have been complaints from the uninformed and the politically motivated that the Nixon administration is not interested in domestic affairs and has done nothing about them.

Of course this is not true. Much legislation has been sent from the White House to the Hill. Unfortunately many administration legislative rose is left to blush unseen because a Democrat-controlled Congress has not seen fit to act.

Let me enumerate some of the areas into which the President has moved.

He has taken solid steps to end inflation. He has promised and is getting meaningful tax reform. He is putting more money and more effort into the fight on crime and into enforcement of civil rights laws. He has proposed fundamental reforms in the unemployment insurance act.

He has begun a joint effort by industry, labor, and Government to meet the housing crisis.

He has proposed reorganization of Federal food programs to assure every American family access to the nutritious diet;

An Urban Affairs Council has been established for the purpose of developing a national urban policy;

An Office of Minority Business Enterprise has been established;

An Office of Child Development has been established.

A Cabinet-level environmental quality council has been setup.

Action has been taken in the fields of mine safety, pollution, and many others.

Only this week the President sent messages to the Congress on urban transportation and on occupational safety and health.

Tonight the President will discuss not only welfare, but also reorganization of the Office of Economic Opportunity, a new revenue-sharing plan with the States and a comprehensive manpower training proposal.

Mr. President, our Nation has made vast strides in many directions in recent years. The Nixon administration and the Congress, working together, can truly make America a better place for all of us to live in the next 8.

WHO IS NEXT? A BRIEF LESSON IN ECOLOGY

Mr. MUSKIE. Mr. President, public concerns frequently become cliches, losing their impact through repetition. One such concern is environmental contamination which we frequently describe as ecological disaster. We say the words, but the meaning is lost when we do not relate them to our own experience.

Fortunately, from time to time an imaginative and perceptive writer puts the problem in focus and gives it life, as

Stewart Alsop did in his column, "Small Thoughts," in the July 21, 1969, issue of Newsweek magazine. I ask unanimous consent that the article be printed in the RECORD and commend it to my colleagues.

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

SMALL THOUGHTS

(By Stewart Alsop)

WASHINGTON.—Sometimes it is a relief for a political writer to take a mental vacation—to stop trying to think large thoughts about international and domestic affairs, and to think small thoughts about small matters. Here are a couple of small thoughts.

A few weeks ago, I took a plane from Washington to Boston, and spent the night in a huge motel near the airport. It was a horrible night.

The room was the usual impersonal biege box, a people-coop. On the desk there was a folding cardboard sign: WHO CARES? Opened, the sign read: WE DO. There followed one of those guest questionnaires: *Were your accommodations kept spotlessly clean? Was the telephone service prompt, courteous?* And so on.

The accommodations were clean enough. The trouble was that they stank. They stank mostly of stale cigar smoke, but there was also a strange amalgam of human odors. The reason for the stink was that there was no fresh air in the room, and there had been none for a long time.

I have a thing about air, perhaps because as a boy I had asthma, and there were times when I couldn't get enough air into my lungs. Soon after the bellboy took his tip and closed the door, I began to feel that faintly frantic, throat-clutching sensation all ex-asthmatics remember. It was a warm spring day, and the room was very hot, as well as smelly. I looked anxiously for some opening. The window was hermetically sealed. I switched a switch, but no breath of air came through the ceiling vents. When I opened the door, there was no draft, and besides I couldn't sleep all night with the door open.

VOICE WITH A SMILE

I telephoned the front desk. The telephone was answered promptly, and the voice of the lady who answered was courteous—it was a "voice with a smile." Could I have the window opened? Sorry, sir, the windows had to be kept closed "for correct temperature and maximum comfort of the guests." Then could I have some sort of air conditioning in the room?

"I am sorry, sir, but it is not warm enough to justify the activation of the air conditioning."

"But my God, woman, I'm dying of heat and there's no air in this room and it stinks."

"I am sorry, sir, but the air conditioning cannot be activated until June 10." The smile was gone from the voice now.

"Then, can I at least have a fan to stir the air up a bit?"

"I am sorry, sir, but there are no fans in the building. There is no requirement for fans."

THE FRONTIERS OF PANIC

The telephone clicked. Verging now on panic, scuttling about the small room like a laboratory rat whose accustomed exists have been blocked, I found beneath the window a small aperture, about 9 inches by 6, with a glass plate held in place by screws. The screws yielded easily to a pen knife. For some time I sat crouched by the little hole, breathing God's air, oblivious to the screech of the jets that helped contaminate it, feeling like a survivor of the Black Hole of Calcutta.

During the night, sleepless by reason of the screeching jets, I found myself wondering whether that motel might not be what the young, so mysteriously to the middle-aged, were making such a fuss about. When the middle-aged were young, hotel rooms (or cabins, as motel rooms were called in the early days) were by no means always spotlessly clean. But at least you could open the window, and the manager (who was also, usually, the proprietor) would supply you with a fan, or an extra blanket if it was cold. Above all, there was some give-and-take, some genuine human contact, between the guest and the man who ran the place.

The young lady with the smiling voice was as powerless as I was to do anything about my situation—more so, for I had my pen knife. The motel was one of a chain, and the chain in turn was doubtless held in fief by some vast conglomerate. Somewhere, far up the line of command, far from the screech of jets and the stench of stale cigar smoke, somebody had fed a lot of "input" about mean average temperatures and occupancy turnover and profit and loss into a computer. The machine had spewed out the answer—no air conditioning before June 10. It would cost the young lady her job to challenge this *deus ex machina.*

More and more, in the United States, there is a feeling of being trapped by a machine you can't talk back to, a machine with a logic of its own, unrelated to human feelings and human needs. If this machine is what the young revolutionaries are revolting against, I trust there is room for one aging journalist at the barricades.

Perhaps they are also revolting against the chemical murder of the human environment, and that is another revolution worth joining. Because of my thing about air, I like to be outdoors as much as possible. In the summer, in the evening, I like to read on the porch. The reading light, of course, attracts bugs. The other evening, when the bugs became really bothersome, I found a spray-can bug-killer in the house. I attacked the bugs with the bug-killer, and went on reading.

DUSTY DEATH

I had put the light on a glass table top, and soon it presented the spectacle of a most terrible carnage. The smaller insects—the aphids, the tiny moths, and the like—died quickly and quietly, so that soon the table top was dusty with death. The larger bugs—the June bugs, the things that look like flying cockroaches, the bees from a nearby bee tree—were slower and noisier about dying. The bees buzzed angrily round and round on the table top for long minutes before they died.

Beneath the glass table top, a spider had woven his net, and he had reaped a rich harvest. The insects, attracted by the light and poisoned by the spray, lurched drunkenly into the spider's net. With a macabrely graceful upward flinging motion of a long leg, the spider methodically entwined the still-fluttering bodies of his dying victims.

When I returned from the kitchen with my third beer, there was nothing left alive in the small world created by the circle of light, except the spider and myself. Then the spider too began to act strangely, hanging tipsily on his tiny ropes like a drunken sailor in the strands of a swaying ship, waving his long darning-leg like a distress signal. As I up-ended my beer for the last mouthful, the spider gave a long, convulsive shudder, and then, together with his rich collection of victims, he too was dead.

Suddenly, I felt lonely in the small circular world of light on the porch. Perhaps it was that third beer, but I heard my own voice, asking loudly of the surrounding darkness: "Who's next?"

THE 100TH BIRTHDAY ANNIVERSARY OF MRS. W. T. LOWREY

Mr. SPARKMAN. Mr. President, on Sunday, August 10, a grand lady who lives now in South Carolina, will celebrate her 100th birthday. I refer to Mrs. W. T. Lowrey, 23 West Hillcrest Drive, Greenville, S.C.

Her husband was president of Blue Mountain College in Mississippi, a pioneer woman's college, and also president of Mississippi College. Her children include Coast Guard Capt. Searcy Lowrey, retired; Miss Sara Lowrey of Greenville, with whom she lives, who is retired as head of speech at Furman University at Greenville; Mrs. John H. Buchanan, the wife of an outstanding minister of Birmingham, Ala.; and a son, W. T. Lowrey, Jr., of New Albany, Miss., in whose home the birthday celebration will be held.

Mrs. Lowrey still votes in every election and still maintains a lively interest in politics and world affairs. She has retained her fine sense of humor. She is a Democrat—a very active Democrat.

Mrs. Lowrey has a number of grandchildren and great grandchildren. One grandson, William Tyndale Lowrey III, was killed in action in Korea. Her other grandson, John Buchanan, is a distinguished Congressman from Alabama.

Mr. President, as Mrs. Lowrey's 100th birthday approaches, I am glad to take this opportunity to call attention to it. I salute her, I congratulate her, and I wish for her many more happy birthdays.

DEDUCTION OF CLAIM SETTLEMENT PAYMENTS FROM GROSS TAXABLE INCOME

Mr. HART. Mr. President, as this body turns to possible tax reforms which will bring more justice to our system, I would like to call an excellent article to the attention of all.

"The Golden Ox of Antitrust," by Morton Mintz from the April 14, 1969, issue of the Nation deals with questionable ruling of the Internal Revenue Service that treble damages awarded in antitrust cases are deductible.

The senior Senator from Louisiana (Mr. LONG) and I each have bills in to overturn this ruling. The article, I think, points out clearly why if we seek justice in our tax laws this IRS ruling must be overturned.

Mr. President, 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:

GOLDEN OX OF ANTITRUST

(By Morton Mintz)

(NOTE.—Mr. Mintz is a reporter for The Washington Post and author of "By Prescription Only." For his reporting in 1962 on thalidomide he won the Heywood Brown, Raymond Clapper and George Polk Memorial Awards.)

WASHINGTON.—Amidst all the talk by the Administration and on Capitol Hill about tax reform, a large golden ox, which could be gored without complaint from the great mass of taxpayers, small and large, is standing almost unnoticed outside the corral. The ox in question belongs to those corporations which have been judged to have violated the antitrust laws. Under one of these laws, the Clayton Act, the courts are directed to enter judgments of treble the amount of the damages actually proved. The matter of concern

to taxpayers is whether payments to settle claims for such damages should or should not be deducted from gross taxable income.

The issue acquired immediacy with the recent announcement of agreements looking toward a $120 million settlement of treble-damage suits that were brought by states, cities and other litigants against five suppliers of tetracycline and two other antibotics which are effective against a broad span of infectious diseases. This case is of special interest, not only because the settlement would be the largest ever to be wrapped into a single package but because of certain unusual circumstances.

In the 1950s, Chas. Pfizer had a patent monopoly on oxytetracycline (Terramycin) and American Cyanamid on chlortetracycline (Aureomycin). Each firm charged pharmacists $30.60 for 100 capsules in the most common dosage. This price, which ranged from two and a half to almost twenty times the cost of production, was threatened by the advent of tetracycline, which many physicians regarded as generally superior to the chemically related products. If a patent on tetracycline was not secured, then anyone could make it; and if anyone could make it, there would be drastic price competition and drastic reductions in profits, which were as high as 85.7 per cent before taxes.

Pfizer claimed—and Cyanamid came to agree—that it had been the first company to reach the Patent Office with a practical application. The trouble was, Pfizer's process for producing tetracycline required the use of Cyanamid's patented chlortetracycline. In other words, Pfizer could not exploit a patent unless it had Cyanamid's cooperation. And so an agreement was reached under which Cyanamid would be Pfizer's exclusive licensee for tetracycline. At the Patent Office, however, there was especial concern about one point. Was tetracycline a naturally occurring by-product of the manufacture of chlortetracycline? If this was the case, no patent could be issued. Pfizer and Cyanamid provided tests and studies to assure the Patent Office that tetracycline was *not* such a by-product, and Pfizer got the patent.

Another hitch developed when Bristol-Myers, which had tried in vain to establish a place in the tetracycline market, learned that a private detective retained by Pfizer for $60,000 had been tapping its phones. The ultimate result was that Bristol, along with the Olin Mathieson Chemical Corp., and the Upjohn Co., were, in restricted capacities, dealt in. (Olin was then the parent company of E. R. Squibb which since has become Squibb-Beech-Nut.)

But the Federal Trade Commission upset things when it concluded that Pfizer, aided by Cynanamid, had misled the Patent Office and obtained the crucial patent by fraud—a finding that the Court of Appeals in Cincinnati affirmed last year. Pfizer then went to the Supreme Court, which on March 24 refused to review the case. Then, in 1961, a federal grand jury indicted Pfizer, Cyanamid and Bristol for conspiring to fix prices, conspiring to monopolize and achieving the desired monopoly—and named Olin Mathieson and Upjohn as co-conspirators. On December 29, 1967, a jury in New York City convicted the three firms on all three counts. Appeals are pending.

The issue, then, is whether companies which obtained a patent by fraud, which were convicted of criminal antitrust violations, and which were shown to have charged exorbitant prices for vital medicines should be allowed, by tax relief, to pass more than half the cost of the $120 million expected settlement to the public which had been the victim in the first place.

As a matter of law, whether the companies should be taxed is entwined with a problem of what Congress intended by imposing triple damages. Did it intend the provision to be remedial, in which event deductibility would logically be allowed? Or did it intend triple damages to be punitive, in which case deductibility would be improper? Down through the years, there have been conflicting interpretations of what Congress meant. Until 1961, the Internal Revenue Service allowed deductions for treble damages. Then, in a letter to the Joint Committee on Internal Revenue Taxation, it quietly changed its mind.

However, the agency decided to develop a public policy after the conviction, in 1961, of General Electric, Westinghouse and twenty-seven other manufacturers on criminal antitrust charges involving electrical equipment. Sometime in 1963, then Commissioner Mortimer M. Caplin discussed the matter with staff members. Their recommendations are in dispute. In any case, on July 31, Caplin and aides, including his successor, Commissioner Sheldon S. Cohen, and the Justice Department met with the accounting and law firms which represented the equipment makers.

In September 1963 Assistant Atty. Gen. William H. Orrick, Jr., in a memo to Caplin, said that when damages are paid following litigation, "no deduction should be permitted," and that to permit deduction would be to "encourage disrespect" for the antitrust laws and to reduce "their effectiveness and deterent effect." In addition, the Department said it was "prepared to defend in court a rule of complete nondeductibility." Nonetheless, on July 24, 1964, the IRS announced a ruling under which payments to satisfy treble-damage claims—specifically including those following criminal convictions—"are deductible as ordinary and necessary business expenses."

The ruling produced a show of outrage from the chairman of the Congressional antitrust subcommittees, Sen. Philip A. Hart (D., Mich.) and Rep. Emanuel Celler (D., N.Y.), but enabled the electrical equipment conspirators to write off about half a billion dollars in settlements. GE alone saved about $90 million.

In July 1966, two years after the ruling was made, Hart held three days of hearings—ignored by most news media—on a bill to reverse it. He said that in only two years the ruling already had assured tax savings of "more than a billion dollars as cases now in process, involving price-fixing in the sale of salt, aluminum cable and other products, are concluded."

Caplin and Cohen defended the ruling as one that had to be made under the kind of even-handed administration of the tax laws which for most of the public is the foundation of what the IRS calls the system of voluntary compliance. That is, they said, they could be no less and no more considerate of General Electric and Westinghouse than of an individual taxpayer who, say, was hovering near the poverty line. Caplain and Cohen never did dispel all of the questions about how this resolute egalitarianism squared with having held a meeting at the highest level of IRS with accountants and lawyers for the equipment makers—a privilege not often accorded ordinary taxpayers.

Neither did Caplin and Cohen persuasively rebut the testimony of Prof. L. Hart Wright of the University of Michigan, an adviser to the IRS, who is a leading tax consultant. Appearing before Senator Hart, Wright said that in situations involving a somewhat doubtful tax-avoidance device, the Commissioner "does and should" act as "an advocate who is willing to litigate an important matter even though he may tend to believe the odds . . . are somewhat against him." Hart was left incredulous that IRS failed to act as an advocate by ruling against the electrical manufacturers, leaving it to them to challenge the ruling in the courts—especially because there was considerable reason to believe that in the Supreme Court the IRS would have won, and saved the taxpayers more than $1 billion.

Caplin acknowledged that a factor in his decision was congestion of court dockets. This raised another question about even-hnadedness, the congestion having been caused by the filing of about 1,500 treble-damage suits which grew out of the electrical cases. In other words, as Hart put it, the larger the antitrust conspiracy, the greater the clogging of the docket—and the less likely a fight by the IRS.

Hart's bill got nowhere. Neither did another sponsored by Sen. Russell B. Long (D., La.). While the antibiotics firms were on trial in December 1967, Hart, calling the IRS ruling "indefensible," tried again with a bill which would make payments in excess of actual damages neither taxable income for a plaintiff nor deductible expense for a defendant. Again, nothing happened.

Hart, who says the issue is whether "the American taxpayer is entitled to equal treatment in the administration of our tax laws," will make another attempt this year. So will Long and Celler. It remains to be seen how much help they get from the Nixon Administration and from Rep. Wilbur Mills, chairman of the Ways and Means Committee.

ADDRESS BY SENATOR MOSS AT THE CONFERENCE OF STATE AND FEDERAL WATER OFFICIALS

Mr. GRAVEL. Mr. President, recently the Nation's most important Federal and State water officials met in Salt Lake City in annual conference, and it is wholly appropriate that Utah's Senator FRANK E. MOSS, whose name is inseparably linked with plans for the full development of our water resources, was asked to make a principal address.

Truly a man of vision where water is concerned, Senator Moss suggested three practical steps we should take now whether or not water is ultimately distributed on a continental basis.

Since continentwide distribution would deeply involve my own State of Alaska, I read Senator Moss' speech with special interest, and I commend it to my colleagues. I ask unanimous consent that the speech delivered on June 24, 1969, entitled, "How Long Do We Want To Live Here?" be printed in the RECORD.

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

HOW LONG DO WE WANT TO LIVE HERE?

This is an appropriate year for the nation's most significant national group of water officials to come to Utah. Last month we celebrated the 100th anniversary of the completion of the transcontinental railroad. When the Golden Spike was driven into the cross tie at Promontory, Utah, in 1869, it was a mark in time as well as in track. It marked the opening of a century of unprecedented human activity and accomplishment, the development and growth of the West.

I would like to think that this meeting here in Salt Lake City will help mark the opening of a new century of progress in the life of the West. I would like to think that we are launching here tonight a century of natural resource care and development. I am impressed by the solid evidence of its beginning and encouraged by its promise.

You have had two main subjects on your agenda, one, the report of the Marine Sciences Commission; the other, the Water Resources Council Task Force Report on Pro-

cedures for Evaluation of Water and Related Land Use Projects. I want to talk about the latter.

If you have brought state and federal interests together in a way which really nails down the procedure for evaluating water resource investment proposals, you have undoubtedly driven the Golden Spike which will mark the opening of a new and comparably great century for the West.

We have already taken two important beginning steps toward fulfillment of this century's goal. One was the water resource policy developed in the report of the Senate Select Committee in 1961, the Kerr Committee report. Second, and resting on that foundation, was the Water Resources Planning Act of 1965, which created the Water Resources Council and gave us the machinery to do a better job in water and related use care and development than we have ever done before.

I have had the honor to serve on both the Kerr Committee and on the Senate Interior and Insular Affairs Committee. The latter drafted and obtained passage in the Senate of the 1965 Act, under the able leadership of Senator Henry M. "Scoop" Jackson of Washington.

That law may be one of the few most significant pieces of legislation in our nation's history. If the century that began for the West after the Civil War was the railroad century, we are now entering the water century. History may see it as starting with the Water Resources Planning Act of 1965.

Let me cite one example of why we may well call this the water century for the West. Senator Jackson in a recent speech in Washington decried the nation's bland acceptance of the trend toward megalopolis, the concentration of population in urban strips along water, the east coast from Portland to Portsmouth, the Great Lakes from Montreal to Milwaukee, the West Coast from San Francisco to San Diego, the Gulf Coast from Brownsville to Bradenton.

Industrial activity along the Ohio River dwarfs the world famous Ruhr Valley and the growth and development from Chicago to New Orleans makes the Mississippi Valley the spine of America in more ways than one. Water, in these cases navigable water, is the common denominator.

Senator Jackson called for a new dimension in planning if America is to solve both population and resource problems.

"There is no reason," Senator Jackson said, "that we have to perpetuate past mistakes; we can establish new policies and goals. The America of the year 2000 does not of necessity have to consist of strips of cities or urban desolation stretching for hundreds of miles." He said we seem to be losing our capacity to dream of a better America and a better world.

Here my friends, is the challenge to the nation. Here is the opportunity for the West. Here is the work of the water resource planners.

You have met here to work on a procedure for evaluating water resource development projects. You work in the shadow of a population trend that means we must find living space for another hundred million Americans. Where can the nation find space that can still be occupied without crowding the functions of nature, without destroying the productive capability of the water harvest fields? I'll tell you where. In the West. In the great semi-arid spaces where urbanization can be planned and living room preserved—if we have water.

Let's do some dreaming. Let's dream of a better America, plan for it, and commit ourselves to the investment it will take to realize those dreams.

I dare to use such phrases in front of this hard-headed bunch of people on the firing line of public business because evidence of your own dreams is beginning to show. Exhibit A is the document you have been studying.

The news summary of the Council's Task Force on Evaluation Procedures is most encouraging. I think we are on the right track. Not having read the full report, I cannot comment on specifics, but it seems we must still credit Eugene Weber, one of our true water statesmen, for his work on Senate Document 97. That treatise turns out to have durability and applicability akin to the Constitution itself. The Task Force confirms what a lot of people have been saying for years—we haven't been using it right.

We've had the principles before us all the time, but the Task Force, for the first time, calls for consideration of all of the benefits of water resource development. I particularly like the definition of the "environmental" objective I want to quote it:

"The environmental objective includes the preservation of natural and cultural areas, creation of restoration of scenic areas, enhancement or protection to achieve or maintain the quality of the environment, and protection and rehabilitation of related land resources to insure availability for their best use when needed."

That last phrase, "protection and rehabilitation . . . to insure availability when needed," is critical.

This is really the starting point for all water and related land use planning. The thing I don't like about the Task Force report is that word "projects." It is too confining. The protection and rehabilitation of water resources, and this means their supporting land, the water producing areas, must be a continuing and overriding objective in everything we do. It is not a project. It must be a philosophy, a national policy, and an individual commitment. Protection and rehabilitation of water resources must be a continuing process, not a project. It is essential to our life as a nation.

The National Water Commission is a key part of our national response to this requirement. It can restore our dream. I am sorry I was not here at lunch to hear the Commission's Vice Chairman, Sam Baxter. He has dealt successfully for years with city water problems. One of the world's most respected men in the municipal water field, he is now in a position to help write a national water policy which can give new impetus to national planning for the environmental objective, the objectives of preservation and rehabilitation to assure availability when needed.

That "when needed," is a long time. I cannot quarrel with the Water Resource Council's planning base of 50 years, nor with its dependence upon projections of what we have, which Senator Jackson warns us against, but I want to ask "Where do we do the planning for the America of 500 years from now?"

I say that unless we start taking better care of the natural endowments of this continent—and I mean continent—most of us will be condemned to a grovelling struggle for a poor living out of abused land in a poverty-oriented existence. I don't want to put any limit on the lifetime of my country. The key question in all natural resource planning is "How long do we want to live here?" Every resource development project must be measured against the standards of whether it contributes to nature's ability to support us, and to continue to support us in the numbers of hundreds of millions at which our population might stabilize. This is what I call productive conservation. It is a far higher standard and a tougher test than the goal of preservation of the wilderness as nature left it.

As Jay Bingham told you, I have just returned from a six day trip called "Survey '69," promoted by the Wenatchee, Washington, Daily World, to western Canada and Alaska. It was not my first visit to Alaska. But what a land! It is beautiful, it is rich, its vastness is beyond description. And it is still undefiled. Its rivers are still whole. And what rivers! Alaska, I was told, has 40 percent of all the fresh water under the American flag. I have a prayer for the Alaskans and their land heritage. It is that they will profit from the experience of their elders among the states—the "lower 48" as they say—and start now to take full care of their life-giving soil and water resources. They are making a good start, I believe, and I pray that success shall attend their efforts. It is important to all of us that they plan well and follow through.

The start of their long range planning has the stamp of the Water Resources Council. A voluntary committee of representatives of both state and federal agencies is already at work under the general guidance of the Council. They want to start as soon as possible on an inventory of their water resources.

I have been told that the indicated total annual run-off of those Alaskan Rivers is 800 million acre feet. It will take at least three years to complete the inventory, after it is funded. The results of that inventory may be of historic significance. Upon it may rest not just the new century for the West, but a millennium of constructive peace and growth for the whole continent.

Alaska has its water problems, as we learned from the Council's first assessment of the nation's water resources, but they are all subject to prompt solution. More importantly, the basic solution to such problems as flood control, redistribution, and electric power generation, would also permit collection of some of the surplus in such a way that it could be exported. Many Alaskans realize this, and want to see the possibilities checked out. I can tell them where they can get customers. The way to check the possibilities is to make the inventory and develop a comprehensive water plan as envisioned in the Basin Commission provisions of the Planning Act.

Five years ago, The Ralph M. Parsons Company of Los Angeles published a report of work its engineers had done indicating the economic and technical feasibility of continental water redistribution. It was, as you all know, called the NAWAPA concept. It would move unneeded surplus in the uncrowded North to the crowded water-short areas of Canada, the U.S., and Mexico. It represented the kind of dream Senator Jackson must have had in mind.

Like many dreams, the NAWAPA concept carried the burden of prematurity. It was denounced in parts of Canada, primarily, I believe, because people misunderstood. But now people are beginning to study the idea of intercontinental water transfer, and a number of new plans have been suggested, some of them American, and some Canadian. We don't have the data yet to evaluate them.

In about five years, giving the Alaskans time to survey and appraise their resources and determine their own ultimate needs, we should be in a position to evaluate—in accordance with the procedures you are discussing—the possibilities of massive continent-wide water transfers. Alaska is, of course, the key because her input of water collected at high elevations makes the system workable.

We could do three things with this water. It may be possible to move Alaskan water to the "lower 48" directly, or we could make exchanges with the Canadians giving them Alaskan water which they would replace by sending some water south, or we could do as the original NAWAPA report suggested, combine Alaskan and Canadian water, in a continental system, redistributing it in Canada throughout the prairie provinces and into the Great Lakes, and also bring millions of

acre feet into our coterminous states and to Mexico.

I do not need to describe to this group the benefits to the West, nor to all of the United States. Similar benefits can be shared by all of the people on the continent.

Now, what do we do? Do we just argue the pros and cons of massive transfers, and spend our time in academic discussion of the desirability of continental planning? I say we've done enough of that. There is a clear path toward rational and intelligent answers to some of the questions involved in such a momentous undertaking. The Chinese are credited with the observation that a journey of 1,000 miles starts with a single step. I have three steps to propose now. We can take them with assurances because there are direction-finding techniques in the provisions of the Water Resources Planning Act of 1965. I can see 10 years of work ahead of us, if we proceed with diligence. We are late in starting.

Phil Glick, one of the old water hands in the government who, I am told, has just left Henry's staff at the Resources Council for Ted Schad's staff at the National Water Commission, told the Great Lakes Basin Commission last winter that one reason for the Basin Commission approach taken in the Planning Act is that our people have sensed "that each of our three levels of government has a unique power that neither of the other two possesses." That is why two of the steps I am urging tonight deal with the establishment of two new basin commissions.

Since I believe that the beneficiaries should start first, I propose that the initial step toward continental water planning be taken by the states of the Colorado-South Pacific Region, the four drainage areas of the Upper and Lower Colorado, the Great Basin, and California. These states should immediately form a Basin Commission under the provisions of the Water Resources Planning Act and begin now the homework that I believe has to be done before we can justify transferring water from Alaska.

The second step is to establish in Alaska a Basin Commission or its equivalent, as a formal, permanent coordinating and planning body to enable the work there to be funded promptly and efficiently; to further the cooperation among state and federal agencies, and with Canada; and to provide full administrative and technical backup for the tremendous job that has to be done and for which Alaska deserves all the help the federal government can give her.

The third step, and the order is not important, is to get funds to the temporary study group in Alaska to start that inventory. I put the recommendation for a Basin Commission for Utah and her six sister states first because I want to demonstrate the urgency of our needs and our appreciation of the benefits. The funding of the Alaska studies is surely the simplest step if there is awareness of its importance in the right places.

There is another important step which can come now or later. At some point, we should sit down with the Canadians and discuss openly all of these possibilities. I said to the Royal Society of Canada at the University of Sherbrooke three years ago that both Canada and the U.S. have a lot of homework to do before we can make any decisions on continental planning. The Canadians probably need from five to ten years of study to determine whether they have a surplus which could be profitably exported in a continental system. We have our own homework to do while the Canadians are doing theirs, but just plain good manners seems to indicate we should explain our interest in the subject.

By the end of the year, or by next spring, the Water Resources Council should have new policies and procedures for evaluating water resource projects. But this is not enough. We as a nation must be ready to make the investment implied in preservation and rehabilitation—to make our land more useful for those who live here now, and to assure it will still be useful for generations to come. This will determine whether our nation lasts a long time, or goes down the drain of history with all the people who could not, would not, or did not take care of their basic soil and water resources. The competition for the public funds, cities and foreign commitments included, cannot be permitted to govern the care of our land, this wonderful endowed segment of earth which is North America. With each dollar we appropriate for defense, we must consider our husbanding of what we have to defend.

Our work is cut out for us. Our planning must take on a new dimension. Your new evaluation proecdure will help in the selection of projects, but it is a guide, not a goal. Let's get on with forming the Commissions, in the Southwest, in the Plains, in the center of the country, in Alaska. Let's get on with the Alaska inventory. Let us ask ourselves at every step, at every point of decision, as we weigh the disposition of every tax dollar collected and appropriated, the very critical "preservation and rehabilitation" question: "How long do we want to live here?"

REVIEW OF GRAZING FEE SCHEDULES

Mr. CHURCH. Mr. President, the Members of the Senate will recall that on January 14 of this year the Department of the Interior announced new grazing fee schedules for graziers using the public lands of the United States. These new schedules provided a sharp increase in the fees that must be paid by permittees who, for the most part, are relatively small, independent operators.

A number of these operators communicated with members of the Interior Committee and other western Senators, protesting that such increases threatened to put them out of business. In response, the Interior Committee held open hearings in February on the new schedules. These hearings brought out many highly pertinent facts concerning the state of the livestock industry and the administration of the Taylor Grazing Act.

I commend them to the study of the Members of the Senate and to all persons interested in livestock and the use of our public lands.

As an outgrowth of these hearings, the Senate Interior Committee has unanimously adopted a resolution calling on the new Secretary of the Interior to review the fee schedules and the criteria by which they were set. Included in the review would be consideration of whether the public interest and equity, as well as the purpose and intent of Congress, are reflected in the criteria and methods used in establishing the new schedules.

The committee requested that such a review be completed by December 1, 1969, prior to the going into effect of still higher fees for 1970.

Mr. President, I ask unanimous consent that the text of the Interior Committee's resolution be printed at this point in the RECORD.

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

RESOLUTION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

Whereas, the Department of the Interior did on January 14, 1969 under the authority of the Taylor Grazing Act (Act of June 28, 1934; 43 U.S.C. 315 et seq.) promulgate a schedule raising grazing fees substantially for the grazing year beginning March 1, 1969 and providing for further accelerated, progressive increases in such fees for each of the next 10 years (F.R. Doc. 69–527);

Whereas, the Committee on Interior and Insular Affairs, by its Subcommittee on Public Lands, did on February 27, and 28, 1969 hold open public hearings on the announced schedule of increases, and at these hearings representatives of graziers and persons directly affected by the fee increases, as well as spokesmen for the administrative branch of the Federal Government, and other interested citizens, did make oral and written presentations to the Committee;

Whereas, testimony presented to the Committee raised questions as to whether the January 14, 1969 fee schedules do conform with the criteria established by Congress in the Taylor Grazing Act and in Title V of Public Law 137, 82nd Congress (65 Stat. 268, 290);

Whereas, there are pending before the Interior Committee of the Senate two bills, S. 716 by Senators McGee and Moss, and S. 1063 by Senator Montoya, both of which would have direct effect upon the January 14, 1969 grazing fee schedule;

Now therefore, be it resolved That the Committee on Interior and Insular Affairs of the Senate of the United States requests and calls upon the Secretary of the Interior and the Secretary of Agriculture with other officials of the Executive Branch of the government, to undertake and complete not later than December 1, 1969 a comprehensive review of the grazing fee schedules imposed by the order of January 14, 1969. Said review shall include consideration of whether the public interest and equity, as well as the purpose and intent of the Congress as expressed in the Acts cited above, are reflected in the criteria and methods which were used in the setting of said fee schedule.

HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs.

Approved this 7th day of August 1969.

Attest:

JERRY VERKLER,
Chief Clerk.

EULOGY FOR TOM MBOYA BY THE KENYA AMBASSADOR

Mr. KENNEDY. Mr. President, on Saturday, July 5, Tom Mboya, one of the most widely known and respected political leaders of Africa, was shot and killed on a crowded shopping street in Nairobi, Kenya, the nation he loved and whose independence he helped to found. Citizens in all walks of life in the United States mourn his death as the loss of a brilliant, articulate, and capable leader of Kenya, a man well known to Americans, a man who had already demonstrated his ability to rise above the tribal strife of his emerging nation and bring harmony to all political factions.

On July 15 at the Holy Family Church in New York City, the Ambassador from Kenya to the United States, His Excellency Mr. Leonard Oliver Kibinge, delivered a moving eulogy for Tom Mboya. The Ambassador spoke eloquently of Mboya's humble background, his extraordinary rise to a position of great influence in his nation, and his immense

contributions to the unity and development of the nation he loved and for which he gave his life. His remarkable career will stand as an inspiration and symbol of hope for people of all nations.

Mr. President, I ask unanimous consent that Ambassador Kibinge's eulogy be printed in the RECORD. I also ask unanimous consent that an article and editorial on Mboya from the Washington Post, as well as an article from the London Times, be printed in the RECORD.

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

EULOGY FOR THE LATE TOM MBOYA

It was just a little over a year ago in this church that a mass was offered for another man who was taken from his family, his people, and his country by the act of an assassin. Today we are here because, like Senator Robert Kennedy, Tom Mboya was senselessly and suddenly shot down and he, too, taken from his loved ones, Kenya, Africa and the World.

It is difficult for me to express what a great tragedy the death of Tom Mboya is to Kenya and to Africa. Tom, who gave himself completely to his country, was described by our President, Mzee Jomo Kenyatta in the statement that Mzee made upon learning of Tom's death:

"Mr. Mboya was adamantly, ceaselessly and courageously reinforcing the efforts of those who had started the struggle for the emancipation of his people in Kenya as well as our brothers throughout the continent of Africa. Had it not been for his efforts and personal sacrifice, Kenya's independence could have been hampered or seriously compromised. Mr. Mboya was an undiluted African nationalist who always viewed issues on their national as well as international repercussions. The part he played in welding the Kenya nation is invaluable and will remain an inspiration to all of us. Rarely in my life have I come across a man who was prepared to devote so much of his time and energy to the service of his nation and to the welfare of mankind."

Tom Mboya was a Kenyan.

He belonged to *no one group.*

He represented *all of us.* His continued efforts to serve and promote national unity was but one of his constant goals and one that he himself personally achieved through his success in elections. His was a constituency that represented more than 60% of Kenya citizens whose origin was different from that of his own tribe.

He felt quite strongly about this particular issue, namely the unity of the nation. He spoke out, and I quote: "That we are born of different tribes we cannot change, but I refuse to believe that because our tribes have different backgrounds and customs and cultures we cannot create an African community or a nation."

It was with this profound belief that he personified our concept of one nation.

Tom's devotion and dedication to Kenyan unity and development was a mark of his courage to address himself to the most complex of national and African problems. He, as Minister of Economic Planning and Development and Secretary-General of the Kenya African National Union, always grappled without hesitation with issues that some men, if possible, would have avoided or preferred not to recognize; but his gifts, talents and self-assuredness made him speak out when necessary, act when called upon, and not hesitate when fundamental questions were raised about the advancement of human dignity and freedom.

When one thinks about Tom Mboya, we think about the Tom of the present: the articulate, intelligent, courageous, able politician and statesman. But we have also to understand that the Tom we knew came from a simple family whose parents were illiterate, whose father worked as an ordinary laborer on a sisal estate, who was the first born of five brothers and three sisters and who, out of his father's small earnings, was able to begin his elementary education. As he grew, (he showed early promise as a student;) at the end of 1947 he could have continued his education for his Cambridge School Certificate, but he was unable to, Why? because his family could not afford it.

This was an important development in his life. He then trained as a sanitary inspector and joined the Nairobi City Council and was elected secretary of the African Staff Association. At this time he began to interest himself in active politics and became a full-time trade union organizer, converting the African Staff Association of which he was president, into the Kenya Local Government Workers Union and he soon emerged as the Secretary General of the Kenya Federation of Labor. It is from this position that he emerged as the voice of the Kenyan people in the absence of any other African organization to speak for them. Tom, *the worker,* the *trade unionist,* never lost his sense of social justice.

Tom Mboya's concern about Kenyan nationalism and Kenyan independence was highlighted in a speech that he gave in New York on the occasion of African Freedom Day in April, 1961: "Let me speak for a while about the father of my own country, Kenya, the man who perhaps more than any other represents the African personality, Jomo Kenyatta. . . . the denial of freedom to Jomo Kenyatta and other detained peoples of Kenya is a mockery of justice. . . . the present crisis in Kenya cannot be resolved until Jomo Kenyatta is given his unconditional freedom. Our people love him and are determined to make this undisputed leader of the African people the head of our first independent government. Our people respect him not only for himself but for his character, his integrity and judgment and iron will".

Tom's statement about Mzee was coupled with his actions in refusing to join an interim government in 1961 until Mzee was given the freedom to return to Kenya. But his acknowledged nationalism and pan-Africanism goes back to 1958 when he was elected chairman of the All-African People's Conference meeting in Accra, a distinction that he acknowledged as "the proudest moment of my life". His role on the African freedom movement as chairman of the All-African People's Conference . . . His stimulation of the pan-African freedom movement of East and Central Africa; . . . His dedication and strong support of the Organization for African Unity and the Economic Commission for Africa were all important aspects of his commitment to Africa.

He spoke to the 8th Session of the United Nations Economic Commission for Africa in 1967. "African development is at stake. Nothing less than a major effort both within Africa, and by our friends overseas can produce the progress we seek and make our continent a material contributor to the World economy.

"The initiative and decision to cooperate must come from Africa itself." His concern with the economic development of his country and his continent was but one more example of his preoccupation with the needs of his people.

Approximately 10 years ago Tom showed another of his many qualities—his great respect for the education and training of Kenyans and other Africans. His desire to see young people of Kenya educated took the form of his pushing forward what we now know as the airlift of African students from Kenya and other African countries to the United States. From having about 60 students in the U.S. in 1956 by January, 1963, Kenya had over 1,000. In the development of the Kenyan airlift to educate Africans Tom justified what took place as "the need for educated people is so great that I often marvel at those persons who suggest expansion will produce too many educated people and there will be nothing for them to do and so a worse problem will have been created. My view is that no field in Africa today is saturated and to try to slow down the African desire for education or for specialization in various fields would mean strong resentment."

He also dealt with local education problems in a vocational secondary school, Starehe, in Nairobi to train ghetto children in Nairobi.

He himself well utilized his formal academic training at Ruskin College; but it was only one year of his life toward all that he gave in different ways to the education and training of others.

Tom Mboya was well-known in the United States. It was just 9 years ago that Tom appeared on an American national television network show called "Meet the Press". His brilliance coupled with his youth astounded Americans. His relationships with this country from the pre-independence period through the Kenya student airlift along with his visits made him conscious of a need for an informed American awareness about African development and real independence. He had an understanding of the assets and weaknesses of the United States towards Africa. In an article as far back as 1957, Tom stated "In the field of foreign policy, America's position in the eyes of Africa is rather disappointingly hazy. She had not lived up to their expectations, and internally the segregation problems have affected American prestige and moral standing. Her people are however, still regarded with friendship and expectancy, although it has become generally recognized that there exists a great deficiency of informed opinion on Africa."

The advent of independent African states and his own visits have contributed to the greater education and understanding between Africa and the United States. Kenya owes her very favourable image in the United States to Tom. The relations between our two countries could not be better.

Tom, however, never wanted to be known other than as a Kenyan involved in world affairs and as he ended his book "Freedom and After" he said, "Through our international policy of preserving positive neutralism, to the conclusion of friendship with all nations, we will be showing the rest of the world what freedom really means."

In the lives of all public men, it is often the close, warm family relationships that suffer. The dedication to national issues, public demands and international forums take the man of leadership away from his family. But most of all, in thinking about Tom, one has to think about his love for his wife, Pamela, and his three children. He and Pamela married in January, 1962 and with their three children attempted to keep together the little time they had among themselves. When time and work permitted they would go to Rusinga Island and he would give to his family the full but few hours that he carefully put aside.

It is Pamla Mboya and her three children who above all miss Tom the most, and it is to her and the children we can only say that their loss is greater than that of all other Kenyans. In this difficult hour, we offer Pamela and the children our heartfelt condolences and pray that God will give them strength and courage to face the future.

Tom's death cannot be meaningful no matter how one wants to interpret it. But, *if out* of this comes a renewed commitment on the part of all Kenyans to achieve what he wanted to uphold, and if we can but reflect in our commitments his dedication and efforts to the unity and the development of our country; to the contribution of Kenya

in the evolution of a greater East Africa; to the strengthening of ties within Africa; and to the emphasized role of Africa in the World Community in its efforts towards peace and development, then we will have contributed in our own way toward an everlasting memorial to a great Kenyan, African and world leader, Thomas Joseph Mboya.

[From the Washington Post, July 9, 1969]

MBOYA'S DEATH UPSETS ASSUMPTIONS

(By Stanley Meisler)

NAIROBI, July 8.—The murder of Tom Mboya destroyed the touchstone of Kenya politics. For years, African politicians had one main issue to set them apart: They either sided with Mboya or ganged up against him.

Mboya, who was killed by an unknown gunman Saturday, never did take full power in Kenya. He did not even establish himself as the unchallenged heir to President Jomo Kenyatta. But politics in Kenya was all about Mboya.

Mboya talked about his enemies and his problems in a private and unusually frank conversation with me in 1962. Now that he is dead, his words can be put on the record as a historical footnote shedding light on the early African politics of Kenya.

Mboya was Minister for Labor then in the African government that had a measure of power in the year before Kenya became independent. All politicians knew that Jomo Kenyatta would rule as Kenya's first Prime Minister. But African politicians already had started jostling each other to be in the right spot to take over once "the Old Man" died or retired.

The young Kikuyu politicians, members of the same tribe as Kenyatta, sided very quickly against Mboya, a Luo, even though he was in Kenyatta's party. Many were jealous of Mboya, for he had won reknown in the Mau Mau years when the British had banned all political activity by the Kikuyus.

"There is no doubt that the young Kikuyu intellectuals are against me," Mboya said. "I am aware of this. It is nothing new. The problem is that there is no second man to Kenyatta whom they see as a leader of the Kikuyus. I represent a threat to them.

"I am faced with a dilemma," Mboya said. "I know what must be done. I know the organization that is needed. But I cannot do anything. I am committed to Kenyatta. I have given my word to follow him as leader. If I try to do what is needed, everyone will say that I am usurping his role."

Mboya may have come very close to power in 1961. This theory has been advanced by Professor Carl G. Rosberg Jr., the chairman of the political science department of the University of California at Berkeley.

During the 1961 election Kenyatta was in detention in Lodwar in Northern Kenya as the leader of the Mau Mau uprising.

He became a symbol of the African struggle for independence. Throughout the campaign, African politicians demanded that the British release Kenyatta.

Mboya was then running for office in a Nairobi district that was 60 per cent Kikuyu. His main opponent was a Kikuyu and the Kikuyu politicians tried to portray Mboya as disloyal to Kenyatta, intending to take power before the release of Kenyatta. On the defensive, Mboya signed a pledge of loyalty to Kenyatta, promising he would not take part in the Kenya government until Kenyatta was released to become the chief minister.

In the election, Mboya won more than 90 per cent of the vote. The Kikuyu of Nairobi had refused to vote along tribal lines.

Rosberg believes that Mboya and some other members of his victorious party might have agreed to form a government if the British had compromised by promising to release Kenyatta at some future date. But the British refused.

This rigidity and the attacks by other politicians forced Mboya to refuse a place in the government. No meaningful African government arose in Kenya until the British finally released Kenyatta.

In many ways, the scenario was replayed again and again after Kenya's independence. At the time of his death, the same Kikuyu politicians had an alliance with Vice President Daniel Arap Moi (of the Kalenji tribe) against Mboya.

With Mboya dead, a new politics will have to develop in Kenya.

The murder has crumpled all the old assumptions about politics in Kenya.

[From the Washington Post, July 9, 1969]

TOM MBOYA

No country is so well endowed with leadership talent that it can afford to lose men of the caliber of Kenya's Tom Mboya, dead at 38 of an assassin's bullet on a busy street in Nairobi. Mission educated, he was first employed as a colonial health inspector—at a fifth the pay of his white counterpart. British sanctions diverted him into trade unionism, where he sharpened his political and managerial skills and made the crucial "modern" leap from tribal to national affairs. That he was a Luo in a country dominated by Kikuyu, and that he lacked the nationalist martyr's credentials of Jomo Kenyatta, had kept him from becoming Prime Minister. But upon Kenya's independence in 1963, he became Minister of Justice and he ended in the key modernizing post of Minister of Economic Planning and Development. Those who know Africa well regarded him as one of its ablest men.

His own people, of course, are the principal losers by his death, but he had a special meaning to whites outside Kenya. More than any man, he personified the possibilities of African progress. Handsome and articulate, he traveled often in Europe and the United States, as though to exhibit his own competence to skeptics along the way. His poised performance on *Meet the Press*, at age 29, was for many Americans the first occasion they began to take Africa seriously. It was only natural that he should run the ministry (Planning) set up to tap the West's money and technology and to fuse them with Kenya's own resources. Similarly, he could convey to the West an impression of faith in democracy and yet operate effectively in his country's own peculiar ways. Where many of his fellow Africans were hobbled by rage or fear in dealing with the West, Mr. Mboya could treat directly and pragmatically. It cost him politically but it helped his country. Africa needed Tom Mboya and Africa's friends needed him too.

[From the London (England) Times, July 7, 1969]

MR. TOM MBOYA, A PROMINENT FOUNDER OF THE KENYA NATION

Mr. Tom Mboya, who was assassinated while shopping in Nairobi on Saturday, will leave a huge gap in Kenya's political life, and he is assured of a prominent place among the founding fathers of the Kenya nation—still in its birth throes. But he was not at the time of his death, as he was once considered to be, a serious contender for the presidency after Mzee Jomo Kenyatta. He would have been politically important in the new regime, and whatever part he might have played, his expertise and experience of foreign affairs will be sorely missed. As Minister of Economic Planning, he repeatedly went abroad with other ministerial colleagues to carry through negotiations, especially, but not exclusively, on economic matters. He was, for example, a prominent alternate to the Finance Minister, Mr. James Gichuru, in representing President Kenyatta at the Commonwealth Prime Ministers' meeting in London this January.

A member of the Luo tribe, he was virtually de-tribalized, and acquired to a greater degree than most African politicians a "western" outlook. This made him a formidable administrator and departmental minister, but it was not without its disadvantages for Mboya personally, who lacked the popular following enjoyed by his fellow Luo and great rival, Mr. Oginga Odinga. A touch of arrogance, born of his own self-confidence and knowledge of his intellectual distinction, made him unpopular with many of his less gifted colleagues also. In the ups and downs of Kenya politics, Mboya sometimes appeared to be on the way out, but in the last analysis his sheer ability kept him at the centre of events.

Born on August 15, 1930, the son of a sisal worker, Thomas Joseph Mboya was educated at the Holy Ghost College in Manju and then at the Royal Sanitary Institute's Medical Training School. He qualified as a sanitary inspector and worked in that capacity for a short time for the Nairobi City Council from 1951 to 1952.

He was quickly involved in politics and trade union affairs and in 1952 became a member of the Kenya African Union (the pre-Mau Mau nationalist party) and also national general secretary of the Kenya Local Government Workers' Union. A year later he was general secretary of the Kenya Federation of Labour, a post which he retained until 1962 (when he became a Minister) and which was in his hands a position of great power and influence. In 1960 he became general secretary of the Kenya African National Union, the ruling party of Kenya, and in this capacity performed invaluable services to his leader, Mr. Kenyatta, and to the party as a whole. He was above all a good organizer and himself well organized. Kenyatta's reemergence doomed Mboya's hopes of winning the leadership of independent Kenya at the outset, but he probably never abandoned hope of the eventual fulfilment of that ambition. It was Mboya who, as an ardent pan-Africanist, produced the anti-white slogan "Scram out of Africa."

If Mboya had had the opportunity early enough—before he had become involved so deeply in politics—to attend a university, there is little doubt that he would have had a brilliant academic career. As it was, he managed with the aid of a British Workers' Travel Association scholarship to spend a year at Ruskin College, Oxford. Writing about this experience in his book *Freedom and After* (1963) Mboya declared: "The year at Oxford gave me more confidence in myself, it gave me the time to read more, it taught me to look to books as a source of knowledge." Dame Margery Perham, who knew Tom Mboya in his Oxford days and after, wrote in 1965: "He had no time to work for his degree but, knowing him then and since, I would say that no African leader has an abler brain or a stronger will."

To see Mboya in the middle of a complicated constitutional conference, or to watch him presenting his Government's policy to the British Government before independence, was to understand the truth of this assessment. He knew exactly what his long-term aim was, and he knew exactly the tactical manoeuvres that would be necessary, and effective, in approaching it. He was a master of political tactics, flexible, always ready to seize an opportunity, never permitting himself to be side-tracked. He wrote interestingly about his theories of political strategy and tactics in his book, stressing above all that in dealing with the colonial regime results could best be obtained by a policy of toughness, though he did not believe in obduracy when once the end had been achieved. To use his own phrase, the policy was: "Growl now, smile later." His skill in manoeuvring the white Kenya settlers out of power was ruefully acknowledged even by themselves. He was not, however, in essence antiwhite, though he could sound it—and anti-Asian also. In his work on the important sessional white paper on African Socialism he reso-

lutely took a cautious line which annoyed the left wingers of all racial compositions. In 1962 Mboya married Miss Pamela Odede, daughter of one of the leading Luo of the older generation, and herself a woman of considerable personality and ability.

TRIBUTE TO GEORGE J. BURGER, SR.

Mr. PROUTY. Mr. President, just recently an article from the American Independent Baker came to my attention, and it is an article which I am sure will be of interest to all of our colleagues.

The subject is a good friend to most of us, George J. Burger, Sr., who has for so many years worked tirelessly among the Senators for the good of the small business community of this Nation.

Mr. President, I commend the article to the Senate and all those who might read the CONGRESSIONAL RECORD.

I ask that it be printed at this point in the RECORD.

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

NATIONAL FEDERATION OF INDEPENDENT BUSINESS, INC.

Perhaps the most indefatigable worker on Capitol Hill for civil rights is George Burger, Sr. who is seeking to give civil rights for the nation's more than 5,000,000 independent business firms.

For the senior vice president of the National Federation of Independent Business, and champion of small business in Washington for more than three decades, believes that the independent entrepreneur deserves more consideration than the operation of the beauty shop maintained on the Hill for the convenience of Congresswomen. His position is supported by a heavy majority of the nation's independent businessmen voting in balloting conducted by the Federation.

In the makeup of Congress there are two types of committees. Many of those known as standing committees can study problems, propose legislation for their solution, and bring it to the floor for a vote. Those known as select committees can only study the problems, propose legislation, but cannot bring the bills to a vote, and must depend on the good graces of some other committee to do that chore for them.

In the House, all 23 committees are standing committees with the exception of the House Small Business Committee and the Select Committee on the House Beauty Shop.

As to be expected, the House Beauty Shop committee is composed of three lady Salons, as apparently even in this day of pancake makeup for TV appearances, beauty shops are considered a feminine province.

The House Small Business Committee, on the other hand, is composed of fifteen of the most able Congressmen and while its chairman, Congressman Joe Evins of Tennessee has sought to have legislative authority conferred on the committee, such proposals somehow always end bottled up in a committee.

On the Senate side the Small Business Committee has a little more company among Select Committees and it is in this area that Burger is concentrating his efforts. Senator Winston Prouty of Vermont has for several sessions had before that body a resolution known as Senate Resolution 30 which would change the Senate Small Business from Select Committee status to that of a Standing Committee with legislative authority.

Currently, Burger has obtained pledges to support this resolution from over 20 senators, and is daily carrying on his crusade for civil rights for small business on the Hill.

In the Johnson administration he secured promises of support from more than half the senators which would have assured passage if it had reached the floor. But by a maneuver, said to have been ordered from the White House, the resolution was bottled up in special committee chairmaned by the retiring Senator Carl Hayden of Arizona where it remained until the Congressional session ended.

While the Senate does not have a Select Committee for the Senate Beauty Shop, presumably because of the paucity of lady senators, out of its 22 committees only six are select committees. These are the Democratic and Republican Policy Committees, the Select Committee on Standards and Conduct, the Special Committee on Aging, and the Special Committee on the Organization of the Congress, plus the Small Business Committee.

Like its counterpart on the opposite wing of the Capitol, it, too, is composed of some of the nation's ablest senators. Both of the Small Business Committees over the years have engaged in extensive investigative work in depth, and have written legislation that would have solved many, if not all, of the problems now confronting the free enterprise sector of the economy.

But too many of these carefully researched reforms have been deprived of their right to vote by all the members of the Congress by being pigeonholed by some committee with the authority to ask for a vote, never seeing the light of day.

While there is no box score showing the respective batting averages of the Small Business Committees and the Select Committee on the House Beauty Shop is successfully getting proposed legislation to the floor for a vote, the odds are that the Beauty Shop Committee would show the higher score for, after all, Congressmen are known for their gallantry.

SCHOOL DESEGREGATION

Mr. HART. Mr. President, those who strived to assure that equal opportunity for all citizens would soon be reality were disappointed and disturbed when the administration announced that it was lifting the deadline for complying with the Supreme Court's school desegregation decision. We can only imagine the sense of futility and frustration that members of minority groups must be experiencing as a result of this action.

A Michigan resident who describes herself as "a member of the white middle-class society" asked me in a recent letter how we can expect "legitimate and peaceful black organizations to maintain status and influence within their own ranks" when our Government backslides on such a basic issue.

Mr. President, I cannot answer this question. There seems to me to be no explanation, no justification, no defense. What are we to say to black citizens who feel that the Government is toying with their civil rights?

I ask that the letter I received from Geraldine Markel, of Detroit, be printed in the RECORD at this point. Perhaps there is someone at the White House or the Department of Health, Education, and Welfare who will answer her questions.

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

ANN ARBOR, MICH.,
July 9, 1969.

HON. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

SIR: It has been said that large segments of the youth and the Black are suspicious and hostile toward the establishment and the government. The person who is mystified and/or incensed by such views need only look at the Nixon school desegration decree as an example of the source of such frustration and aggression.

I am a member of the white middle class society. I am very well educated and financially secure but very distraught by this pronouncement. How can a minority group with so much at stake feel? Is it possible for the traditionally legitimate and peaceful Black organizations to maintain status and influence within their own ranks?

It has been 15 years since the Supreme Court school desegregation, yet a minority of states have still not enforced this decision. Why should any realistic person believe that the schools will ever be desegrated or that the government will ever be just and impartial?

The administration campaigned on a slogan of "Law and Order", but the message is more similar to that of many parents, businessmen, educators and/or religious officials—"Do what I say, *Not* what I do."

This political maneuver is potentially disastrous since the government serves as a behavioral model and the legal and financial tools were available to meet the stated goals. The strategy of appeasement can neither succeed nor is it justifiable.

I use legal options to influence, including: letter writing, voting, contributing to projects and campaigns and working on a social and professional individual level. So what? In one government message, my accomplishments are truly undermined. How many others seriously doubt their potential to contribute successfully in changing our society's inequities. Hopefully, advancement continues to plod alone. However, one step forward and two steps back is not enough. I dread the inevitable confrontation, yet feel progressively less powerful in influencing the course of events.

Very truly yours,

GERALDINE MARKEL.

WITHDRAWAL OF NOMINATION OF JOHN HURD TO BE AN AMBASSADOR

Mr. CHURCH. Mr. President, the President acted wisely in withdrawing the nomination of Mr. Hurd. Sending an oil protectionist to Caracas as American Ambasasdor would have been regarded as an affront to oil-exporting Venezuela; it would have proved an awkward impediment to good relations with a good neighbor.

THE PESTICIDE PERIL—XLI

Mr. NELSON. Mr. President, evidence confirming the concern that the use of persistent, toxic pesticides is endangering fish and wildlife is clear, factual, and alarming. Incident after incident—weakened egg shells and even shelless membranes produced by near extinct birds such as the American bald eagle, the peregine falcon, and the California condor; decline in the reproduction rate of the Bermuda petrel, a bird which never comes into contact with man; the death of some 500 migratory songbirds in one weekend in an area near Grand

Forks, N. Dak., sprayed for mosquito control—point out the destruction we are causing to our environment by the continued use of these dangerous pesticides.

Moreover, there is also considerable evidence indicating a serious threat to human health exists from pesticides used in the environment. Although unlike the threat to fish and wildlife, the consequences are still largely unknown.

A recent article appearing in the St. Paul Pioneer Press, by Robert Goligoski, describes some of the already known effects on man. The author cites a 5-year study by the National Cancer Institute which discovered 11 pesticides in common usage today causing cancerous tumors in mice; a finding by the University of Miami School of Medicine that persons who died from liver cancer, leukemia, and high blood pressure had two to three times more residues of DDT and related pesticides stored in their body tissues than did persons who died accidental deaths; the discovery by a University of Wisconsin chemical researcher that a specific part of the body, the synapse, is attacked by DDT, incapacitating an organism's nervous system; and a report by Soviet scientists that workers occupationally exposed to large quantities of DDT show malfunctions of the stomach and liver.

I ask unanimous consent that the article by Mr. Goligoski be printed in the RECORD.

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

FACTS MOUNT AGAINST USE OF PESTICIDES

(By Robert Goligoski)

The simmering controversy over the uses of pesticides is boiling into its 25th year and reports from scientists and conservationists documenting the dangers of these persistent poisons continue to stack up in the offices of legislators and government agencies.

Villain number one is still DDT, an effective long-lasting pesticide that has been found in the flora and fauna of all countries, even in remote Antarctica where pesticides are not used.

There is irrefutable evidence that pesticides have increased crop production, helped conserve forests and massacred millions of malaria mosquitoes.

But research also has shown how pesticides have adversely affected birds and wildlife. DDT has been found inside the eggs of eagles, osprey's falcons and other birds which are declining in population because the eggs are hatching prematurely, before the birds are born.

The dangers of pesticides to man still are unknown. But testing has been going on in animals for several years with some of the following results:

After five years of study, using 26,000 mice, the National Cancer Institute has issued an interim study report which indicates that 11 pesticides in common usage today cause "significant numbers" of cancerous tumors when administered orally to mice in the maximum doses tolerable.

The University of Miami School of Medicine has found that persons who had liver cancer, leukemia, high blood pressure and carcinoma (an early form of cancer) at the time of death had two to three times more residues of DDT and related pesticides stored in their body tissues than did persons who died accidental deaths.

Fumio Matsumura, a University of Wisconsin chemical researcher, has pinpointed an area in the body, the synapse, where DDT attacks and incapacitates an organism's nervous system.

Soviet scientists reported recently that workers who are occupationally exposed to large quantities of DDT and accumulate considerably more of the pesticide than the average person show disturbances of stomach and liver functions after 10 years of contact.

Two years ago, a U.S. Public Health Service study showed that the average American has gathered 12 parts per million of DDT into his human fatty tissue, as well as .15 of a part per million of dieldrin.

But many foes of DDT, such as Ralph A. MacMullan, director of the Michigan Department of Conservation, admit that "no one knows, frankly, what 12 parts per million in human fatty tissue means.

"But we know its going to stay there and that DDT in far smaller concentrations has awesome consequences for many small or simple forms of animal life."

The American chemical industry, which maintains that no harmful effects related to DDT have been found in industrial workers, cites a United States Public Health Service study of 35 employes of the Montrose Corp. who had been industrially exposed to DDT for 11 to 19 years.

The men, whose fatty stores of DDT ranged from 38 to 647 parts per million, were found to have no ill effects attributed to DDT exposure.

Although the production of synthetic pesticide chemicals is about a billion pounds a year and has increased by approximately 25 percent annually from 1965 through 1967, the Food and Drug Administration maintains that there has been no significant change in recent years in the dietary intake of pesticides.

Reo E. Duggan, FDA's deputy associate commissioner for compliance, concludes that "in general terms, the incidence and levels of pesticide residues in the nation's food supply are not approaching dangerous or even alarming levels."

Sen. Gaylord Nelson, D-Wis., the prime advocate of anti-DDT legislation in Congress, doesn't buy the reassuring platitudes of FDA and the U.S. Agriculture Department (USDA) about the safety of food.

He points out "that because of pesticide contamination, thousands of pounds of milk have been barred from commercial markets. Over the past four years, farmers in 28 states have been reimbursed with a total of nearly a million dollars for milk contaminated by pesticides recommended by USDA."

The Wisconsin lawmaker cites other examples of pesticides dangerously infiltrating food supplies.

"Why just this February," he noted, "the Michigan State Department of Agriculture detained 146 cases of canned salmon in a western Michigan cannery, alleging that they contained harmful concentrations of DDT and dieldrin."

Nelson contends that the FDA and the USDA, the two federal agencies assigned to protect the public from pesticides, "are not doing the job. They have been totally incompetent and lax in the regulation of pesticides.

"The agencies don't have the expertise available to correctly regulate pesticides. When a decision is being made on whether to register a pesticide, the public is not represented; the scientific community is not represented; only the chemical industry presents information."

The General Accounting Office (GAO) recently chastised USDA for failing to adequately trace the whereabouts of potentially dangerous pesticides. Nelson added that since "this deficiency was uncovered, USDA has improved its monitoring procedures to eliminate this problem.

The GAO also has criticized USDA for registering the pesticide lindane after two government health agencies and the American Medical Association warned that the use of lindane vaporizing pellets, used generally in food storage buildings and restaurants, might be injurious.

After the public prodding and disclosures, USDR announced last week it is banning the use of lindane in many vaporizing devices because of a "serious threat to human health."

The use of DDT is on trial in Nelson's home state where a bill has been introduced to ban the pesticide.

A bill to ban the sale and use of DDT in Minnesota was killed last month by the House Agriculture Committee. The committee is mostly comprised of farmers and legislators representing rural areas.

Gov. Harold LeVander announced last week he plans to sign a bill already passed by the Senate and House that would give the state commissioner of agriculture "broad jurisdiction" over the use of DDT in the state.

Arizona has put a one-year ban on the use of DDT in commercial agriculture, and the Michigan Agricultural Commission has stopped indefinitely the sale of DDT in Michigan. Three weeks ago, Sweden became the first nation to declare a moratorium on the use of DDT.

Sen. Nelson has reintroduced his bill calling for a nationwide halt of the use of DDT. A similar bill died in the Senate Agriculture Committee two years ago.

Rep. Joseph Karth, D-Minn., and at least two other legislators have introduced bills to restrict the use of pesticides.

Although the production of DDT has declined about 20 per cent since 1960, the five American manufacturers of DDT produced more than 125 million pounds valued at more than $20 million. The drop is due, in part, to the development of alternative pesticides which persist for a shorter period of time in the environment than the 10-year plus life enjoyed by DDT.

Federal and state agencies in Minnesota used DDT prior to 1962 to control damaging forest insects but since that time have switched to spraying with malathion and less persistent chemicals.

A report released last month by the Minnesota Conservation Department indicated that DDT still is used by resorts and private cabin owners to control insects such as mosquitoes and black flies.

A larvacide called "Abate", less persistent and dangerous than DDT, has been marketed and is given credit for solving mosquito problems.

A LAMENT FOR BRAZIL

Mr. CHURCH. Mr. President, Brazil continues to attract the attention of the international press. This is just as well, because the Brazilian press is effectively prevented from reporting, let alone commenting on, developments in that unhappy country. I ask unanimous consent that three recent reports on Brazil be printed in the RECORD at the conclusion of these remarks—an article entitled "News You Won't Find in Brazil's Newspapers" in the New Republic of August 2, 1969; an article entitled "Brazil Under Domination of Military Dictatorship" in the Manchester Guardian Weekly of July 24, 1969; and a news story headed "Brazilian Budget Decreed by Costa" in the New York Times of August 2, 1969.

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

(See exhibit 1.)

Mr. CHURCH. Mr. President, with slightly different points of emphasis, all

three of these articles present essentially the same picture—that of a country in the unyielding control of a group of humorless military technocrats who are convinced that they alone have been given the wisdom to lead Brazil into the 20th century.

This is no ordinary Latin American military junta. The military officers who are today running Brazil clearly intend to stay in power indefinitely and to impose their own kind of discipline on the country. They may very well, as the Times story indicates, proclaim a new constitution and permit Congress—which they suspended last December—to reconvene. But there is little reason to suppose that they will allow Congress, or anybody else for that matter, to exercise effective power.

The Brazilian military, as the New Republic article says, are "tough nationalists, intent on modernizing Brazil." It must be admitted that in some economic respects they have made progress. The rate of inflation has been reduced from 85 percent in 1964 to 15 or 20 percent. The gross national product grew by 6 percent in 1968.

This no doubt explains why the American business community in Sao Paulo and their Brazilian counterparts are so pleased with the Costa e Silva government. But these businessmen are, if I may say so, living in a fool's paradise. One is reminded of the unthinking plaudits Mussolini received for making the trains run on time. Again in the words of the New Republic, "the Brazilian military can no longer be described as the bulwark of the oligarchy."

The military is said to sense the need for reform and change. But Brazilians outside the military who really want to bring about change are harassed and driven from public life, if indeed they are not jailed and tortured. The result, as the Manchester Guardian article points out, is that "the integration into modern society of the great mass of the Brazilian population has been indefinitely postponed."

This is the regime, Mr. President, to which the Agency for International Development proposes to furnish $187 million in foreign assistance in the 1970 fiscal year. This is 31 percent of all the AID assistance proposed under the Alliance for Progress and almost twice as much as the next largest Latin American recipient.

Here we have one of the big difficulties of the bilateral aid program; namely, that when we furnish aid on a bilateral basis, we are inevitably closely identified with the government in power. We have not only furnished substantial economic assistance to the Costa e Silva government—and apparently intend to furnish even more—but worse, we have also supplied military training to its armed forces which are used in suppressing opposition to the regime.

Military assistance to a government of this kind not only turns the opponents of that government against the United States; it also alienates many of our own people, especially youth. It raises the question of what the United States really stands for. Do we really mean it when we talk about encouraging representative government, or is that just so much empty rhetoric?

It is said we have to face facts and get along with the Brazilian Government. But, Mr. President, we have to get along with ourselves first. And there are increasing numbers of Americans who find it simply unacceptable for the United States to help subsidize and sustain governments such as that of Brazil.

I am one of these Americans, and this is one of the reasons I have been led to a reluctant reappraisal of my own position with respect to the foreign aid program.

I am not suggesting that the United States cut itself off entirely from Brazil. The country is too big, too important, and its future—once the current oppression has passed—is too promising, for that. I am suggesting that, for the sake of this future, the United States should avoid identification as the political friend and economic prop of the present Brazilian regime.

Happily, recent history points to a way out of this apparent dilemma. During the Goulart regime in Brazil in 1963, the United States disassociated itself from the central government, but nonetheless found ways to channel aid into desirable projects through dealing with State or local governments or with private entities. We should adopt the same posture now, and treat the current right-wing government the same way we treated its left-wing predecessor.

I recognize that capital is needed for economic growth, and indeed for social development, in Brazil and in other Latin American countries, many of which have governments similar to the dictatorship in Brazil. We must find ways other than bilateral government-to-government programs to make such capital available. One such way, which we have not explored to the degree we should have, is through multilateral organizations and various kinds of international consortia. These mechanisms would enable us to extricate ourselves from the unwanted embrace of authoritarian governments and would also quite possibly provide a means of bringing more pressure, in a politically more acceptable form, on such governments. A loan from the World Bank or the Inter-American Bank, or an IMF standby agreement, does not really identify anybody with a particular regime.

And at the very least, of course, we should stop military assistance and withdraw our military missions.

EXHIBIT 1

[From the New York Times, Aug. 2, 1969]

BRAZILIAN BUDGET DECREED BY COSTA; PUBLIC TOLD OF FISCAL PLANS AS THEY GO INTO EFFECT

(By Joseph Novitski)

RIO DE JANEIRO.—Brazilian taxpayers were told of their country's 1970 budget for the first time today as it went into effect by Presidential decree.

Congress was recessed by decree on Dec. 13, and the total extent of public airing of the budget of 19.7 billion new cruzeiros, or almost $5-billion, was a two-hour news conference here yesterday by the Planning Minister, Helio Beltro Naren, for 15 Brazilian reporters.

The budget went into effect on the date fixed by the Brazilian Constitution as the deadline for its delivery to Congress.

The same contrast between government by decree and a concern for legal form has marked political life in this country for several months, while the upper levels of the military-dominated Government have debated in official secrecy how and when Brazil should return to a form of representative democracy.

REFORM BEING DRAFTED

President Arthur da Costa e Silva has been working in the inland capital of Brasilia this week on the final version of a reform of the authoritarian Brazilian constitution of 1967. He has been advised by a commission of jurists and Cabinet ministers, as well as justices of the Supreme Court. The best estimate of Brazilian observers, however, is that the proposed reform will also be promulgated by decree and not submitted to Congress for approval.

The task of those reshaping the constitution has been to reconcile the military, impatient for rapid reform and disdainful of most civilian politicians, with a general policy goal of rebuilding Brazil's political structures with an elected Congress to balance a strong executive branch.

Since Dec. 13, when President Costa e Silva, a retired army marshal, started ruling by decree, the military reformers and their civilian allies have appeared to hold the upper hand. However, the reorganization of the country's political parties last month prompted hopes for a return of Congress to receive the budget today.

Speculation by Brazilian political columnists today mentioned Aug. 18 as the earliest, and sometime in September as the latest, time for reconvening Congress.

[From the New Republic, Aug. 2, 1969]

PRICES DOWN, ARRESTS UP: NEWS YOU WON'T FIND IN BRAZIL'S NEWSPAPERS

RIO DE JANEIRO.—One of the first subjects Brazil's President Costa e Silva raised with his recent guest, Nelson Rockefeller, was the treatment of his government by the US press: it lies when it says there is no freedom; it is unfair when it says Brazil has a military regime.

Well, Costa e Silva has no such complaints about his own papers. On June 7, his Justice Minister notified all Brazilian papers they were to print nothing that might "provoke disharmony among the armed forces or between them and the public"; nothing about workers' movements, strikes, or any other acts that could cause "subversion of the public order," including any headlines about subversive movements in foreign countries"; nothing about recent arbitrary government actions against a number of political figures; nothing about any of the banned student unions; nothing about political statements by such personalities as Brazil's Archbishop Dom Helder Camara, an outspoken critic of the government; nothing that might tend to undermine the morality of the Brazilian family, including commentaries on films, plays, or night club acts considered to be in bad taste. And nothing about any hostile acts against Rockefeller, nor any mention of cancellations of his visits to other countries.

That took care of the press. The legislators had been put in their place earlier. On December 13, 1968, Costa e Silva ordered Congress closed, after it refused to allow the government to try one of their members for speaking out against the military. It has remained closed ever since. The government administers by decree. The same Institutional Act that enabled the President to shut down the Congress gave him the right to intervene in any states or municipalities. He can suspend the political rights of citizens for ten years and withdraw the mandates of elected officials, without review by judicial authorities. The guarantee of habeas corpus is also suspended in cases of political crimes. Since last December, 294 citizens have lost

their political rights, including 67 members of the opposition MDP party. Hundreds of others have been forced out of government posts. This includes 68 university professors, leaders in the fight to reform Brazil's archaic educational system.

Some 250 university students have been expelled under another decree, which stipulates that any student participating in anti-government protests shall be thrown out of school for three years. About one hundred teachers mixed up in protests have lost their posts for five years. There are probably more than 700 political prisoners in Brazil; but no one can be sure of the number since the government releases little information, and papers can't print anything on the subject. Governor Rockefeller didn't meet some of the people he had intended to see for the simple reason that the police had them. Gilberto Gil, one of Brazil's best folk singers, is reportedly under house arrest. Another, Gerald Vandre, who won second prize in Rio's annual song festival, fled to Chile after the military took exception to his lyrics and banned all sales and broadcasts of his recording.

Police in Rio recently raided a home, looking for the president of the outlawed National Student Union. He was not there; so they picked up another student leader for questioning, took him in a boat on Guanabara bay, cut his thumb down three sides peeled it back like a banana; stuffed sand in his mouth and nose, taped them up, tied his hands together, and dumped him into the bay—in a shallow spot. The student, under an assumed name, lay recovering in a Rio hospital while Rockefeller was in town.

A few weeks earlier, one of Dom Helder Camara's top aides, a priest, was murdered in the northeastern state of Pernambuco. The leader of the student union of Pernambuco was machine-gunned. Both murders were carried out by a vigilante group known as the Command of Communist Hunters. Most observers believe it has strong ties with local military authorities.

The military have been running things since 1964; 630 people—including three former presidents—have lost their political rights, thousands of others have been peremptorily dismissed from office. Under Costa Silva's predecessor, Castella Branco, few Brazilians were afraid to discuss politics openly. Today many are.

Just before Governor Rockefeller's press conference in Rio, a Brazilian journalist approached me with a kind of request unheard of two years ago. "You foreign reporters are going to be leaving Brazil," he said, "but we have to stay. So would you ask Rockefeller what he thinks about the press censorship here. We're afraid of retaliation if we ask him." (When I did ask, the governor carefully maneuvered his way around any direct answer: "I've come here to meet with people and listen and report what I hear back to President Nixon.")

US businessmen in the country are quite pleased, however, with the way things are going. The government is dealing with subversives, keeping anti-American demonstrators off the streets, and finally putting its financial affairs into shape.

The rate of inflation has been reduced from 85 percent a year in 1964 to a more respectable 15–20 percent a year. Industrial growth has surged ahead in São Paulo and gained a foothold in the impoverished northeast. The gross national product increased a healthy six percent last year, and may do as well or better in 1969. There has been a severe crackdown on tax evasion and smuggling. (Social climbing Brazilians who used to put Brazilian cigarettes into US packages to impress their friends, now carry their contraband US cigarettes in Brazilian packages to escape detection.) Exports are being officially encouraged. The balance of payments is in better shape than it has been for a long time. But although the GNP has gone up, the distribution of income is more lopsided now that it was in 1964.

The Brazilian military can no longer be described as the bulwark of the oligarchy. A new generation is coming up through the ranks—tough nationalists, intent on modernizing Brazil. They have high respect for technocrats and little regard for civilian politicians. Receiving paltry salaries themselves, the young officers show a blatant contempt for businessmen, politicians and bureaucrats who have reaped large profits in questionable enterprises.

These officers cannot be neatly stamped as "Nasserites." They would not be adverse to state-run enterprises or the nationalization of foreign holdings—if that were necessary. Their ideas vary, their ideology is largely inchoate. They sense the need for reform. On the other hand, they have been instilled with the notion that without order, discipline and heirarchy, the very existence of the armed forces would be jeopardized.

Thus, the many paradoxes of this government. For example, for the first time there is strict enforcement of income tax collections; yet the tax rates themselves are highly regressive. A progressive land-reform law was decreed earlier this year, but few believe the law will be widely enforced. An important school-construction program is underway, but the educational system is as archaic as ever.

The military *coup* of 1964 was openly embraced by the United States, and on the insistance of the then Ambassador Lincoln Gordon, Washington recognized the new regime within 24 hours, though the new government's policies were largely unknown. But this past May, Mr. Gordon, now president of Johns Hopkins University, was one of 78 US Latin American specialists who cabled Costa e Silva protesting purges in Brazilian universities. There was no such public criticism by Gordon or the US when similar purges were carried out following the '64 *coup*.

Under Ambassador John Tuthill, who succeeded Gordon in 1967, US support for the military regime was less blatant. And when the Institutional Act was decreed last December, Washington suspended aid and the State Department announced it was "studying" the situation. Tuthill reportedly wanted more—a stiff protest condemning the anti-democratic measures. He won approval all the way up the bureaucratic ladder to the Under Secretary of State. The question of a strong note was then put to Dean Rusk. As one good source has it, Rusk asked two questions: Had the Costa e Silva regime murdered many people? Was there any danger to US investment? The answer to both queries was no, and that settled the matter. No note.

Early this year, a group of "young Turks" in the Rio Embassy felt that the US should take a tough line: no assistance, plus a note condemning military takeovers in Latin America. The US AID director in Brazil, Bill Ellis, hearing about the group, called them to his office. After some debate, they voted 19 to 4 in favor of cutting aid. Their suggestion was passed on to Washington. As one of them put it: "Paving a four lane highway is not social revolution. Nor is feeding 500,000 kids in northeast. Lets do something to change things. Not just build dams."

No strong note was ever issued by Washington. But aid was suspended for a few months, irritating local US businessmen and bringing consternation to a number of foreign banks and lending institutions. Slowly, Washington has quietly begun to ease its aid restrictions. In April a long-pending $50-million loan was released after the Brazilians promised not to play up the loan as representing American support for the regime. Additional loans have since been granted. Congress may be permitted to reopen in August, but it will be at the will of the military. There will likely be a series of political crises and intermittent periods of repression. When it comes time for Congress to elect another president of Brazil in 1971, there are few who doubt he will be a military man.

[From the Manchester Guardian Weekly, July 24, 1969]

BRAZIL UNDER DOMINATION OF MILITARY DICTATORSHIP

Watching the thousands of bodies—bronzed, coffee, and black—happily sporting themselves on the Copacabana beach at Rio, it is difficult to appreciate that Brazil is in the grip of a singularly unpleasant military dictatorship.

But the fact is that for the bulk of the population life goes on the same, irrespective of the nature of the Government. Those who have always spent their free moments on the beach continue to do so. Those who live in the hovels that bespeckle the hillsides of Rio remain as detached from the scenes on the beaches below as they have always been. In Sao Paulo business continues to boom, and in the impoverished north-east those that starve continue to starve. The faces change but the phenomenon remains essentially the same.

Brazil, like the rest of Latin America, is a society run by a tiny elite. And it is, of course, only segments of this elite that directly suffer from military rule—first imposed in 1964 and intensified since last December. Those who have lost their political rights under this regime, or who have been unceremoniously bundled into exile, probably do not number more than five hundred.

But a country ruled by only a small section of the community can ill afford to lose the services of a group that constitutes, in effect, all that is best in Brazilian life. The very men that Brazil needs most are today subject to censorship, harassment, persecution, and political emasculation. Organised repression of a country's intellectual elite in the short term only hurts the elite. But in the long term it harms the development of the country itself. Brazil as a whole is today unaffected by the military dictatorship. But what is at stake is the country's future development. With the military in command, the integration into modern society of the great mass of the Brazilian population has been indefinitely postponed.

Few things in Latin America present a more dismal aspect than the once indispensable Brazilian press—formerly the best in the continent. Newspapers, radio, and television are all affected in varying degrees by the military censorship. There is virtually no political news, just reports of the activities of generals—speeches by generals, conferences by generals and pictures of generals giving medals to other generals in an orgy of self-adulation.

Since December, when President Costa e Silva closed Congress and imposed censorship, many journalists have found themselves under-employed. One political journalist friend of mine is taking English lessons; another is writing a novel.

Foreign journalists operate under comparable difficulties. Many who cover Latin America have made Rio their home, yet they now cannot write all they know for fear of being summarily expelled. One correspondent has police charges against him that could be invoked at any moment. His newspaper cannot understand why he is so reluctant to send stories. Recently a Russian ballet company was banned from appearing in Brazil after it had given a performance in Belem where the audience apparently rose to its feet and sang "Nights of Moscow" and the International. Few correspondents dared send the story abroad for fear of reprisals.

The difficulty is that there is now no formal censorship. The military censors who

sat in the newspaper offices have been removed. What remains is the threat that a newspaper which prints a revealing piece of news will be closed. A correspondent who steps out of line will find his livelihood removed. If Brazilian he may be imprisoned; if foreign he runs the risk of expulsion.

No one knows how many political prisoners there are in Brazil. There is no way of telling. But most radical student leaders have been locked away in an attempt to avoid further trouble in the universities. Recently thirty-five former students were arrested for things they had allegedly done some years ago when still at the university. They have been hauled out of their present jobs to face trial. As in Peru and Argentina, politics on campus are forbidden. The rectors of the various universities can sack students and professors at any moment if they believe them to be hostile to the regime. Hundreds have in fact been ousted.

Politicans are no better off. All the principal leaders of the single opposition party have been under house arrest since December. Others are in exile. Those confined to their homes never know whether they are likely to be picked on for worse punishment or not. Exiles who feel they should return cannot tell for certain what will happen to them when they alight on Brazilian soil. Some survive; others, like Darcy Ribeiro, one of ex-President Goulart's Ministers and a distinguished anthropologist, are clapped into gaol.

Rarely in the history of Brazil has the central government given itself such strong powers. The state governors have had their authority whittled away, and if they put a foot wrong the local army commands are always ready to move out of their barracks. The military have in fact already infiltrated into the administration at all levels. In addition, informers are everywhere: in the universities, in what remains of the Congress, and in the various ministries. As though to emphasize the strengthening of centralism, President Costa e Silva now calls himself "President of Brazil," rather than President of the Federal Republic of Brazil. (The title "the United States of Brazil" has also now been dropped.)

One looks around for the army's weak spots, but these are are few. Though hardly popular, the government/army has no visible rivals. The politicians are mostly exiled or discredited. Disaster would strike only if the army became divided against itself. But this at present is improbable. Undoubtedly there do exist some "Nasserists," at captain or colonel level—officers with a strong sense of nationalism hostile to the maintenance of the status quo.

But there are not enough of them for their influence to be felt. They are kept from rebellion by the moderate nationalism pursued by the President, who though not as wild as President Velasco of Peru, has steered Brazil away from the total dependence on the United States which was the hallmark of the period between 1964 and 1966, when President Castelo Branco (now dead) and his planning minister, Roberto Campos, tried to pull Brazil out of its economic mess by making life ridiculously easy for the United States investor.

Costa e Silva is tougher on foreign companies and also on national ones as well. For the first time middle class Brazilians have found themselves paying income tax. Surprisingly, there is little opposition. Taxation is, after all, a small price to pay for the avoidance of revolution. And this is what many Brazilians believe the army is saving them from.

But revolution, as elsewhere in the continent, continues to look remarkably remote. The army is here to stay. The only bright spark on the horizon for those who seek the seeds of revolutionary change are the remarkable series of bank robberies which occur with great frequency. Few people doubt that they are organised by a left-wing group and that the money robbed goes to buying guns.

OIL IMPORT PROGRAM

Mr. HART. Mr. President, with the ending of this third session of hearings on Government intervention in the oil industry, the Subcommittee on Antitrust and Monopoly has, in just 4 months, heard from more than 60 informed witnesses, listened to every point of view, examined a wealth of evidence and amassed a record which thus far numbers three volumes of hearings, or about 1,000 printed pages. The inquiry, it should be emphasized, is continuing and further hearings will be held.

At this point let me indicate some of my own impressions. After 10 years of experience the oil quota program fairly can be criticized on these grounds:

It has destroyed competition.

It has brought about much higher prices than would prevail under free competition.

It has failed in its stated purpose of stimulating discovery and enlarging our domestic reserves.

And it has worked serious economic hardships on important geographic areas of the country.

At a time when vast additions to oil reserves are being made throughout the world, the import quota has created artificial shortages at home. Because of their inability to obtain adequate supplies, independent enterprises have been crippled in their efforts to compete against the major oil companies in terminal operations, fuel oil distribution, and gasoline marketing. Because of high prices for domestic feedstocks, our large petrochemical companies will be unable to compete in world markets, and may well be forced to locate their future capacity abroad. And those independent oil companies which have made important discoveries abroad since the imposition of the quota are effectively barred from competing in U.S. markets.

As is generally the case when competition is throttled, prices are substantially higher than they need to be. In terms of crude oil, the excessive charge to American buyers amounts to several billion dollars a year. In terms which are more meaningful to the average citizen, the elimination of the quota should bring about a price reduction of close to a nickel a gallon for gasoline and 3 to 4 cents a gallon for home heating oil.

The American people would, I am sure, be far more willing to bear these excessive costs if the import control program were accomplishing its stated objectives. But the evidence reveals that it has been a failure. From the standpoint of national security, alone, the question fairly can be raised as to whether the country can tolerate continuance of the quota. Instead of enlarging our reserves by stimulating exploration and discovery at home, the evidence reveals that almost coincidental with the imposition of the quota, such indicia of domestic activity as new oil found, number of wells started, and the number of years' supply began to turn downward. Reflecting the dismaying deterioration in our domestic supply situation, there was general agreement among the witnesses, even those from the oil industry, that we cannot meet an expected demand of 18 million barrels a day by 1980 without a substantial increase in imports. If imports are not increased, the only hope of averting a possible disaster is Alaska. But here judgment must be withheld until it can be seen whether the formidable difficulties in production and transportation can be overcome. Even if they can, it is likely that, as compared to other sources of supply, Alaska oil delivered to the east coast will be high-cost oil.

Not the least of the quota's harmful effects has been its adverse impact on important geographic areas, notably New England, the Middle Atlantic region, the Southern Coastal States, the Great Lakes area, and Hawaii. Since the quotas went into effect, not a single oil refinery or petrochemical plant has been built on the Atlantic seaboard. Indeed, despite the great increase in demand, there are fewer refineries today on the east coast than 10 years ago. New England consumers pay 3 cents more per gallon for home heating oil than do consumers in Montreal, even though the oil is unloaded in Portland, Maine, and must be transported, under bond, several hundred miles by pipeline to Montreal. Served by both the St. Lawrence Seaway and the Mississippi River, the vast economic potential of the Great Lakes area for petrochemical and related industries has remained largely untapped. Indeed, because of the high price of feedstock, Dow Chemical has discontinued the production in Michigan of an important plastic material, polyethylene, of which it was the pioneer producer. Consumers in Hawaii pay higher prices than do consumers in west coast cities for petroleum products manufactured in a Hawaii refinery. These and similar anomalies are the inevitable consequence of the imposition, by Government, of a straightjacket on normal regional growth and development.

Anything approaching an adequate solution must rectify each of these harmful effects. It must promote competition, bring about lower prices, stimulate domestic discovery and eliminate geographic discrimination. These, it seems to me, are the essential guidelines which should govern the efforts of this subcommittee and the Cabinet task force in seeking to develop workable solutions.

The simplest approach would be simply to abolish the quota. Unquestionably, competition would be stimulated, prices would fall, and orderly geographic development could resume. But there is at least a question in my mind as to whether this approach would, by itself, provide sufficient stimulus for domestic wildcatting and exploration, as well as the development of our shale oil resources. To provide such incentives, the ending of the quota would probably have to be accompanied by some form of direct rewards to those who actually add to our domestic reserves.

It can be argued that, at least in theory, a solution can be devised within

the framework of the quota system. I am willing to be shown. At the very least, however, such a solution would maintain and perhaps reinforce the direct intervention by Government in economic matters—matters which should be the prerogative of private enterprise.

I question, however, whether what should be the objectives of reform can be achieved by simply granting an exemption or so. A cardinal principle of our society is equal treatment under the law. It is not equal treatment to discriminate in favor of this oil product and not others, in favor of this group of oil users and not others, in favor of this community, State, or region and not others similarly situated, and in favor of a particular industry and not the consuming public. Discrimination is an evil which we should seek to avoid not only in our quest for racial justice but in the conduct of our economic affairs as well.

THE BRAVE SPIRIT OF THE BASQUES AND THE TYRANNY OF THEIR PERSECUTORS

Mr. CHURCH. Mr. President, while recent news stories from Spain have focused on the matter of Franco's successor—on the prospect of a change in personalities—there is no change in the policy of the present regime.

In our democracy, we recognize the right of protest and the vital role that it has in a free society. But the Franco government cannot tolerate such principles; it has shown this by continuing to persecute the Basque people relentlessly.

After a secret trial, five Basque priests were recently sentenced to long prison terms for protesting about police torture of their Basque countrymen. A London Times editorial on this deplorable action was reprinted on July 9 in the Christian Science Monitor. I must agree with the Times' editors when they say:

> The disputes that arise more and more frequently in the Basque provinces, where more than a hundred people await trial on charges similar to those for which the priests have just been sentenced, have more than regional significance. Outside Spain they are seen as symptomatic of the whole nature of Spanish government.

A fine story about the bravery of the Basques and their centuries-old devotion to freedom, written by a reporter who lived among them, Paul A. Dickson, appeared in the August 3 issue of the Washington Post. Mr. Dickson observes:

> 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.

And he concludes:

> 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.

Mr. President, I ask unanimous consent that both the London Times editorial and the fine piece by Mr. Dickson be printed at this point in the RECORD.

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

OPPRESSION IN SPAIN

The secret trial in Spain which has just led to long terms of imprisonment for five Basque priests will not silence Basque fears. It is an act of repression which could well rebound on the Spanish administration. The priests had protested against police torture on Basques. Allegations of torture have come up frequently in the past few years and seem well founded. What the people in the Basque provinces have been looking for is a clear sign that the police would mend their ways. Instead they have evidence that the situation will worsen.

The position of the priests is particularly important. During the regime of General Franco the Church in Spain has usually been a conservative element, helping to prop up the civil power under a pact of noninterference between it and the Church. The rule that made the trial of the priests a secret hearing was established in Spain's concordat with the Vatican. But the Church in Spain has been showing growing divisions. Young priests have been identifying themselves with workers' movements and some clergy are strongly influenced by Catalan and Basque nationalism.

The Basque claims for linguistic and cultural freedom within Spain are long-standing. It would probably be politically and practically impossible for General Franco to accede to the broadest demands, but there should be a middle course. This would mean allowing the Basques to promote their cultural identity and encouraging more open political discussion. Instead, the present policy of heavy repression is more calculated to simulate resentment. The disputes that arise more and more frequently in the Basque provinces, where more than a hundred people await trial on charges similar to those for which the priests have just been sentenced, have more than regional significance. Outside Spain they are seen as symptomatic of the whole nature of Spanish government.

Spain would like the world to believe that she can offer the people of Gibraltar freedoms comparable to those they have enjoyed under British tutelage. In the face of what is happening now to the Basque people it is easy to understand the skepticism of the Gibralterians. Most Spaniards recognize that their principal problem is how to develop, without chaos or violence, more liberal institutions after a generation of dictatorship. Savage sentences for what, under liberal institutions, would be no crime at all, are depressing signs that the regime is moving backwards, not forwards. If there is any sign of political change in Spain it seems to be for the worse.

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 Basques' 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 Guipuzoca 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 acount 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: *gilirgili* is the verb to tickle and *bambi-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 the 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 (sitins) 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 URBAN TRANSIT BILL

Mr. ALLOTT. Mr. President, the Federal Government first became involved in urban transportation 5 years ago, and since that time many of us have been urging the administration to develop a long range and comprehensive program for public transit.

Since 1964, we have limped along year by year with little direction, and a small amount of money. Even at that, the rather meager funds available for public transportation were unwisely spent in many instances, in my judgment.

Now there are indications that this situation is about to be reversed. I am proud to say that President Nixon, Secretary Volpe, and a Republican administration have been the first to propose and send to the Congress a long-range and meaningful public transit program.

In addition, Urban Mass Transportation Administrator Carlos Villarreal appears to be taking those steps necessary to put an end to wasteful and misdirected spending of transit moneys. I am most encouraged by his forthrightness and executive ability in this regard.

If the Congress goes along with the administration's transit plans, and I for one urge Congress to do so, this Nation

will, for the first time, be on its way toward the adoption of a reasonable workable urban transportation policy.

One further point should be made regarding the financing of the President's transit program. I was among those who counseled against the use of a trust fund for public transit purposes.

I am well aware of the pressures for a trust fund. Some representatives in industry expressed strong views to me about this point. Some mayors and other public officials voiced their opinions on the subject. A number of Members of Congress had proposed this approach.

All who spoke on the subject, I am sure, are sincerely interested in solving our long range problems, and more importantly in starting to solve them now.

This is why I am sure that when the various groups who have worked so strongly for a trust fund have the opportunity to carefully examine President Nixon's bill, they will come to the realization that this is really the most feasible and workable proposal at this time.

There are many reasons why a trust fund would have been unwise, in my view. First of all, with respect to urban transit there can be no user tax because most transit systems do not even pay operating expenses from the fare box, let alone capital improvements. If transit riders alone could not be taxed in some way, then a method of taxing other select groups for transit purposes was next to infeasible.

Second, in this period of transition, and in view of the past record of the Urban Mass Transportation Administration, many of us could not see removing, for all practical purposes, the UMTA from direct scrutiny of the Congress.

Most importantly, however, the trust fund would have been extremely unwise in the economic situation in which we find ourselves.

Sheltered funds, not subject to the direct control of Congress or to changing national priorities, can scarcely be justified in this period of high inflation. In fact, as a general policy, earmarked funds amount to an unsatisfactory method of financing, and I might add, my view applies to all levels of government.

So, I applaud the President's good judgment in sending to Congress a bill which will be financed from the general fund. While as a member of the Appropriations Committee, I have never leaned strongly in favor of contracting authority, I believe that it is justified in this case, at least as an interim step.

I might add that I believe the President was most prudent in sending the Congress what amounts to a 5-year program, projected out to a 12-year period. I said last April that I believed any urban transit program should be no longer than 5 years duration at any one point, and I am delighted that the Nixon administration has taken this approach.

In summary, I believe the President has presented the Congress with a long range, reasonable and workable public transportation program. I will work for its passage, and I hope the Congress will support this approach.

DIRECT VOTE FOR PRESIDENT OFFERS VAST DIVIDENDS FOR THOSE WHO WOULD CORRUPT OUR ELECTIONS

Mr. MUNDT. Mr. President, both Congress and the country, generally, is deeply involved and rightfully interested in providing meaningful and effective reform in our electoral college procedures. In the House, a committee has reported out a proposal to substitute the direct election of Presidents for our present system while in the Senate, a subcommittee has expressed its overwhelming support of the so-called District Plan which reforms and corrects out electoral college procedures without eliminating the electoral college itself.

An interesting editorial on proposed approaches to the reform of our electoral college was recently printed in the Indianapolis Star, of Indianapolis, Ind. It highlights an analysis showing that the direct popular election of Presidents should be rejected by Congress and by the people since it places such a vast emphasis on the importance of crooked elections in any given American city or election district.

The study disclosed in the Indianapolis Star editorial is based on what actually happened in the presidential election of 1960. It should be carefully studied by every citizen desiring to improve the procedure by which our American Presidents are elected rather than to impose on this country an unfair, unworkable, and easily corruptible substitute system for electing our Presidents.

Mr. President, for the information of the Congress and the country, I ask that this editorial from the Indianapolis Star on the subject of "Stolen Votes" with its specific supporting evidence from the 1960 election be printed at this point in the RECORD.

Changing the time-tested formula by which we have elected our American Presidents is important business. Let us be sure we are not moving from the frying pan into the fire in this area of our responsibilities.

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

ON STOLEN VOTES

It could have happened anytime, but it did in the election of 1968.

It has long been known that party machines in the largest cities have been involved in vote thefts.

Now it has been proven that those vote thefts are on such a scale that those machines could control—dishonestly—the result of a close contest if we should have direct popular election of our President.

The proof came, oddly enough, from the findings of a project set up to guard against vote theft in the 1968 presidential election.

The story is told in the July issue of the Reader's Digest by Louis B. Nichols, who headed "Operation Integrity" for the Nixon forces in last year's election. Nichols was for 23 years an agent of the Federal Bureau of Investigation, and for 16 of those years was assistant director under J. Edgar Hoover.

"Operation Integrity" was manned by 100,000 volunteers, large numbers of them Democrats who joined in the interest of honest elections. Its goal was to maintain a watch on a limited number of precincts, in various parts of the country, where the worst vote fraud historically has occurred.

In Philadelphia, 10 days before the election, inspectors found 1,083 "ghost" votes already recorded on 42 voting machines in the warehouse. That's an average of a little more than 25 on each machine. Of the 3,500 machines in the warehouse, 2,344 lacked tamper-proof seals. An average of 25 on each of those unsealed machines would have yielded 58,600 stolen votes.

In St. Louis, pre-election check of a sample of 6,500 registered voters turned up 14 per cent of them who could not be found at the address from which they were registered. Running in ghost votes amounting to 14 per cent of the total vote cast in that city last fall would have yielded more than 30,000 stolen votes.

In Chicago, Nichols reports, a common method of vote stealing, besides ghost voting and vote buying, is "long counts designed to permit brazen tally-sheet falsification." A check of registration lists disclosed 409 "voters" registered from the address of a flophouse. Investigators saw drifters from skid-row flophouses and bars rounded up in wholesale lots to be registered for $1 each. Researchers for a local bipartisan anti-fraud effort called "Operation Eagle Eye" estimated that 170,000 of Chicago's 1,800,000 registered voters were ghosts.

Numerous other examples of vote stealing and munipulation were described by Nichols. The point is that such things do happen and happen regularly in boss-controlled areas, which commonly predominate in the largest cities.

In an analysis of the 1968 election made recently by Dr. George Comfort, professor of political science at Butler University, he found that 54.6 per cent of all the votes were cast in nine states embracing the 12 largest cities.

Richard M. Nixon's popular vote plurality over Hubert H. Humphrey was 310,638 votes. In a direct popular election, with the result determined by the national plurality of votes, the theft of an average of 25 votes in each of a few more than 1,000 precincts, on the average, in each of the 12 largest cities could have wiped out that margin and stolen the election.

Because such a thing *can* happen in boss-controlled cities, direct popular election would throw the presidency open to the very real possibility of dishonest selection by boss-controlled vote fraud.

The current drive for a popular election amendment to the Constitution is being pressed chiefly by liberals, whose future presidential candidate appears to be Senator Edward M. Kennedy (D-Mass.). We are reminded of the vehement opposition to direct popular election voiced by his brother, John F. Kennedy. While in the Senate, later to become President, JFK said that such a proposal, "while purporting to be more democratic, would increase the power of and encourage splinter parties, and I believe it would break down the federal system under which most states entered the Union, which provides a system of checks and balances to insure that no one area or one group shall obtain too much power."

The Electoral College system limits the influence of big-city vote fraud by restricting its effects to the states in which it occurs. Direct popular election would permit such fraud in the biggest cities to effect directly the national result.

Direct popular election should be rejected, to help protect the presidency against the vicious effects of stolen votes.

WASHINGTON WORKSHOPS

Mr. ALLOTT. Mr. President, I would like to take this opportunity to advise my

colleagues and friends of a most interesting and worthwhile program for high school students which is being conducted here in Washington, D.C. I am referring to the Washington Workshops, a summer seminar program which offers secondary school students a unique opportunity to study and participate in the American legislative process.

The participants spend nearly 2 weeks here in the Nation's Capital. Their time is devoted to classes in government affairs, conducted by graduate student instructors, and visits to Capitol Hill to hear various Senators, Congressmen, and staff personnel. These daily congressional dialogs range from the mechanics of the legislative process to personal political insights into issues of domestic and international concern. The remainder of the time is divided between group discussion sessions, embassy receptions, and other special events.

The Washington Workshops Congressional Seminar is offered in cooperation with Mount Vernon Junior College in Washington, D.C., where many of the classes are held and where the student participants live throughout the program.

This summer 60 of last year's students returned to Washington to participate in an advanced congressional seminar. The seminar format included 2 weeks of intensive legislative process study followed by 2 weeks of work in a congressional office, enabling the students to gain a first-hand exposure to the congressional process.

Close to 1,000 young Americans are in this summer's program, and they come from small towns and large cities across the country. In some cases local school districts have used title I, Elementary and Secondary Education Act funds to send deprived children to take part in the workshops. Concerned corporations, such as Fieldcrest Mills and the Western Electric Co., also are underwriting the complete cost of participation for disadvantaged youngsters.

I heartily commend Washington Workshops, its founder and director, Leo S. Tonkin, and its competent staff who have worked long and hard to make this splendid program available to a growing number of alert and sensitive young Americans. Programs such as this do a marvelous job in showing first-hand to our teenagers the intricacies and the workability of our great system of American Government.

MR. GALLO PLAZA AND THE OAS DESERVE THE HIGHEST COMMENDATION

Mr. CHURCH. Mr. President, our troubled world has many pretend peacemakers but few actual ones. With the gratifying success of recent efforts to settle the war between El Salvador and Honduras, the Organization of American States, and especially the head of this group, Secretary General Galo Plaza, are to be commended as determined peacemakers. Under extremely difficult circumstances, they have been true to all of the hopes which the Americas have lodged in the organization. I commend them. As one diplomat said at the OAS gathering:

> If collective security and international peace-making machinery failed on this one, where else could it be expected to work?

The account of this accomplishment by the OAS is a heartening success story. A report of its success which appeared in the New York Times on August 3 was properly labeled "A Victory for Peacemaking."

I ask unanimous consent, Mr. President, that the entire article be printed at this point in the RECORD.

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

LATIN AMERICA: A VICTORY FOR PEACEMAKING

(By Peter Grose)

WASHINGTON.—"If collective security and international peace-making machinery failed on this one, where else could it be expected to work?" The question was posed by a thoughtful United States diplomat last week as Foreign Ministers of the Organization of American States gathered to try to stop the war between Honduras and El Salvador, and it seemed to express the underlying issue in the crisis.

The Central American confrontation stood as a near-perfect test case of the potential for collective peacemaking, free of external complications. There was no big-power involvement that would have tended to bend fragile international machinery toward one side or the other.

Finally, the two countries themselves were painfully aware of the grievances that led to the war, but equally of the distress—in economics and in human lives—which they had suffered and would continue to suffer.

By week's end, diplomats in and out of the O.A.S. agreed that the 21-year-old hemisphere organization passed the test for the benefit of collective peacemaking machinery everywhere. Long-term problems of reconciliation remain, but under the watchful eye of O.A.S. observers the Salvadoran occupation army was withdrawing peacefully from Honduras this weekend.

The now-famous soccer game in San Salvador on June 15, which El Salvador won, set off a wave of national resentment between the two neighbors, with each accusing the other of brutalities. Tensions had been mounting for over a year, stirred by the fact that large numbers of Salvadorans—about 300,000—had left their overpopulated homeland to seek land and business opportunities in less-developed Honduras.

"If it hadn't been a soccer game, it would have been something else," said one senior Latin diplomat. "The fuse had run out."

Neutral observers, including O.A.S. Secretary General Galo Plaza, are convinced that when Salvadoran troops invaded Honduras on July 14, the Government in San Salvador firmly believed that atrocity stories, although exaggerated, indeed amounted to "genocide" and were justification for punitive military action. Honduran forces, caught unprepared, were powerless before the Salvadoran advance.

Within hours the O.A.S. rushed a team of diplomats to the scene to try mediating.

A shaky cease-fire was arranged after five days of combat, but the political problem remained of securing, on the one hand, the withdrawal of Salvadoran troops and, on the other, some form of effective guarantees for the lives and property of Salvadoran residents in Honduras.

Last weekend, the O.A.S. permanent representatives summoned their Foreign Ministers to tackle the problem at the highest diplomatic level.

SHOUTING MATCHES

Then followed four days and nights of tense diplomatic maneuvering, erupting into angry corridor confrontations and one post-midnight session that broke down into shouting matches just short of fistfights among foreign ministers. Mr. Plaza, a 63-year-old Ecuadorian who once played football for the University of Maryland, seemed to be everywhere, alternating between friendly persuasion and less subtle devices. Just before the crucial break on Tuesday the Secretary-General locked the entire Salvadoran delegation in his office for nearly two hours to prevent them from backsliding away from the withdrawal agreement they had just reached.

Simultaneously with the withdrawal, by the terms of the settlement, the O.A.S. has already dispatched 14 civilian observer teams to Honduras.

Mr. Plaza is now confident that the organization can effect the smooth troop withdrawal.

His plan now is to use the structure of the Central American Common Market—the eight-year-old economic bloc which stands as the long-term victim of the war between two of its five members—as the principal instrument of refugee rehabilitation. This role might even turn the market into a stronger force for economic development.

The State Department, which had carefully kept its voice in the lowest possible register during the Latins' deliberations, stated after the diplomatic settlement "the inter-American system, in which we proudly participate, has met a major challenge."

ON VIETNAM—A DISTORTION BY LIBERALS

Mr. MUNDT. Mr. President, a recent editorial from the Tulsa World of Tulsa, Okla., has reached my desk and since it deals with the important problem of how best to secure an equitable and enduring peace in Vietnam, I want to share it with my colleagues in the Senate and the House.

I ask unanimous consent, therefore, that this editorial from this important Oklahoma newspaper be printed at this point in the RECORD.

Mr. President, until and unless we convince the master of Hanoi that we have made our final offer and that by prolonging the war they will gain nothing further in the nature of concessions from Saigon and Washington, the prospects of meaningful negotiations in Paris remain understandably dim. Let us as a nation and as a people unite in demonstrating to Hanoi, Moscow, and Peking that the United States of America is not going to "cut and run" and that we are not going to betray our friends and associates in Southeast Asia.

On the basic fact that this great country is not going to accept a humiliating and war-producing defeat in Vietnam, this Republic should stand united. I especially call attention to the last two paragraphs of the editorial from the Tulsa World.

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

DISTORTION BY LIBERALS

Sen. Karl Mundt of South Dakota suggests the United States issue a formal proclama-

tion, backed by Congress, notifying North Vietnam that we are "not going to cut and run" in South Vietnam.

Mundt says the action is needed to offset widespread domestic and global confusion as to U.S. intentions.

Recent orders by the Nixon Administration beginning a gradual withdrawal of American forces from the fighting zone have prompted precipitous conclusions that we are giving up the fight.

Nothing was further from the mind of President Richard Nixon in issuing the withdrawal orders. Rather, it is anticipated U.S. forces will be withdrawn gradually as and when South Vietnamese forces are equipped and trained to take hold on the more treacherous fighting fronts.

But Mr. Nixon's intentions have been distorted by liberals and doves who, having long since gotten us into the fighting in a major way, have wearied of the scene and are seeking new worlds to conquer. Liberal thinking now is directed at the domestic scene, where they visualize the use of Vietnam war funds for social and other spending projects.

This compassion for betterment is laudable. But it is evident that the One Worlders have lost stomach. Their naive visions of global togetherness have given way to the isolationism they so loudly condemned in the days when the venerable Sen. Robert Taft cautioned against falling victim to the Utopian dream of the world living happily together for all time.

Two wars and many disillusionments later the muddle-heads are ready to throw in the towel. It's not that easy. Sen. Mundt recognizes the facts of life on a troubled globe. Moreover, he knows what is certain to follow any showing of weakness or uncertainty.

What the Doves sorely need to do is think practical thoughts and cease dreaming of perfection in the world of imperfections.

ANOTHER BLOW TO CIVIL RIGHTS—COURTESY OF THE NIXON ADMINISTRATION

Mr. MONDALE. Mr. President, last week in the House of Representatives saw the writing of another miserable chapter in the Nixon administration's deplorable civil rights record. The administration stood by and watched—almost as disinterested observers—while the House voted down attempts to strike anticivil rights language from the 1970 Labor-HEW appropriations bill.

Thus, we in the Senate will once again be faced with the so-called Whitten amendments, sponsored in the other body by Representative WHITTEN, of Mississippi. Last year, as my colleagues will recall, we were successful in the Senate in nullifying the most damaging effects of the provisions, and I am sure a majority of my colleagues will support similar action again this year. But the fact of the matter—the sad fact—is that the administration could easily have stopped the 1969 version of the Whitten provisions last week in the House. Instead, it chose to remain silent in yet another display of its insensitivity on civil rights issues.

I wish to commend our colleagues in the other body who supported the efforts of Representatives COHELAN, CONTE, and O'HARA to delete or modify the anticivil rights Whitten amendments. I am sure I speak for many of my colleagues, on both sides of the aisle, when I pledge that we will continue this fight in the Senate—with or without the administration's support.

Mr. President, the Washington Post on Sunday carried an article and an editorial about the House action of last week on the Whitten provisions and the administration's inaction. I ask unanimous consent that the article and editorial be printed as part of my remarks at this point in the RECORD. In addition, I ask unanimous consent that the Evans and Novak column entitled "Mitchell Blocked Finch's Move on Anti-Integration Proposal," which appeared in this Wednesday's Washington Post, appear at this point in my remarks.

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

HEW DIDN'T FIGHT GUIDELINES CURB

(By Richard L. Lyons)

Despite ample warning that it was coming, the administration apparently didn't lift a finger to stop anti-school desegregation provisions written into the HEW appropriation bill by the House Thursday.

The language designed to legitimize freedom-of-choice plans and to prevent cutoff of federal aid from non-complying school districts was approved in identical form by the House a year ago. It was later modified and made meaningless by the Senate through ambiguous language.

Wilbur J. Cohen, then secretary of Health, Education and Welfare, said last year the initial House-passed language "threatens to stop or perhaps reverse this nation's drive for equal opportunity for all children."

Nearly two weeks ago, 10 days before the House voted on the issue, its Appropriations Committee again approved the language authored by Rep. Jamie L. Whitten (D-Miss.), who had announced his intention months in advance.

NO DENUNCIATION

Rep. Silvio O. Conte (R-Mass.), a leader in the drive to strip the language from the bill, asked for a statement from HEW Secretary Robert H. Finch denouncing it. Conte thought a message was coming, but it never did.

Except for Rep. John B. Anderson (R-Ill.), House Republican Conference chairman, no Republican leader spoke on the issue. A switch of nine votes would have killed it, but Democratic absenteeism was equally noticeable.

Even after the House vote, HEW civil rights officials said they couldn't discuss the matter and didn't know what the administration would ask the Senate to do. They had stuck their necks out before on school guidelines only to have them chopped off by equivocation at the top—the lesson was not lost.

STRATEGY DISCUSSED

Civil rights leaders, on the other hand, met Thursday evening after the House vote to discuss strategy. Clarence Mitchell of the NAACP, top civil rights lobbyist, said they tentatively decided the best course would be to ask the Senate to kill the language in hope of reaching an acceptable compromise in the House-Senate conference that will settle differences between the two houses.

"The vote proves," said Mitchell, "that there is a White Panther contingent in the Republican party led by Gerald Ford (House minority leader) with the complete approval of the White House." Mitchell said the White House made a "deliberate decision" to stay out of the fight.

The language forbids HEW to force busing of students, closing of schools or forcing a child to attend a school against the choice of his parents. It also states that these actions cannot be ordered as a condition to receiving federal air.

DEFANGED LAST YEAR

Last year, the Senate defanged the language by adding at the end of each of the two sentences the phrase "in order to overcome racial imbalance." HEW said it could live with this because its job was not to achieve racial balance but to end illegal segregation. This is the way the bill was passed, but only after a final cliffhanging House vote where the compromise was nearly lost.

Now that they face a repeat of the long 1968 fight, civil rights forces have one advantage over last year but have lost two key allies.

Sen. Warren G. Magnuson (D-Wash.), a civil rights supporter, is in charge of the bill in the Senate this year in place of the retired Lister Hill of Alabama. When he concentrates on an issue, Magnuson is one of the most effective operators in the Senate. He probably would be outvoted in his subcommittee, but it was the full committee that voted the compromise language last year.

But Sen. Jacob K. Javits (R-N.Y.), a tough civil rights fighter who carried much of the load last year, has left the Senate Appropriations Committee.

And a key operator in the final House fight, Melvin R. Laird, has left to become Secretary of Defense. It was Laird last fall, after Strom Thurmond had delivered the South for Richard M. Nixon at the Republican National convention, who decided Mr. Nixon couldn't stand the appearance of being tied to the South. Laird switched several conservative Republicans and finally beat Whitten.

AND A LOW BLOW

By extremely small margins the House on Thursday rejected the efforts led by Reps. Conte of Massachusetts and Cohelan of California to excise from the Labor-HEW appropriations bill language that would severely undermine the Civil Rights Act of 1964 and the progress—such as it has been—of school desegregation in the South. The language in question was developed by Rep. Jamie Whitten of Mississippi, and although it purports to deal with "forced busing" of students, its principal effect would be to establish the validity of so-called "freedom of choice" plans and to inhibit HEW from using its enforcement powers to bring schools (such as those in Mr. Whitten's district) into compliance with the law.

Mr. Cohelan observed in passing that he and Mr. Whitten had been around this track before. Last year the House also appended the Whitten language to the Labor-HEW appropriations bill; the Senate rejected it; the House-Senate conferees could come to no agreement; and in the consequent record vote on the measure held in the House, Mr. Whitten took a close defeat. It was a real cliffhanger. We bring up this bit of legislative history because the administration apparently has something like that scenario in mind for disposing of Mr. Whitten's measure again this year—if, indeed, it plans to help dispose of it at all. For despite the stern words of Secretary Finch and Attorney General Mitchell in their revised guidelines statement on the subject of "freedom of choice" plans, the administration refused to pass the word privately or publicly against the Whitten measure before the vote last week. The best construction anyone has been able to put on this reluctance is that the administration is looking to have Mr. Whitten defeated on the Senate side.

As best constructions go, it is pretty rickety. For one thing, the very closeness of the votes in the House makes abundantly clear that the administration could have turned it around with a little effort and/or

will. And there was plenty of opportunity (and pressure) to do so. Mr. Whitten's Republican and Democratic opponents in the House implored HEW to express a view for the administration and thus to help them out. Once again there was a great deal of backstairs to-ing and fro-ing, promises to reach a decision followed by further delays and further promises, leading—ultimately—to silence. Two things make this passing odd. One is that, as a candidate, Mr. Nixon last fall let it be known that he opposed the identical Whitten measure. The other is that, whatever action the Senate subsequently takes, the House action of Thursday can only encourage those school districts in the South that already believe they read Mr. Nixon loud and clear and which are currently fighting his representatives at HEW. As the time grows shorter until the fall of 1969 and the administration's resolve becomes, if anything, less clear regarding the fulfillment of that desegregation deadline, episodes such as this one become increasingly important. In fact, the signals the administration has been transmitting on this question by now have probably made the whole subject of the 1969 deadlines academic. Its refusal to take a stand on Mr. Whitten's destructive maneuver ranks high among these signals, coming as it does at this time. That is just one more depressing observation for those who took the Attorney General at his word when he asked that we watch what the administration would do on this question—as distinct from putting our hopes on rhetoric.

MITCHELL BLOCKED FINCH'S MOVE ON ANTI-INTEGRATION PROPOSAL

The reason why the Nixon administration tolerated house passage last week of an amendment designed to cripple school desegregation was the undercover intervention of Atty. Gen. John Mitchell, the strong man of the Cabinet.

Mitchell blocked a move by Robert Finch, Secretary of Health, Education and Welfare (HEW), to put the Nixon administration on record against the anti-integration proposal of Mississippi's Rep. Jamie Whitten. In fact, Mitchell made a special, highly secret visit to Capitol Hill to make sure the Republican leaders did not turn against the Whitten amendment. Because of this, the Whitten amendment narrowly carried.

The upshot transcends just one more victory for John Mitchell and one more defeat for Bob Finch inside the administration. Rather, this is a necessary triumph for Mitchellism—the attorney general's grand design of combining the 1968 Nixon and Wallace votes into a national Republican majority. Vital to Mitchellism is a civil rights policy that placates the South but does not offend northern whites.

Whitten's rider to the educational appropriations bill fulfills that requirement. While ostensibly aimed against busing school children (which arouses equal outrage in North and South), it would hamstring the Federal Government in forcing southern desegregation through withholding of federal money.

In preparation for last week's battle, pro-civil rights Republicans in the House some two weeks ago requested help from Finch's HEW. They were assured aid would be forthcoming—a public statement to be issued by Finch. Indeed, White House lobbyists expected to be working against the Whitten amendment.

A statement by Finch opposing the amendment was drafted at HEW on Friday, July 25, and—because the Justice Department shares responsibility for school desegregation policy with HEW—sent to Justice for Mitchell's co-signature. There it stopped cold. On Monday, July 28, Mitchell not only refused to sign the statement but prevented it from seeing the light of day.

They put the administration into a position of benevolent neutrality toward the Whitten amendment. Paying an unusual visit to a secret meeting of the House Republican leadership on Tuesday morning, July 29, in the minority whip office just hours before the appropriations bill came up on the House floor, Mitchell explicitly pronounced this position: the administration would not interfere with the Whitten amendment.

That doomed any hope of defeating Whitten. When liberal Republican congressmen asked what had happened to the promised statement from Finch, they were told lamely that Finch was in California (true enough) and unreachable (highly implausible). One such congressman pleading for help against the Whitten amendment was told by Minority Leader Gerald Ford of Michigan: "If it goes to a roll call, it's going to embarrass a lot of guys."

Thus, attempts to reject the Whitten amendment were beaten on Thursday, 158 to 141, on a teller vote where no record is kept—thereby avoiding a roll call. Had the administration and Republican leadership taken a position, Whitten unquestionably would have been beaten.

This has left a retched taste not only with the splinter of Republican liberals but such moderate conservatives as William McCulloch of Ohio, Albert Quie of Minnesota, Tom Railsback of Illinois, Edward Biester of Pennsylvania, and one member of the party leadership: caucus chairman John Anderson of Illinois who spoke eloquently on the House floor against the Whitten amendment.

Such Republican discontent plus the absence of Finch in California and President Nixon in Asia when Mitchell was laying down policy provides a little hope for civil rights forces at HEW. At any rate, Finch now intends to fight the Whitten amendment in the Senate.

But even if the Whitten amendment does not make it all the way through Congress, Mitchell's benevolent neutrality toward it is in itself of great significance. "I believe a fundamental decision has been made," says Congressman Anderson. That decision: the courts, not the executive branch, will be given the job of enforcing school desegregation—a concept fully compatible with the Whitten amendment.

This historic shift means not only that the pace of school desegregation will slow dramatically (the Nixon administration's Georgia court suit will take years to settle) but that the federal judges, not President Nixon, will be blamed when it finally comes. These results could help satisfy the crucial but vulnerable requirement of Mitchellism that the Nixon administration pleases 1968 Wallace voters enough to enlist them in a new majority.

THE STATE LEGISLATURE AND THE PROSPECTS OF STATE GOVERNMENTS IN THE FEDERAL SYSTEM

Mr. MUNDT. Mr. President, there has been a healthy awakening lately to the fact that if we are going to make some real impact on our critical domestic problems, we will need better performance at all levels of our federal system. The growing emphasis on revitalization and strengthening the State legislatures to enable State government—a pivotal level of our federal system—to pull its weight is particularly noteworthy.

For example, the Citizens Conference on State Legislatures, formed in 1965, now has active citizens' groups working for improvement of legislatures in more than 13 States. In 31 States reports by citizen or official bodies on various aspects of legislative upgrading have been published in the past year and a half. And the Advisory Commission on Intergovernmental Relations, of which I am a member, recommended in its 1967 report on fiscal balance that State legislatures be strengthened as an essential step toward more vigorous State participation in the federal system.

I wish to call the attention of this body to a speech by North Dakota State Senator Edwin C. Becker, chairman of the governing board of the Council of State Governments, delivered on June 16, 1969, at the Woodrow Wilson School on Public and International Affairs at Princeton.

Senator Becker recites the familiar litany of criticism of the Federal Government for its proliferation of grant-in-aid programs and the crisis in management it has brought about in carrying out these Federal-State-local cooperative programs. But he does not stop there; he places a full share of the responsibility on the States for the fact that "our whole system of government in this country is perilously close to crumbling under the weight of the demands for action to solve the staggering domestic problems that plague major segments of the citizenry." He says:

> Let us zero in on the area of government that we have the responsibility to reorganize, to revitalize, to cause to be alert and immediately responsive to the needs of the people we serve . . . We will never have really productive and meaningful federal-state or intergovernmental relations until we have prepared ourselves to accept the responsibilities such a partnership places upon us. Though we are preparing ourselves for such a partnership, we are far from the total preparation which is absolutely essential.

He goes on to propose in great detail what he feels State legislatures need to do and should do to make them "the sparkplug and the cornerstone of vigorous and responsive State and local government."

Mr. President, Senator Becker and the Council of State Governments which he leads, deserve the commendation of the American people for statesmanlike acknowledgment of the present shortcomings of our State legislatures, but more, for these forthright proposals for strengthening legislatures so that they can help State government play its rightful central role in our federal system.

I ask unanimous consent to have printed in the RECORD the text of the address by Senator Becker.

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

THE FUTURE PROSPECTS OF STATE GOVERNMENTS IN THE FEDERAL SYSTEM

(By North Dakota State Senator Edwin C. Becker, chairman of the governing board of the Council of State Governments to the conference-type course on intergovernmental relations conducted by the Woodrow Wilson School on Public and International Affairs, Princeton, N.J., June 16, 1969)

Our whole system of government in this country is perilously close to crumbling under the weight of the demands for action, immediate action to solve the stag-

gering domestic problems that plague major segments of the citizenry.

Witness the uncontrolled disorder which is rampant in every section of this nation. Adults and youth alike have joined the ranks of those who are tired of waiting for promises to be realized. Their impatience with government at all levels is threatening the very existence of that government. Their often savage outcries are not ringing through the countryside without notice.

Demands which call for sweeping changes, even the abolishment of our form of government, are being echoed more boldly than ever by a growing number of activists. In this army of impatient Americans, there are, as well as destructionists, those well-meaning citizens who are seemingly more aware than we are, that government at all levels must be reorganized.

We who are commissioned with this awesome responsibility just simply can no longer hide in the ranks of those who point an accusing finger and label as hippies, yippies, communist agitators, etc., those who cry for change.

At no time in recent American history has the challenge for intelligent, courageous, dedicated men and women to heed the call for government reorganization, government revitalization been more critical. If this challenge for comprehensive government reorganization is not met head on and realized without immediate results, we will have served as the architects and supplied the tools which will have destroyed this once magnificient edifice—the Democratic Republic of the United States of America.

Let's take a quick look at the creeping paralysis threatening the government at the national level. I quote from the article written by Kenneth O. Gilmore, published in the February issue of The Reader's Digest, entitled, "The Great Challenge—Making Our Government Work." He says, "Our government has literally proliferated itself out of control. We are confronted by an apparatus so large, disjointed and self-perpetuating that it has defied all those who have attempted to make it manageable. More disturbing, the system now puts a premium on securing funds rather than on spending them according to the real needs of people.

How have we reached this sad point? The answer lies in an examination of the grant-in-aid system whereby tax dollars are brought into Washington, then funneled back to states, localities, institutions and individuals under a multitude of matching formulas. Throughout the 1960s, a blizzard of bills has swept through the Congress in a frantic, unplanned effort to solve social ills. Within the last five years alone, 240 new or significantly expanded grant-in-aid authorizations have been passed, including 17 new programs for education, 15 for economic development, 12 to meet city problems and 21 for natural resources. As former HEW boss Wilbur Cohen said, "There is some kind of a grant that deals with almost every aspect of human life."

Predictably, federal-aid costs have skyrocketed, climbing to $20.3 billion this year, more than triple the amount of a decade ago. But another price tag has to be reckoned with: colossal confusion. An organizational chart of today's criss-crossing bureaucratic lines would resemble a giant stack of spaghetti. At the top, in Washington, are 21 federal departments and agencies with 150 bureaus and thousands of subdivisions. Below is a wilderness of 400 haphazardly scattered regional offices. At the bottom—the receiving end of grants—are 90,000 units of local government, not to mention tens of thousands of institutions and individuals. Every 24 hours, $55,616,438 pours through this labyrinth from over 500 Congressional authorizations split into more than 1,000 programs. How many millions are uselessly spent when 13 agencies operate 101 educational and cultural programs? Or when nine different empires manage 192 installations supervising 1,000 federal pollution projects? Or when there are at least 57 tax-fed job-training programs spread among five federal departments? Or when there are 35 different federal programs for housing and even five for driver training?

Former Secretary of Health, Education and Welfare, John W. Gardner, says, "We need a far reaching reorganization of government that will correct intolerable duplications of mission and provide for improved coordination." United States Senator Edmund Muskie says, "Society will no longer tolerate the gap between the promises of democracy and our performance." United States Senator Abraham Ribicoff says, "The net result of our massive federal effort in recent years seems to be a policy that is unplanned, unmanaged and, if the trend continues, unworkable."

I agree with Mr. Gilmore when in his article he urges Congress to "revamp its own outdated machinery." A longstanding bill to reform the creaking committee system and create more effective Congressional staffs should be adopted. Today, Congress is pathetically unequipped to examine—and control—the multitude of proposals thrust upon it by an ambitious bureaucracy. It must therefore take part of the blame for the federal layer cake.

He also urges that a "searching study must be given to a number of proposals shifting decision-making power back to local government." Outstanding liberals and conservatives alike agree that remote control from Washington depletes and demoralizes responsible local leadership.

Two of the most common proposals are: "block grants," whereby Washington would provide financial assistance in broad functional areas, with wide discretion given to state and local governments; and "revenue sharing," which would return a percentage of federal income taxes for state and local use. The goal of both proposals—to decentralize and give cities and states more power to set their own priorities—makes eminent sense.

The Omnibus Crime Control and Safe Streets Act of 1968 presents the states with their first major opportunity to implement a block grant program. The future of this form of cooperative intergovernmental funding may rest on the success of the States in implementing the program.

Though there is little that we can do to directly effect the needed government reorganization at the federal level, we have the responsibility to demand that important changes be made.

Let us zero in on the area of government that we have the responsibility to reorganize, to revitalize, to cause to be alert and immediately responsive to the needs of the people we serve.

Our area of concern is the State Legislature. We will never have really productive and meaningful federal-state or intergovernmental relations until we have prepared ourselves to accept the responsibilities such a partnership places upon us. Though we are preparing ourselves for such a partnership, we are far from the total preparation which is absolutely essential.

The Legislature, as the policy-making branch of State government, and the branch on which all State and local government depends for the basic direction and authority to act, must be the spark plug and the cornerstone of vigorous and responsive State and local government. It is not an exaggeration to say that as goes the Legislative Assembly, so goes State and local government.

Thomas Jefferson in 1791 advised that the only barrier against encroachment by the national power lay in a strong and wise government in the State. He said, "A weak State government will lose ground in every contest." Eli Root said in 1906, "It is useless for the advocates of the States' rights to inveigh against the supremacy of the constitutional laws of the United States or against the extension of national authority in fields of necessary control where the States themselves fail in the performance of their duty. The instinct for self-government among the people of the United States is too strong to permit them long to respect anyone's right to exercise a power which he fails to exercise."

We are all well aware of the growth in importance and prestige of the Federal Government, and of the diminished prestige and importance of State and local government.

The history of the United States has revealed far too many instances where the growth in power and prestige of the National Government was simply a result of the failure of the States to use the powers that they did enjoy and, particularly, the inability on the part of the Legislative Assembly to act effectively and decisively in the solution of new problems. Why have the Legislative Assemblies in too great a measure failed to act effectively? It is primarily because of self-imposed restrictions. Some of these restrictions, such as archaic time limitations, are constitutional in nature; others are a result of statutes and the rules of the Legislative Assembly; still others relate to inflexible structure and organization, to lack of an adequate professional staff, to the crowded and completely inadequate quarters they occupy, and to the almost lack of financial remuneration of legislators. In short, the Legislature has failed or refused to provide itself with adequate tools to do its job. These self-imposed restrictions and inadequacies have too often so shackled the Legislative Assemblies as to make them incapable of exercising the powers reserved to them, and in so doing, have effectively throttled vital decisions affecting the entire State and local government.

Let's review the status of the average Legislature, if there is such a thing as an average Legislative Assembly. Most Legislatures today are not too radically different from the Legislative Assembly of ten years ago, or even twenty years ago. Some States have taken decisive steps in one or two, or a few even in three areas of needed improvement. Others have attempted to slightly modify inadequate structures, processes, and tools with the hope of keeping their heads above water a little longer. But, these improvements and modifications by almost any measurement have not kept pace with the need.

Let's use the matter of "volume" or workload as a measurement of the need for legislative improvement. I suspect that most States are not too different from North Dakota in the change in the workload of the Legislative Assembly. By 1969, the sheer volume of printed pages of bills processed had more than quadrupled within the last 18 years and more than doubled within the last ten. Yet, we have basically the same legislative structure, no more legislative days, and only slightly more staff and facilities to attempt to handle this radically increased responsibility. In fact, we have no more time than we had when we became a State in 1889. By the measurement of volume, the workload has become so overwhelming that it is impossible to begin to give the consideration that these measures deserve and to develop a deliberative, intelligent, decision-making process. By the measurement of increased complexity of the problems, our progress in the legislative branch has failed to keep pace. Entirely new fields have resulted from new technology, population growth, population sparsity, economic trends, and social problems. They have sharply increased public demand for services in major areas of State and local governmental responsibility and have made decision-making infinitely more difficult.

Our efforts in the legislative branch, with short sessions, inadequate tools, and sporadic interim activity, are much like rain drops on a dirty window pane, too often making it possible for the average legislator or legislative committee to view only fragments of the scope and depth of the program or problem for which they have responsibility.

Those who check the public pulse have been indicating with greater frequency lately that this pulse is beating much less excitedly for new and more governmental expenditures than it has in the past. Yet, without an effective legislature to express this public concern for economy and to ensure that the citizens are getting a dollar's worth of value for each dollar of public spending, frustration seems to be the only result. Unless we make the necessary improvements in the legislative branch of government to permit our citizens to have effective control over their own governmental affairs, we are denying them their best and possibly their only opportunity of having the majority will transferred into governmental policy.

The legislative body exists in a democracy only for the purpose of the redress of grievances, translating the people's will into governmental policy, and to control their own government. Legislative improvements are needed simply to help the citizens govern themselves; or, perhaps, we have approached the point where these improvements must be made if we are to permit the citizens to govern themselves.

A third test of the adequacy of the present Legislative Assemblies is, of course, the public image. We are greatly concerned with the lack of sympathetic understanding on the part of the public, the other branches of government, and sometimes on the part of the press. We who are in or associated with the legislature often say that we cannot change or we cannot improve because it will not be understood by the people, or that a few additional dollars spent within the legislative branch would bring a public outcry because of the poor legislative image.

How do we obtain more sympathy and understanding from the press and from the citizens in general? My best suggestion is that we earn their respect. To do this, leadership is necessary. Legislators are elected by the people to represent them. They are expected to have knowledge, ideas, and decision-making capabilities. He is expected to be a doctor who will recognize symptoms of a disease and prescribe the preventive medicine and timely treatment—not to be a mortician with the responsibility of burying the problem after the time for corrective action is past. Benjamin Franklin once said, "Nothing worthwhile was ever accomplished if it was first necessary to wait until everyone is in agreement." I believe the legislators themselves must exercise creative leadership in improvements within their own branch, even though everyone is not in full accord with the need for a change or the type of improvement. If he waits too long in providing the necessary cures, he is simply embalming his own branch of government to preserve it as a curiosity for future generations and historians.

Now, let's look at the Legislature of tomorrow. We can base our predictions of tomorrow's Legislature upon one of two presumptions. The first would be a continuation of the rate of legislative change and improvement that we have seen over the past ten to twenty years and an equivalent increase in the workload complexities and controversies that have faced the Legislature during that same period. Dr. Einstein was once asked to describe the weapons that would be used to fight a third world war. He replied, "I don't know what weapons will be used in the third world war, but I do know which weapons will be used in the fourth—sticks and stones." Predicting the status of the legislature ten years from now with little major change or improvement may be similar to predicting the weapons of a third world war. The prediction of the legislature 20 to 30 years from now may be a little easier and similar to Einstein's prediction of the weapons of the fourth world war. Imagine having the legislative workload again doubled within the next ten years with the same limited sessions. Assume that the number of citizens who find it desirable to visit the legislature for interest or educational purposes, or for appearances in regard to bills or to visit with their legislators, continues to increase at the same pace that it has in the past ten years. Presume that federal programs with which a legislature must deal continue to proliferate or increase in size and complexity at the same rate they have in recent times. Cut the time in half that each bill is allotted in a public hearing. Cut in half the number of bills that even reach the stage of public hearing where interested proponents or opponents may have their day in court.

Double the number of interested citizens who are trying to cram into inadequate committee rooms. Even double the density of the blue smoke in the hot, stuffy, non-air conditioned rooms in which legislators serve. You can't double the hours of work, for many would find themselves running into the next day. Consider the frantic pace of legislative employees and professional staff in trying to do twice as much work, and the downward plunge in the quality of the work they are able to perform as they spread themselves thinner and thinner over more subjects and more and more areas. Imagine the veteran legislators and the new energetic and capable young freshmen who leave the body in disgust as they become completely frustrated in their desire to perform a public service and serve the will of the citizens. Imagine the presently limited numbers of competent staff finally reaching the point where they feel they can no longer even approach meeting the demands that are made upon them and leaving for other fields.

Assume the increase in income of the citizens in general and then compare the even greater sacrifice that legislators must make in their desire to serve. Imagine a legislator's concern and worries as he is forced to make decisions essentially knowing only half as much about each bill as he does today. Consider the results in government and the effect upon individual citizens of all the mistakes and poor decisions that will be made. If we are dissatisfied with the public image of the Legislative Assembly today, consider what the opinion of the citizens will be when the legislature attempts to perform under these circumstances.

Let's move ahead another period, to about 20 or 30 years from now, and continue to assume no major improvements in the legislative process. Let's assume the complete legislative crisis we described as occurring ten years from now as being at least ten years behind us. I think we can then view the development of a new type of legislative body. It will be one that has learned to live within the limitations of its capacities, because the people will have insisted that it do so. Their insistence will have been in the form of removing problems and decision-making from them and taking it to higher levels of government or very occasionally, on a home rule approach, to local levels of government. This legislature will deal with inconsequential things. It will act as a funneling device for channeling federal funds and federal policies to the political subdivisions. There will be an increase in pomp and circumstance as the body attempts to make up for its lack of importance through public flourish and display. The energetic, capable, and dedicated legislator will be gone. There will be no challenge to attract him to the body. Without this challenge and expectation of doing something for his state and fellow men, he certainly will not serve only for the miserable pay involved.

Who will serve in the legislature? It will be filled with several types. Certainly, there will be many of the pompous but generally incapable Colonel Blimp type persons who serve for what little hollow prestige they delude themselves into believing remains. There will be a few who are attracted by even the miserable remuneration, largely because they have nothing else to do, or, sometimes because there is little else they are capable of doing. Occasionally, some person might serve for selfish reasons of self-advancement or private interest with the misguided thought that he might use some remaining shred or legislative power or prestige to help him further his personal goals. This Legislative Assembly may continue on the scene for a good number of years because of the rigor mortis of the State Constitution, but though the body may be preserved, make no mistake about it, it's dead. The states will be of interest primarily only as boundaries to Rand MacNally, the map makers, and to the Postal Department to indicate an area of the country to which a letter might be addressed. We will have largely adopted the system of the French Republic, and our states will be essentially provinces of an all-encompassing and powerful central government. Local government, while exercising a greater degree of independence in trivial matters, will largely become small, stereotyped, uniform governmental units which require a change in the national policy to meet local and regional needs and desires.

But, with a positive view, let's take the other presumption. Let's assume that strong leadership prevails in the Legislative Assemblies of this country. Let's predict that the initiative and courage exists to make substantial and decisive decisions that prescribe the cures that are needed for our legislative ailments. Let's project the results of these major improvements and look at the legislature of ten years from now. Here we may find that in the larger, more populous states, legislative sessions are on an annual basis of unlimited duration. In these large states, the point of view of Speaker Jesse Unruh of California, one of our most vigorous campaigners for legislative reform, may prevail and we may see something approaching a professional legislature. Speaker Unruh has said, "Many legislators regard their lack of professionalism as a positive virtue. While amateur standing may be a virtue for the Olympics, or for marriage, we have long since passed the time when that was useful in state government." This may well be a valid concept for some of our larger states. In our medium-sized and smaller states, we can anticipate a different concept. Adequate time to perform the job will be provided. It may be that more of these states will turn to annual sessions, and others will turn to a type of recessed annual or biennial session. In the smaller states it may involve a relatively short organizational session immediately after the election at which the great majority of the bills will be required to be introduced.

Thereafter, it may well recess, with the standing committees holding monthly joint hearings during the subsequent year upon the legislation that has been introduced, evaluating the bills, preparing their amendments, and developing their committee reports for presentation to the parent body when it comes back into full session at the beginning of the following year. These same standing committees will probably carry on the research and fact-finding functions that are now delegated to interim committees. However, by whatever method or structure derived, adequate time will permit the legislature to do the necessary research, obtain the facts, hold hearings to give all citizens their

reasonable day in court, and to make intelligent, informed decisions upon the major and complex questions before them.

The legislature will have an adequate professional staff. In the larger states, each standing committee may well have a specialized staff who are truly experts within the field of their committee's responsibilities to do their research for them, to assist in analysis of the problems, and to aid in determining the alternatives that are available for consideration. In some states, there will be both majority and minority staff members to work upon and assist in presenting the policies of the two political parties in the field of their committee's responsibility. In some of the smaller states, this professional staff service will probably come from a central staffing agency not too dissimilar to the central staff of our present Legislative Research Committees and Legislative Councils. Here, staff specialists will also be developed who will be assigned to work in major areas of state governmental responsibility and to assist the standing committees as a semipermanent assignment. This would be a nonpartisan-type staff since they would be required to serve the members of both parties and the committee's interest as a whole. In these smaller states, as a substitute for majority and minority staffs, we'll see the caucuses of each House assigned staff members to help develop the legislative programs of the majority and the minority.

We will see a major development in the field of data processing through the application of computer techniques to the legislative process.

Adequate-size committee rooms will be available for all committees so that decisions no longer have to be made in a hot, stuffy, smoke-filled room. Those wishing to appear before committees can do so in a setting of dignity suitable for the highest legislative body of the state. In the larger states, all legislators will have offices where constituents can find them and where they can hold conferences, keep their materials, and carry on study and research. In the smaller states, at least the officers of the body and the major committee chairmen will have offices, and other rooms for study and conferences will be available on a shared basis for the less senior members. Adequate press facilities and staff quarters will be provided. The entire legislative facilities and the legislative process will give an appearance of dignity and decorum and will do much to improve the legislative image. The compensation for legislators will be raised to a level where even greater numbers of able and interested people can afford to serve in the legislature. The challenge of being where the action is will attract a competent staff. This Legislative Assembly will have little need to worry about its public image. It will have demonstrated by its performance its capabilities to meet the problems as they arise, and its ability to make intelligent and deliberative decisions in a decisive fashion. These decisions can give clear-cut issues to the electorate upon which they can gauge party performance. No longer will the legislature be used as the "whipping boy" for other areas of government and by major private sectors of our society. Disagreement with the final actions of the legislature by the citizenry or any major group of citizens will at least no longer be synonymous with disrespect. With this new respect for the legislature and its ability to be responsive to the will of the majority, will come new respect for government in general and even for the statutes it passes to govern the citizens. Redress for legitimate grievances will be much more available and, consequently, public sympathy for those who flaunt the legislatively established rules of organized society should materially decline. In short, we may have made a material stride in making democracy work.

There will be those who say that the legislature cannot be trusted with this type of capability. But, what they are really saying is that the people of our country cannot be trusted to govern themselves. I think there is little doubt that placing greater capability and responsibility in the Legislative Assembly will in itself create greater public interest in it, resulting in a stronger challenge to even greater numbers of strong, capable men to seek public office. With our responsive political process, an educated, intelligent electorate and an alert and vigorous press using the printed and electronic media, we need not insist upon a weak and impotent Legislative Assembly to save us from tyrants. Informed public opinion and public action at the polls will temper any excesses that appear upon the legislative scene. There are those who will say that some of these things will cost money and the answer is yes, some money would be *invested*. But, it would be returned many times over in the greater efficiencies of government resulting from detailed surveillance from the legislative branch and the informed decisions that are forthcoming from the legislature.

There are those who will say that at times the legislature may make mistakes. It could be answered that there are times when everyone and every institution can make mistakes, but, the right of the people to govern themselves includes their right to make mistakes. However, no person or institution holds any respect or will be long continued if it fails because it has not even tried.

This is not a challenge for the next generation, but it's a challenge for us now. Any procrastination means that the states have that much less responsibility remaining upon which improvements can reflect a creditable performance. It is essentially within the power of the Legislative Assemblies to make these changes. The legislature can change its internal structure; it can change its rules substantially; it can provide the quarters necessary to carry on its work efficiently and with dignity and decorum; it can provide the staff it needs whenever it decides to do so; it *must* initiate the constitutional amendments that are necessary to permit it to make the other necessary improvements. By its performance resulting from improvements it will improve its image sufficiently to gain the public support necessary to make the constitutional changes. In short, within each Legislative Assembly we have the power and the capacity to initiate the improvements, the reform, and the modernization that is needed, if only we will.

A few in the legislature or government may say that this type of proposal is not playing the game. Some may say that politics, and party or personal politics in the narrow sense, is the name of the game. Others may say the name of the game is to win, or the name of the game is to survive. A very few may say the name of the game is to do what you can for yourself. And yet, I submit that the name of the game is probably the American system of government. It's not even a game in the normal sense; and if it is, it's really a game for keeps. The legislature, through taxation, takes your income—for keeps. It condemns or in other ways takes your property—for keeps. It affects your health through institutional or health programs—for keeps. Through its police power it protects or permits your property to be damaged or your life to be taken on your streets—or in your homes—for keeps.

In my opinion, the success or failure of our state Legislative Assemblies will determine the success or failure of our American state-federal system—for keeps.

SOCIAL SECURITY

Mr. PERCY. Mr. President, as Social Security Commissioner Robert M. Ball so well stated before the Senate Special Committee on Aging on April 29, 1969:

> Social Security is our major anti-poverty program. If [it were] not for the system they'd be 10 million more persons in poverty than now.

Social security has paid out $180 billion to beneficiaries since its inception in 1935. Every month more than 15 million social security benefit checks are issued; 90 to 95 percent of all those reaching retirement age are now eligible for benefits.

I have always supported the social security system, because, as Mr. Ball explained:

> Social Security is generally accepted and consistent with other features of our society. It benefits older people at all income levels and from all walks of life.

However, I am also deeply concerned about the fact that we in Congress do not always provide individuals who depend upon social security with an adequate share in the economic growth or the improved quality of life these citizens helped to build.

As we all realize, social security benefits, which are pitifully small, have lagged even further behind the rising cost of living. There has been no increase in benefits since February 1968. Since that time, the cost of living has increased by almost 5 percent. Wages have gone up, profits have increased, and prices have risen, but our older citizens have had no share of this prosperity. In fact, they have become poorer. Surely it is time that we in the Congress assure these people—and future beneficiaries—that social security will be responsive to cost of living increases. I am concerned to hear that the House may not take up social security legislation this year.

The 1968 Republican platform read:

> Elderly Americans desire and deserve independence, dignity, and the opportunity for continued useful participation. We will strengthen the Social Security system and provide automatic cost of living adjustments under Social Security . . .

The 1968 Democratic platform read:

> A lifetime of work and effort deserves a secure and satisfying retirement. In addition to improving Social Security, we must develop in each community a wide variety of activities to enrich the lives of our older citizens, to enable them to continue to contribute to our society, and to permit them to live in dignity.

Why is the Congress not taking action on this important matter? Are party platforms once again to be designed for campaign oratory and to be forgotten after the elections are over?

President Nixon has recently proposed a boost in social security pensions. His plan would increase benefits by 7 percent and also would increase the present earnings limitation. I commend the administration's efforts to fulfill the goals outlined in the Republican platform, and I ask unanimous consent that the following chart from U.S. News & World Report

explaining the President's proposal be inserted at this point in my remarks.

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

SOCIAL SECURITY PENSIONS THAT NIXON WANTS

White House plan: Increase monthly benefits by 7 percent across the board to compensate for rises in living costs

Average monthly earnings	For retired worker after 65		For retired couple after 65	
	Present pension	Proposed pension	Present pension	Proposed pension
Below $75	$55.00	$59.00	$82.50	$88.50
$100	71.50	76.60	107.30	114.90
$150	88.40	94.60	132.60	141.90
$200	101.60	108.80	152.40	163.20
$250	115.00	123.10	172.50	184.70
$300	127.10	136.00	190.70	204.00
$350	140.40	150.30	210.60	225.50
$400	153.60	164.40	230.40	246.60
$500	177.50	190.00	266.30	285.00
$600	204.00	218.30	306.00	323.30
$650	218.00	233.30	323.00	338.30

Note: People now retired are not eligible for maximum pensions shown here. It was not until Jan. 1, 1968, that workers started paying social security taxes on as much as $650 a month, or $7,800 a year. Only after paying these taxes on the $7,800 of annual earnings for a number of years can a worker qualify for the maximum pension.

Mr. PERCY. Mr. President, we have made many promises to citizens depending upon social security, but far too often these promises have proven to be shallow ones. My interest is in seeing that the strongest, most effective social security system possible is obtained. Congressional consideration should begin immediately. Our older citizens need and deserve an increase now, not when Congress gets around to it. We must correct the glaring inequities in our present social security system and respond to the needs of millions of American citizens who depend upon that system. To fail to do so is to fail to face up to our responsibilities as Members of Congress.

ELECTORAL REFORM

Mr. GRIFFIN. Mr. President, hopefully, the House of Representatives will soon move toward consideration of House Joint Resolution 681, which calls for election of the President by direct popular vote, and national interest in the subject of electoral reform will be revived. A Senate resolution, Senate Joint Resolution 12, providing for a district plan, has been reported without recommendation by a subcommittee and awaits consideration by the full Committee on the Judiciary.

The need for action on this front is imperative. As a longtime advocate of electoral reform, I am deeply concerned that a constitutional amendment may not be ratified and will not become operable in time for the 1972 presidential election.

If approximately a year is required after ratification for implementation of such an amendment, as indicated in House Joint Resolution 681, then the ratification process should be completed no later than the early part of 1971. It is obvious that such a timetable leaves less than a year and a half for a constitutional amendment to win approval by two-thirds of each House of Congress and by three-fourths of the States.

While I was inclined to favor the direct election proposal as a theoretical proposition, I have been reluctant in the past to advocate its adoption in Congress in preference to other reform proposals because of an intuitive concern that it could not be ratified by three-fourth of the States. Frankly, I was doubtful that the legislatures of smaller, less populous States would ratify a proposed constitutional amendment that would seem to reduce their proportional influence in the electoral process.

At the same time, I have been aware that a large majority of the people throughout the Nation favor the direct election proposal as opposed to the several alternatives pending in Congress. Public approval for the direct election plan rose sharply after the 1968 elections when a Gallup survey indicated 81-percent support and the Harris poll measured 78-percent support.

In the face of an apparent dilemma, I determined several months ago that it would be useful to me, and perhaps to other Members of Congress, if I were to communicate directly with members of the legislatures in the States most likely to reject the confirmation of a direct election amendment. I decided to conduct my own survey of State legislators in an effort to gage whether ratification of such a proposal by three-fourths of the States would be possible or likely.

Accordingly, we wrote a letter and sent a questionnaire to 3,943 legislators in 27 States, including States having less than five electoral votes, as well as other States which stand to lose relative voting power if a direct-election proposal should be adopted. The following States were surveyed: Alabama, Alaska, Arkansas, Delaware, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming. The text of my letter and the questionnaire will be found at the conclusion of my remarks.

We invited each State legislator to respond to four questions. First, we asked whether he would vote to ratify a constitutional amendment providing for the direct election of the President. Next, we asked for his opinion as to whether a majority of both houses in his State legislature would ratify such a proposal.

This double-barreled inquiry was designed to determine whether the actual positions of individual legislators might differ significantly from widely held assumptions concerning the extent of support within a given State legislature.

Some of the impetus for this inquiry came from comparing results of a poll of State legislators by Senator QUENTIN N. BURDICK, Democrat, of North Dakota, in 1966 indicating 58.8-percent support for the direct election proposals, with a recent poll of State legislative leaders conducted by the UPI indicating that only 12 States definitely leaned toward the direct-election proposal.

The other two inquiries included in our questionnaire were designed to measure support among State legislators for two alternate reform proposals: the proportional electoral vote plan and the district proposal recently reported by a subcommittee of the Senate Judiciary Committee.

We were very much pleased by the response to our survey. Approximately 44 percent of the State legislators contacted took the time and trouble to provide answers, reflecting a strong interest at the State level in the important subject of electoral reform.

The results of our poll, set out in a table printed at the end of my statement, demonstrate that there is also strong support among individual State legislators for the proposal to elect the President by direct popular vote. In fact, our survey indicates that only two States, Idaho and North Dakota, would definitely oppose the proposition.

On the other hand, it is interesting to note, on the basis of our survey, that a majority of legislators responding in each of seven States—Georgia, Idaho, North Carolina, North Dakota, Oklahoma, Virginia and Wyoming—hold the view that their respective legislatures would not ratify a popular vote amendment. This apparent discrepancy between what legislators would do as individuals and what they believe the members of their legislature would do collectively is very significant.

The recent UPI poll of legislative leaders indicated that Alabama, Arkansas, Georgia, and Utah were among 10 States which opposed or were inclined to oppose the direct vote proposal. On the other hand, my survey reveals that a majority of the individual legislators in these four States would vote to ratify such an amendment.

My survey strongly suggests that there is more support for the direct vote amendment among State legislators—even in the smaller States—than is generally believed to exist.

In the past, I have felt that the proposal to apportion the electoral votes of each State on the basis of its popular vote would be most likely to win the needed approval of three-fourths of the States. Although not an ideal solution, I was of the opinion that it might be better to support the proportional plan as a significant step toward electoral reform rather than to advocate action in Congress which would be only an exercise in futility.

As a result of my survey, I have come to the conclusion that I should work for approval by Congress of the direct popular vote amendment. Not only does it appear that there is a good chance for ratification by three-fourths of the States, but I have been impressed by the indication that it stands a better chance than either of the other two major reform proposals.

The response received from State legislators to my survey indicated that 64 percent of those responding to the first question would vote in favor of a direct popular election. As an alternative to a direct election, if the latter should fail to pass Congress, only 43 percent of the

legislators would definitely favor the district plan, and in six States—Alaska, Nevada, Wyoming, New Mexico, Rhode Island, and Utah—a majority of legislators responding were opposed to the plan. The proportional plan was also less favorable, with 55 percent of the legislators supporting the plan, while one State, Alaska, registered a majority against this proposal.

Despite my survey and other polls that may follow, I suspect that doubts will continue to linger in the minds of many Senators as to whether a direct election amendment can become part of the Constitution. However, even though doubts may linger, I have been convinced on one point: among the several alternatives now available to Congress, I believe the direct election proposal has the best chance of adoption.

Accordingly, I have concluded that the wisest course for those interested in electoral reform lies in the direction of working toward perfection and adoption of an amendment which will assure that the President is elected by a majority vote of the people.

I ask unanimous consent that the table, letter, and questionnaire be printed in the RECORD.

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

RESULTS OF ELECTION REFORM QUESTIONNAIRE

[In percent

State	Legislators responding	Direct election: Individual support [1] Yes	No	Direct election: Predicts legislative approval [1] Yes	No	If direct election fails, legislators would favor: Proportional plan Yes	No	Undecided	District plan Yes	No	Undecided
Alabama	32	60	40	49	45	62	27	11	33	31	36
Alaska	43	69	31	57	23	35	50	15	30	55	15
Arkansas	52	75	23	59	34	61	12	27	50	23	27
Delaware	41	63	37	50	42	66	17	17	25	12	63
Georgia	44	56	39	41	50	49	29	22	54	24	22
Hawaii	34	92	8	92	8	69	12	19	38	19	43
Idaho	50	47	53	27	70	38	30	32	66	21	13
Louisiana	25	79	15	67	22	56	16	28	62	8	30
Maine	43	63	37	52	42	43	29	28	54	26	20
Maryland	48	70	30	51	35	62	24	14	36	34	30
Mississippi	53	59	40	47	47	55	35	10	38	30	32
Montana	63	65	34	57	32	53	36	11	42	28	30
New Hampshire	41	69	31	48	41	62	20	18	37	27	36
New Mexico	42	70	30	67	31	50	26	24	39	43	18
Nevada	50	73	27	67	30	83	7	10	14	43	43
North Carolina	36	58	42	30	60	53	27	20	65	28	7
North Dakota	51	37	60	20	72	44	31	25	46	29	25
Oklahoma	29	53	47	35	47	47	24	29	50	21	29
Oregon	52	66	32	54	36	42	37	21	52	29	19
Rhode Island	37	81	19	78	13	71	16	13	33	38	29
South Carolina	47	62	35	51	43	58	28	14	43	34	23
South Dakota	55	66	34	50	45	42	30	28	52	20	28
Texas	43	60	38	53	40	63	23	14	44	25	31
Utah	40	69	29	64	31	67	20	13	28	33	39
Vermont	52	77	23	62	30	59	25	16	34	34	32
Virginia	54	55	43	39	50	61	32	7	44	35	21
Wyoming	54	55	43	37	55	53	32	15	27	47	26
Total	44	64	34	50	41	55	26	19	43	29	28

[1] Where total of those responding to direct election questions does not equal 100 percent, the difference represents those legislators who were undecided.

U.S. SENATE,
July 9, 1969.

DEAR LEGISLATOR: Recently the Judiciary Committee of the U.S. House of Representatives approved H.J. Res. 681 which proposes a Constitutional amendment abolishing the electoral college and the electoral vote, and provides for election of the President by direct popular nationwide vote.

To those of us in Congress who soon will vote on this measure, it is important to determine, if possible, whether such a proposal stands a chance of being ratified by the legislatures of ¾ of the states. Obviously, if the direct popular vote amendment cannot win ratification by a sufficient number of states, Congress should focus its attention on one of the other electoral reform proposals.

It would be very helpful to me and my colleagues if you would take a moment to answer the few questions on the attached sheet and return it in the enclosed stamped, addressed envelope. As long as we know your state, it is not necessary for our survey purposes to have your name.

Your cooperation in making this survey as complete and accurate as possible is very much appreciated.

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

SAMPLE COPY ELECTORAL REFORM QUESTIONNAIRE

Member of Legislature, State of—:

1. Would you, as a state legislator, vote to ratify a proposed Constitutional amendment abolishing the electoral vote and providing for election of the President by direct popular nationwide vote? ☐ Yes, ☐ No.

2. Do you believe your state legislature would approve such a proposal? ☐ Yes, ☐ No.

3. If the direct popular election proposal should fail, would you favor an alternative which would abolish the electoral college but retain the electoral vote of each state, and which would:

(a) apportion the state's electoral vote on the basis of the popular vote within the state? ☐Yes, ☐ No. or

(b) award 1 vote for each congressional district on the basis of the popular vote within that district, with 2 additional electoral votes awarded according to the statewide popular vote? ☐ Yes, ☐ No.

IMPROVING THE CIVIL SERVICE RETIREMENT PROGRAM

Mr. YARBOROUGH. Mr. President, last week S. 2754 was reported to the Senate by a unanimous vote of the Senate Post Office and Civil Service Committee. This is the amended Senate version of the civil service retirement bill. Except for the important Senate amendments, S. 2754 is almost identical to the recently House-passed H.R. 9825. First, I congratulate the able chairman of this committee, Senator GALE MCGEE, for his able and diligent work that has brought this bill to the floor with great improvement over the House bill.

As with H.R. 9825, S. 2754 would revise the method of financing to put the civil service retirement fund on sounder footing. It would also begin use of a high-3-year average formula to compute annuities, add 1 percent to each cost-of-living annuity increase, increase Government and employee contributions from 6.5 to 7 percent, and establish the principle of adding unused sick leave to length of service when figuring the annuity.

The financing of the civil service retirement program has been an obvious and continuing problem for a number of years. For years the reports of the actuary have been grim forecasts of impending financial disaster, each succeeding report being more pessimistic than the preceding. For example, in 1958 the unfunded liability of the program was estimated to be about $18.1 billion and over the years the estimates have risen so that it is now about $57.7 billion. Current forecasts are that the civil service retirement fund will have a zero balance in about 18 years if no changes are made in the benefits provided or the financing.

The financial reforms these two measures, H.R. 9825 and S. 2754, would make are urgently needed. Further delay will only increase the system's financial problems. Last year when the House committee was considering the matter it was estimated that without additional financing the retirement fund would be exhausted by 1988. When it was considered this year, the estimate had been revised so that the fund would be exhausted 1 year earlier. In addition, the estimate of the appropriations needed at the turn of the century, in addition to employee and agency contributions, to pay the benefits provided has risen from about $4½ billion a year to about $5 billion. If enactment of a measure such as S. 2754 is put off for another year there will be additional and similar increases in these figures.

Of course, it cannot be said that the bill is without controversial features. It is a matter of record that the administration is in general agreement with the financing provisions but objects to the benefit improvements which would be provided.

For my part, I believe that the extensive study that has gone into the preparation of the bill indicates that it would provide adequate income to pay for all presently scheduled benefits and an orderly method of financing future benefits.

The bill strikes a fair balance between the dangers of overfinancing and underfinancing. Under S. 2754, interest payments to the fund would be required—it is the loss of interest on the unfunded liability that is the chief cause of the worsening of the financial position of the program with the passage of time. If in-

terest payments are made, sound financing does not call for payment of the principal amount. On the other hand, unfunded liabilities created by future benefit liberalizations would be fully funded over a period of 30 years after the creation of the liability.

The benefit liberalizations which would be made by S. 2754—like the financing improvements—are badly needed. I believe that an adequate retirement program should provide benefits bearing some reasonable relationship to preretirement wages and that they should be increased from time to time as prices rise. These objectives are met under the present law by relating annuities to the average of the high-5 year salary and by increasing benefits as the cost of living rises after retirement. S. 2754 would improve these basic ideas. The period over which salary is averaged would be reduced from 5 to 3 years. Because of a person's highest salary tends to be his final salary, this change would result in making retirement annuities more closely related to final salary than is now the case.

In recognition of the lag that occurs between the time the Consumer Price Index goes up and the time the cost-of-living increase reaches the retiree, the bill would provide that future cost-of-living increases would be 1 percent higher than the percentage rise in the cost of living.

Finally, both H.R. 9825 and S. 2754 provide a formula for the addition of unused sick leave to actual length of service in computing annuities. This provision is not as extensive as my own unused sick leave bill, S. 1276, but it is a big step in the right direction. I have fought for this principle for some 6 years now since I introduced my first bill on the subject in 1963, and I am very pleased that we were able to include this principle in this legislation. Frankly, with this incentive now provided to our Government's employees, I would anticipate this provision's actually saving the Government money through a reduction in lost time, hasty employee substitution, and inefficient contracting-out.

Senator McGEE and the full Post Office and Civil Service Committee have added three amendments that are the basic difference between the House and Senate bills. I strongly urge the retention of these amendments in the final bill.

One of these amendments would create a vested survivor right after 18 months' service rather than the 5 years now required. Another would exempt up to $3,000 of an annuity from Federal taxation. In effect, both these amendments merely extend to Federal employees rights now enjoyed by social security recipients.

The third McGee amendment would require an annual payment to the retirement fund to cover the costs of extending credit for military service in figuring the final annuity. The military service credit was the idea of the Congress and the cost should not be charged to the fund as a whole. This amendment would rectify this previous oversight.

Finally, an additional amendment was added to the bill by Senator FONG which would increase retirement contributions for Members of Congress from 7.5 to 8 percent. I support this amendment, as it would assist in maintaining the solvency of the fund.

Mr. President, the case for the passage of S. 2754 is a strong one. I would hope that the U.S. Senate would give this measure the vote of confidence its Committee on Post Office and Civil Service gave it last week when it was reported unanimously. I feel certain that such support would not only assure passage, but final approval by the administration as well.

MINORITY ENTERPRISE IN NEWARK, N.J.

Mr. CASE. Mr. President, the Graduate School of Business at Rutgers University is seeking to encourage minority enterprise in the greater Newark, N.J. area.

Reports of the success this program has had should be of interest to all Members of the Senate, Mr. President, so I ask unanimous consent that articles appearing in the Newark News and the Newark Star-Ledger about the program be printed in the RECORD at this point.

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

[From the Newark Sunday News, July 20, 1969]

BLACK-OWNED BUSINESSES NO LONGER JUST A DREAM

(By Chester L. Coleman)

To be black and own a business in the Greater Newark area is no longer just a dream. Such a vision has become a reality for nine aspiring minority group entrepreneurs.

The potential of black capitalism is at hand and its growth is, in some cases, due to the foresight of the Rutgers Graduate Business School.

Rutgers hopes to establish a minimum of 25 minority group businesses each year for the next three years, at an annual cost of $50,000, according to Dr. Horace J. DePodwin, dean.

Last week the school was awarded a $65,400 grant from the Ford Foundation to expand its program of aiding black and other minority group members to go into business. E. I. duPont deNemours and Co., recently gave a $5,000 grant to support the same program.

The original program was developed by De Podwin and Prof. Louis T. German two years ago in conjunction with the Interracial Council for Business Opportunity and the Small Business Administration.

SEMINARS HELD

The program is the outgrowth of work started after the Newark riots in 1967, German started a series of seminars for minority groups where the rudiments of operating a small business and accounting were discussed.

Among those who have already established businesses, some in areas where the rioting occurred, is Willie Pool, 40, and Wilbur Richardson, 31, partners of the Sky-View Radio and TV Co., 708 Springfield Ave., Newark.

Pool said he was inspired to go into business 12 years ago when he could not get a "break" while employed at a factory in Lancaster, Pa. "I was limited," says Pool, "but in my own business I can push myself and if I fail it's my own fault."

Pool and Richardson, who is married and the father of two children, repair television and raido sets and electrical appliances. They also buy sets in need of repair, recondition them and offer the sets for sale as used equipment.

HELPED WITH LOAN

The two men attended the Rutgers seminar on small business and worked with German in September, 1968. The next month the school helped them obtain a bank loan for $2,500. Together, they applied for a $20,000 Small Business Administration loan and now gross $45,000 a year, after being in business 20 months.

In another case, a man who had a persevering, though unsuccessful record operating small window washing and porter service, was drawing unemployment insurance, but also had his eye on a grocery business.

The man, William O. Wright, an Air Force veteran, attended the Graduate Business School's seminar, and in October of last year he became the proprietor of a grocery-delicatessen at 537 South Orange Ave., Newark.

"I just couldn't get ahead," Wright said, "and I never had money to save for those rainy days."

German estimates that in the first year Wright's income will be approximately $10,000. Wright, 31, said that the food stamp program recently started in Newark, is a "great asset" to his business.

Benjamin Joseph, a 32-year-old Newark fireman, said he had dreamed of owning a small business for years so he decided to attend the lectures.

Joseph was able to purchase a laundromat at 139 Belmont Ave., Newark, for $20,000 in July of last year entirely on borrowed money.

"I just walked up to the owner one day and made him an offer for the business . . . I didn't have a dime in my pocket at the time," Joseph explained.

SUCCESSFUL LAUNDROMAT

Today he estimates that his business will produce a net income of $25,000 in its second year. The coin-operated enterprise is described as the largest in the city, with 46 washers and 15 dryers. The firefighter supervises the operation, when he is off duty. He employs one other person.

A highly-motivated entrepreneur had started several small businesses, but saw them go up in smoke in the Newark riots of 1967.

This serious-minded person is John Mitchell, 32, of South Orange.

However, following German's counselling, Mitchell was granted a loan and started a cleaning business at 120 W. South Orange Ave., South Orange. He now has two other stores, one in Newark and another in Westfield.

Mitchell said that by attending the lectures he was taught how to make money and how to spend it wisely. "I was given the strength to help myself and others too," explained Mitchell.

He employs 10 persons and operates the only black-owned business in the South Orange shopping center.

LeRoy Brickus, a trained mortician, had once been a factory worker. He now operates his own funeral chapel at 183 Littleton Ave., Newark.

Brickus, 40, said that by attending German's course, he obtained knowledge that was the "key" to his success. "It had been but a dream so long," Brickus admitted, "but I had the desire to have something of my own."

He received his training at the American Academy in New York and has been in business since April, 1968. His wife, Marie, who is active in civic and social organizations, said, "It's hard work, but the benefits are rewarding."

Another Newark resident who has established his own business under the Rutgers program, is Freeman Thomas, a skilled refrigerator and appliance repairman who ob-

tained a loan to expand his operation at 504 Springfield Ave., Newark.

He received bank financing that helped him provide storage facilities for some 3,000 refrigerators, air conditioners, stoves and washing machines.

WASN'T MAKING IT

Norris Knott, a Montclair fish merchant, had been in business for a little over a year but "wasn't making it."

He was ready to close his shop at 154 Bloomfield Ave., and seek employment, but instead Knott decided to attend the Rutgers course and he gained advice on better management and purchasing policies.

Knott had purchased the business in November, 1967, and his volume was approximately $200 a week. German said his prices were too high and his volume too small because he purchased fish from a wholesaler who would make deliveries and carry the accounts receivable week-to-week.

Knott needed a truck, but he did not have the cash. It would have enabled him to go to New York to buy fish more cheaply.

German assisted Knott in getting a small business loan for $8,000 and with this money he purchased a truck. The professor said it is estimated that Knott's income will now be approximately $10,000 per year.

John Cheatam, father of 10, was referred to Rutgers by Knott. Cheatam is an assistant shop steward with a stevedoring company and had been doing upholstering work from his home, 579 Orange St., Newark, on a part-time basis.

He received a $1,000 loan from a Newark bank with the assistance of the school and has opened a small upholstery store in Newark.

German said that a program to offer classes for minority group persons who are interested in learning "how they can help themselves" is now under way in Paterson, Camden, New Brunswick and Newark.

Associate Dean David W. Blakeslee said, "We want them to learn how they can help themselves in the approach to government agencies and banks, and ways and methods to improve their businesses."

Benjamin Zwerling, a consultant to the Rutgers business school, said: "This is a program whereby black people with no assets except their initiative and drive, can build a business and eventually hire workers of their own race."

[From the Sunday Star-Ledger, Newark (N.J.) July 13,1969]

BLACK CAPITALISTS FIND IT REWARDING IN NEW PROGRAM

(By William Harvey)

Black capitalism is beginning to take root in Newark, largely due to the foresight and imagination of a Rutgers University business professor and a desire by black citizens to improve their lot in life.

Within the past two years, Professor Louis German has helped to establish 11 black-owned business concerns in the greater Newark area, and six more applications for loans are on file with the Small Business Administration.

This year, with the aid of a $65,400 grant from the Ford Foundation, to the Rutgers Graduate Business School in Newark, Prof. German plans to initiate an expanded program to assist 25 minority group members in opening their own businesses.

The program is the outgrowth of work started after the Newark riots in 1967 by Prof. German and Dr. Horace J. De Podwin, dean of the graduate business school. They worked closely with the Interracial Council for Business Opportunity and the SBA.

SEMINARS SERIES

Prof. German gave a series of 10 seminars to minority group people to give them a grounding in the rudiments of profitable small business operations and accounting. To encourage participation, a certificate of attendance was offered to those persons who were present at eight of the ten meetings.

In addition, he helped some promising students to get special training, assistance and financing to start or expand businesses. None of the applicants had adequate financial resources and some of them were flat broke.

Nevertheless, local banks and the SBA made loans available on little more than the borrower's display of ambition to go into business and some indications of ability to make a go of it.

GOOD RESULTS

With the help of Prof. German, and a financial base of support, the new businessmen began their operations. "Not everyone was an overnight sensation, but the high degree of success is extremely gratifying," said Prof. German.

"We give the guys a chance if they have the incentive and a little gumption to do something on their own," he added. "More than that, we give them encouragement and show them there is a void they can fill."

Prof. German views black-owned shops and markets as "the way to get real progress in the inner city."

Among some of the successful graduates of Prof. German's lecture series are a factory worker who, trained as a mortician converted the first floor of his house into a funeral chapel; an upholsterer who formerly worked as a stevedore, and a drycleaner who was burned out during the 1967 riots, but now has three stores.

After their first year of graduate school, Rutgers business students are permitted to work with black entrepreneurs through the school's minority group business program to get first-hand experience concerning the problems of a black or Puerto Rican businessman.

"The students see if they can help the business to increase sales by putting into operation certain business techniques they have learned," Prof. German said.

"We want the student to benefit himself and the merchant he is working with, and we also want them to see how poor people live and how things are in the real world."

"With the Ford Foundation grant," he continued, "we can make some studies and improve our operations. Also we can ask some of our former students to come back and join our board of directors where they can make suggestions and contribute their ideas."

In addition to the Ford Foundation grant, a $5,000 grant has come from E. I. duPont deNemours & Company to support the same program. Additional aid from industry is in prospect, Dean De Podwin said.

"These grants will permit Rutgers University to work more effectively toward the solution of the most critical problem facing the nation—helping minority group members break out of an economic cycle which generates so much misery and despair," concluded Dean De Podwin.

WATER POLLUTION

Mr. SAXBE. Mr. President, we often hear instances where some of our major industries, through industrial waste, contribute to the pollution of America's great streams, rivers, and lakes. On the other hand, we do not seem to hear often enough about contributions made by industry aimed at cleaning up our natural resources. Such an effort is underway by a firm headquartered in my State, Goodyear Tire and Rubber Co. of Akron. Goodyear officials recently announced the start of a joint project to attack water pollution by trapping waste materials in huge, collapsible rubber containers. Goodyear contracted with a Washington, D.C. firm called Underwater Storage Inc. in this venture—a venture that has my interest and best wishes for success.

Mr. President, the Akron Beacon Journal of July 31, 1969, ran a news story on the Goodyear project. 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:

SYSTEM UTILIZES RUBBER TANKS: GOODYEAR JOINS FIGHT ON WATER POLLUTION

Goodyear and a Washington, D.C., firm announced today they had signed an agreement to jointly develop plans for underwater sewage storage systems by utilizing Goodyear-made collapsible rubber containers.

The two firms will work together to locate situations where the underwater storage of sewage can significantly reduce or eliminate pollution problems, according to Richard A. Jay, Goodyear vice president.

Currently Goodyear and Underwater Storage Inc. have two systems, financed by Federal funds, undergoing tests in the Anacostia River in Washington, D.C. Both use pillow tanks submerged in the river to accept wastes that normally would be discharged into the river.

One system uses two 100,000-gallon tanks to temporarily store sewer overflow caused by heavy rains until sewage treatment plants can accept it for processing. The other uses a single 3,000-gallon tank near a marina to hold waste normally discharged into the river from boats.

Jay noted the technique, developed by the Washington company, is suitable for use by cities of all sizes since storage capacity can be adjusted easily by changing the number of tanks in the system.

Under terms of the agreement, Goodyear's industrial products division will produce the systems based on concepts and patented techniques developed by Dr. Harold G. Quase, president of Underwater Storage.

This method of storing excess sewage is the only feasible way for large cities to deal with the problem of storm sewer overflow, which often mixes raw sewage with water, Jay said, since the cost of enlarging existing sewer systems to meet current needs is prohibitive.

HUMAN RIGHTS CONVENTION ON POLITICAL RIGHTS OF WOMEN—NO EXCUSE FOR SENATE'S FAILURE TO RATIFY

Mr. PROXMIRE. Mr. President, the Human Rights Convention on the Political Rights of Women was adopted by the General Assembly of the United Nations in December of 1952.

It was opened for signature on March of 1953, 16 years ago. As has been the case before, the Senate has failed to ratify the Convention on Political Rights of Women. President Kennedy sent this convention to the Senate 7 full years ago. Result: No action by this body.

Why? Certainly the 19th amendment to our Constitution clearly defines and protects the political rights of women in the United States. All that this convention establishes and guarantees are the rights of women: First, to vote; second, to be candidates for office; and, third, to hold office.

There is no conflict with our Constitution and no conflict with our State laws. Yet the Senate has refused to ratify.

The National Council of Women of the United States strongly supports Senate ratification. While recognizing that it is less than a half century since women in the United States have gained full political equality, the council has pointed out that its affiliate organizations in 60 countries face a far different situation. The council urges Senate ratification so that women, the world over, may point proudly to the United States as they wage their own fight for political equality.

Of the 60 affiliates of the International Council of Women, 18 are in nations less than 25 years old. How can the young governments of Burma, Cameroon, Syria, and Gambia—to name a few—be expected to change centuries old traditions without encouragement and prodding?

Any nation which denies full political equality to women denies itself the benefit of a full one-half of its human resources. It took the United States almost a century and a half to recognize this fact. Let us help the younger countries to a quicker awareness of this truth by ratifying the Human Rights Convention on Political Rights of Women.

COMMUNICATIONS WORKERS OF AMERICA ENDORSES DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, in recent days this assembly has had occasion to debate and vote on issues of the greatest national importance. But amid the heat of political turmoil, the necessity to reform an inherently inequitable election system that does not permit the people of this country to vote directly for their chief magistrate still remains. If we are to rid ourselves of the dangers contained in this system, the participation of all public spirited organizations which support direct popular election of the President is mandatory.

No better example of this spirit can be found than the recent adoption of a resolution by the Communications Workers of America, which advocates a plan identical to that proposed by Senate Joint Resolution 1, a constitutional amendment which I introduced and which now is sponsored also by 42 other Senators. I particularly wish to commend Mr. Joseph Bierne, the capable president of that distinguished organization, for his efforts in behalf of direct election. I hope that this example of public support for direct election of the President will serve as a model for other business and labor organizations throughout the country. The adoption of this resolution by the CWA further supports my belief that the American people are not only ready but would prefer to participate directly in the election of their Chief Executive. Mr. President, I ask unanimous consent that a copy of Resolution 31A–69–9 on electoral reform, passed by the Communications Workers of America Convention of 1969, be printed in the RECORD.

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

RESOLUTION 31A–69–9—ELECTORAL REFORM

Abolishing the electoral college system and establishing a direct popular vote for the President and Vice President of the United States has long been needed.

Under the electoral system, it is possible for a candidate to run second in popular votes but first in electoral votes and thus become President. This is counter to the overwhelming sentiment of the American people on how their political officials should be elected.

Sen. Birch Bayh of Indiana has sponsored a constitutional amendment establishing the popular vote system, and it is supported by many other senators and representatives.

In principle, the Bayh Amendment provides that the candidate receiving the most popular votes is elected President. If no candidate receives 40 per cent or more of the popular vote, then the top two candidates have a run off for the Presidency.

A similar proposal has already been approved by the House Judiciary Committee.

Abolition of the archaic electoral college has the overwhelming support of the people, and should be accomplished by the Congress. Therefore, be it

Resolved, That this 31st Annual Convention of CWA endorses the abolition of the electoral college in favor of direct popular election of the President and Vice President of the United States, and that our views be presented to the appropriate legislative bodies.

THE VOTING RIGHTS ACT

Mr. SCHWEIKER. Mr. President, in the July 1969 issue of the Ripon Forum, a significant political journal published by the Ripon Society, my distinguished senior colleague from Pennsylvania (Mr. SCOTT) has written an outstanding editorial, "Keep the Voting Rights Act."

He has taken the position that while extension of the provisions of the Voting Rights Act of 1965 to cover every State would be worthwhile, such a proposal could provoke prolonged debate which might extend beyond the act's expiration date, and jeopardize the existing worthwhile laws. He has therefore called for an immediate extension of the 1965 Voting Rights Act, and has offered to lead the fight for this extension.

I support Mr. SCOTT's position completely, and applaud this excellent position statement. His leadership was instrumental in passage of civil rights legislation in 1964, in 1965, and in 1967, and I look forward to his leadership in the current session.

He has handled his added responsibilities in the current session as assistant minority leader in an outstanding fashion, and his firm commitment to civil rights, well known to all who have worked with him in the last decade, encourages all of us who share the hope of achieving equal opportunity for all.

Mr. President, I ask unanimous consent that Mr. SCOTT's editorial be printed in the RECORD.

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

KEEP THE VOTING RIGHTS ACT

The Senate Whip for the President's Party has an opportunity for service which I have found distinctly rewarding. The job, however, is not without its difficult moments. One such moment arose recently when the Attorney General and I took different positions on the issue of voting rights legislation.

The 1965 Voting Rights Act expires next year. I have urged its simple extension. When the Attorney General offered a different proposal, which I opposed, some people asked me why I disagreed with the country's chief legal officer, a member of my own party.

I have the highest personal regard for the Attorney General and I consider him one of the ablest men in public life. He and I are lawyers who disagree on the timeliness and certain provisions of proposed legislation. It is not unusual for lawyers to disagree.

I co-sponsored and fought for passage of the Voting Rights Act in 1965. I believed this landmark legislation was the least we could do to prevent the exclusion of Negroes from the voting rolls in the South. The Act was specifically designed to pinpoint conspiracies that serve to maintain "whites-only" registration. Literacy tests, for example, are prohibited when they are used for the purpose of discriminating. If the effect of the law has been regional, that is only because the pattern of discrimination has been regional.

The Attorney General, however, has proposed new legislation which, among other provisions, would abolish literacy tests in all states and do away with state residency bans. I approve of those features and will vote for them if they are considered as separate legislation *after* the Voting Rights Act is extended. My present opposition to these provisions is a matter of timing.

There is a danger that the present Voting Rights Act could expire by default. Twenty states now have literacy tests—many of them for nondiscriminatory reasons. Only in the deep South have they been used to exclude Negroes. But any attempt to change the laws of all twenty states would provoke extended debate in Congress and it might prove impossible to get the new law passed before the Voting Rights Act expires. All the progress we have made would go down the drain, as non-complying areas would hasten to exploit the expiration of the Act.

However, there are also other parts of the proposed new law which I would have to oppose, no matter what the timing.

Under the 1965 Voting Rights Act county officials in the South can no longer resort to the kind of tricks which used to keep Negroes from voting. Some areas, for example, had laws which required would-be voters to "interpret the Constitution." Of course, such tests seldom kept whites out of the voting booth. The present Act suspends such devices until the offending counties can *prove* that they have not been used to discriminate for five full years. We put "teeth" into the law so that no state could get around the Fifteenth Amendment's mandate that the right to vote shall not be denied because of "race, color, or previous condition of servitude."

Unfortunately, the proposed new law would scrap the system under which states now affected must clear with Washington changes in state and local election laws. This would take the heat off states which discriminate by giving the Federal Government a much heavier burden of proof. The Justice Department might have to rush lawyers into every suspect county just before election day trying to protect black voters' rights.

Besides the obvious waste of tax dollars, this procedure would allow county officials to stall the Government with legal maneuvers until the elections were over. That is a step backward. I do not want to endanger what Lord Coke called the "knowne certaintie of the law" when that law has worked extremely well. Therefore, I expect to do whatever is necessary to lead the fight, if I am asked to do it, for the extension of the 1965 Voting Rights Act.

My position is influenced heavily by a deep personal commitment which has been consistent throughout my years in Congress. The extension of the 1965 Voting Rights Act is

quite simply a matter of human rights. That guarantees my strongest efforts on the floor of the United States Senate.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and 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 PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

The PRESIDENT pro tempore. The junior Senator from Missouri (Mr. EAGLETON) is recognized.

THE MBT–70—MAIN BATTLE TANK

Mr. EAGLETON. Mr. President, Senator HATFIELD and I, joined by Senators MCGOVERN, MONDALE, MOSS, PROXMIRE, and YARBOROUGH, have introduced an amendment to S. 2546 which would temporarily delay the further development of the Main Battle Tank until the Comptroller General has an opportunity to report to the Congress on the practicability and cost-effectiveness of this highly complex defense system.

This is a modest amendment in terms of the dollars it would strike out of the bill—$30 million for research and development and $24.5 million for production base support.

I do not pretend to have the technical competence to judge the ultimate effectiveness of the MBT–70. Nor do I question in any way the sincerity and competence of those military officers and contractors who have brought the system to its present state.

But when the research and development costs of a military system conceived in 1963 have risen 528 percent in just 6 years, when the tank's projected operation date has slipped back from 1969, which was its originally estimated operational date, to 1974 or 1975; and when the strategic assumptions of a land war in Europe have necessarily changed during the extended period this tank has been on the drawing board; when we consider all these things, and others, I feel that Congress is obliged to know precisely what it is buying before it votes further funds for this project.

Mr. President, the MBT–70 project is a joint undertaking by the United States and the Federal Republic of Germany.

It began as a quest for a dream tank, rather than as a weapon designed to fulfill a specific mission or a specific threat.

Indeed, the Army had no clear idea of what the configuration of the MBT–70 would be until research, development, testing and evaluation was well underway.

Mr. President, General Burba, who formerly was in charge of this project, was interviewed in September of 1967, and in that interview appearing in the Armed Forces magazine he said this:

> For the first time in the history of modern tank design, the designers of the MBT were given carte blanche to optimize basic design configurations into which they put the best scientific engineering know-how.

I might add that the designers, as referred to by General Burba, according to the Defense Department, are the contractors on both sides plus the joint engineering agency. As the quotation reflects, they were given carte blanche to come up with almost anything they could conjure.

General Betts, Army Director of Research and Development, explained the spectacular rise in R. & D. costs in these terms :

> For the first estimate we did not have a design. We did not have any really detailed idea of what would go into the tanks so the early estimates were very summary in nature.

The most summary kind of cost estimates have become the hallmark of the MBT–70.

The initial 1963 estimate for joint research and development, training, and evaluation was somewhere between $80 million and $86 million. In 1965, the ante was raised to $138 milion. Now it is $303 million.

Those are the estimates for research, development, training, and evaluation originally brought in at $80 million to $86 million. That has now skyrocketed, with its first stop at $138 million, and now the current estimate is $303 million.

Mr. President, I have had prepared a chart which is on the easel in the rear of the Chamber. I must confess that my original inclination to make up a chart stemmed from the fact that in discussing military matters, it seems indispensable to have some kind of chart, whether secret or nonsecret, whether classified or nonclassified.

I assure you, Mr. President, that this is the most nonclassified chart in existence.

Having had it prepared, I believe its illustrative purpose will bear out in graphic terms that which I have just verbalized; namely, as to the continued escalation of the estimated costs of research, development, training, and evaluation with the program as it began in 1963.

The difference between the red and green lines on the chart is that when the program was originally conceived in 1963, there was a partnership agreement between the United States and the Federal Republic of Germany, a 50–50 partnership at that time, with $80 million being the total estimated cost, one-half to be borne by the United States and the other half to be borne—$40 million—by the Federal Republic of Germany.

That continued in 1965. As to 1966, 1967, and 1968, the costs had risen so much by that time, to $138 million, but it was still a 50–50 arrangement, one-half German, one-half American, in terms of cost.

It was in 1968 when the greatest escalation in costs took place and the 50–50 partnership arrangement just completely evaporated and it became pretty close to a 75 percent American endeavor—close to $230 million, and about $70 million on the German side.

Mr. LONG. Mr. President, will the Senator from Missouri yield?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. EAGLETON. I yield.

Mr. LONG. Would the Senator tell me whether those who negotiated that agreement ever heard of the balance-of-payments problems? The fact that the Germans had a good surplus and we had a big deficit, did we know about that in negotiating the agreement?

Mr. EAGLETON. Frankly, in answer to the Senator from Louisiana, I just do not know as to whether the balance-of-payments question was considered or taken into the equation at the time the determination was made. The main thrust of my argument, Senator, is, and I do not wish to becloud the issue or to avoid answering the Senator's question, but the escalation of the costs, the ancillary or subsidiary questions as to the divergence away from the previous 50–50 agreement to what it is now, is loosely a 75-to-25 arrangement.

Mr. LONG. The point is that the chart shows it is "heavying" up on the costs and departing from the 50–50 arrangement where we now do about 75 percent of it, I would assume.

Mr. EAGLETON. That is right.

Mr. LONG. During this same period we were negotiating a treaty that the Germans pay for more of their own expenses of doing business because we could not carry them any longer, with this Nation carrying the cost of this development. Here is an agreement that was apparently negotiated, diametrically opposite, by apparently some enthusiast over in the Pentagon who thought his program was so great that we ought to depart from the 50-to-50 ratio and go to an 80-to-20 ratio, perhaps, at the very time this Government was pressing the German Government to carry more of the burden.

Mr. EAGLETON. I think the Senator is eminently correct. I take it that today, near the latter part of 1969, it is still the pious hope—and I emphasize the

word "pious"—that the German Federal Republic and other governments that constitute our NATO partners will carry a greater burden of defense costs. I emphasize the words "pious hope" because there has been no manifestation, whether it be in the way of troops or anything else, that gives substance to that pious hope. Here in 1968 was an agreement which went into the very teeth of our desire to get out of the dilemma with respect to the twofold problem—for them to carry a greater burden of the defense costs and to some extent relieve our balance-of-payments problem.

Mr. LONG. Here is someone who did not want to be forced by pressure or circumstances; who was being required to dress in a Santa Claus costume and put on a pair of overhauls and go to work; and here is an agreement which was negotiated apparently completely against the current, swimming upstream, while the whole trend was to go in favor of helping us balance our payments. Here was a situation where there was an 80–20 arrangement, when we could not pay and the other fellow could pay, which would require us to move away from the 80–20 arrangement to a 50–50 arrangement, and yet we were moving away from the 50–50 arrangement toward an 80–20 arrangement.

Mr. EAGLETON. I agree with the Senator. If there was any merit, from the international monetary point of view or the balance of payments point of view, in deviating from the original concept of that agreement—to wit, 50–50—the meritorious argument would be for the Federal Republic of Germany to take up 80 percent of the burden and leave us, for a change, on the short end of the stick, and assume 20 percent of the burden. The logical result would have been that result rather than the end result reflected in that chart.

Mr. LONG. If we look at the conditions between 1965 and 1968 and the pressures on our monetary situation, of course, it will be seen that we should have been moving toward a 50–50 arrangement rather than in the other direction.

Mr. EAGLETON. That is right. I thank the Senator from Louisiana.

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

Mr EAGLETON. I am glad to yield to the senior Senator from Missouri.

Mr. SYMINGTON. I congratulate my colleague on a typically thorough development of a group of pertinent facts, and was most interested in the comments made by the distinguished chairman of the Finance Committee, who knows, as do we all, of the increasing problems incident to our continuing unfavorable balance of payments. I believe the last quarter was the worst we have had in our history.

I would ask the able Senator where this research and development work was done?

Mr. EAGLETON. The physical site or the physical location?

Mr. SYMINGTON. Both.

Mr. EAGLETON. In both countries it was in terms of the engine, which is still being worked on and not agreed to. Research was being done in the Federal Republic of Germany, and in the United States, by the General Motors Corp., and the Lycoming Corp. in the State of Connecticut is doing some work in terms of researching a turbine engine that may conceivably some day go into the MBT–70.

Mr. SYMINGTON. When the increased cost developed, as this illuminating chart shows, was the increased cost on work done primarily in this country? How was that divided? In other words, was there any additional direct negative effect on our balance of payments?

Mr. EAGLETON. The backup figures on some of this material are not publicly available, as I am sure the Senator must know, based on his long experience on the Armed Services Committee. The amount of work being done, though, will be reflected at the present time in terms of the amounts here and in the Republic of Germany. It is close to 80–20; 80 American, 20 German.

Mr. SYMINGTON. Has any adequate explanation been given the Senator as to why there was such a sudden sharp increase in the money expended by the United States as against the money expended by Germany?

Mr. EAGLETON. I am sure that perhaps later on the Senator from Mississippi can clarify any erroneous misconception I may have, but the original contract in 1963 was based on $80 million and a 50–50 coequal partnership, which was estimated on production levels looking down the road. The cost of research went up. The target for production was enhanced and went up. It was assumed that the greatest production would be done in the United States and, hence, the United States should share a greater burden than originally was estimated. That is my impression.

Mr. SYMINGTON. I thank the Senator.

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

Mr. EAGLETON. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding to me. On these cost figures, Members of the Senate, the figures I have here come directly from the Army. They are the ones charged with the responsibility. They say that the total program cost before production—that is, real production of the tank, ready to roll out and go out in the field—will be, in round numbers, the United States, $173 million; Germany, $130 million.

I will repeat that figure because I think it is important to be heard. Total cost prior to actual production for use, United States $173 million; Germany, $130 million.

That is not exactly 50–50, but it is in the neighborhood of it.

My source for that is the Army, and their source is their books. If that is in error, we certainly need to know now.

Mr. EAGLETON. May I respond?

Mr. STENNIS. Yes. The Senator yielded to me.

Mr. EAGLETON. It ill behooves the junior Senator from Missouri to dispute the Senator from Mississippi on any military figures.

Mr. STENNIS. These are not my figures; they are the Army's figures.

Mr. EAGLETON. Here are the figures that were given to us by the Department of Defense on the development concept, as projected: The R. & D. cost to the United States alone was projected at $227 million, which is an increase of $184 million, which, as I said in my talk, was 528 percent over the original estimate for our part of the cost, our part originally being $40 million.

The gentleman who supplied us with this information, if the Senator would like to have his name, was Colonel Petrenko.

Mr. STENNIS. I thank the Senator. I am inclined to believe that the figures I have here are approximately correct, but I will call on them for further verification.

I notice the Senator said projected cost. That was conceived when? Projection means over into the years. When was that cost conceived?

Mr. EAGLETON. There have been different conceptions, as it were, the original one being in 1963, $80 million; and that was apparently an adequate estimate of projection for the first 2 years of the program. Then it went up to $138 million. Now, according to my chart, it is $303 million, to be precise.

Mr. SYMINGTON. Mr. President, will the Senator yield to me for a comment?

Mr. EAGLETON. I yield.

Mr. SYMINGTON. Respecting the colloquy between the distinguished chairman and the Senator from Missouri, it is a bit comparable to what was going on on the floor yesterday with respect to the number of troops in Vietnam. I know the chairman's figures are given with complete sincerity, and I know my colleague's figures are given with complete sincerity. Therefore, I would hope that this matter can be checked for the record, and that whatever the facts are, the record will then so show.

We are having problems of this character in other fields. It is possible that one person in the Pentagon gave a certain set of figures, and another person, in all good faith, gave a different set of figures.

Mr. EAGLETON. If I may comment on the remarks of my senior colleague, I think that is a very apt and adequate summary of the situation. I would be the first to desire to have the accurate figures, and I know the Senator from Mississippi desires the same thing.

Mr. STENNIS. Oh, yes. If the Senator will yield further on that point, the whole answer is just to run back, for verification, our figures. I was stating figures here from a factsheet supplied to me by the Army.

I thank the Senator for yielding. Let me make one further point about the year 1963, that seems so pertinent here.

Mr. EAGLETON. Yes.

Mr. STENNIS. In the year 1963, this tank we are talking about today was merely an idea that Mr. McNamara finally approved—a joint undertaking for a supertank for the 1970's, looking forward into the 1970's, and, frankly, primarily looking to Western Europe as a possible use for a part of that arsenal.

That required the cooperation of the two governments; it involved the State Department at diplomatic levels, and everything else; and it was 2 years before they really got moving. In 1963, they did not even have a full concept of what the tank would be. They had to get a green light to really go to thinking and putting things down on paper, and drawing lines and rubbing them out.

This time looked long to me, too; but when I got into it, and saw where those 2 years went, it was a little different.

I thank the Senator for yielding.

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

Mr. EAGLETON. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. With regard to the point made by the Senator from Missouri, it reminds me of the difficulty I have had on an amendment I have proposed with regard to research projects. I have had one of the best men we have on the staff working as closely as he could with Mr. Foster and his staff in the Pentagon, trying to ascertain the cost of each project—not the overall cost—and they finally just came back and said they could not identify those costs. I shall not present my amendment on those projects until Monday; but I can state now that they just are unable to give me the cost of individual projects carried in their programs. The Department will give us the name of a project, describe what it is about, and where it is done, and so on, but they are unwilling or unable—they said they could not—give me what they called a realistic estimate or price on many individual projects.

So I can well imagine—these are projects many of which run from $50,000 to $500,000—that on a project like a tank, they have a very difficult time. They have become accustomed to loose practices. This only emphasizes how very important it was to adopt the Schweiker amendment yesterday. If the Defense people cannot do this kind of job. GAO has got to go in and help them develop a way to keep better track of their accounting methods and estimates on costs.

Mr. President, I wanted to ask a question. I had a committee meeting this morning, and did not hear the first part of the presentation of the Senator from Missouri. Did he discuss the origin of this project? It was 6 years ago, was it not?

Mr. EAGLETON. That is correct.

Mr. FULBRIGHT. There have been changes and developments in the field of missilery and antitank weapons, since the project began which suggests to me that ideas which had great validity then may not be valid today. It may be questionable whether the concept of the supertank is really valid now, in view of the great developments, for example in antitank weapons. In this bill itself, I think, there are some 14 or 18 different kinds of missiles, many of which are missiles of a nature that could be used against tanks; is that not correct?

Mr. EAGLETON. That is absolutely correct. In answering the Senator's question, I should like to put it this way: I shall discuss this matter later in my remarks, but I am pleased that the Senator brought it up now, because I think it is currently germane.

Drawing on the very words of the Senator from Mississippi, when this program was conceived in 1963, as the Senator from Mississippi said, it was just an idea, apparently, kicking around the Pentagon, that it would be good to have a dream tank; just as there are a lot of other dream ideas that kick around. There are a lot of dreams that Americans have in the domestic sector of life, and as far as our cities are concerned, as well; we are a dreamy country. But be that as it may, this was a loose, amorphous dream idea that somebody had, that we ought to build a better tank, a better mousetrap, a super deluxe model, and they started off on this 50–50 basis.

I think the Senator is eminently correct in his assessment of the change from what may have been the conditions in the world at that time. As the Senator from Mississippi points out, this was conceived as a tank primarily needed in Western Europe. Certainly the conditions that existed in 1945, at the end of the war, or in 1950, or in the latter part of the 1950's, and conceivably even up until 1963, are not necessarily the same as the conditions of the world, or the nature of possible warfare, or the nature of the threat we face, or the severity of it, in 1969.

This is the dream, or the idea, or the concept of 1963. Perhaps, without admitting that it was relevant at that time, it may be—and, indeed, in my judgment is—irrelevant in the latter part of 1969, so quick and swift are the changes in the nature of the threat we face and the changes in the nature of warfare.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I notice the Senator says the cost is 2½ to 3½ times as much as that of our most advanced present tank, the M60A1. We had some hearings in the Committee on Armed Services, I think last year, which revealed that at that time there were—6,000 is the figure that rests in my mind—American tanks for sale in Europe—tanks that were obsolescent to the point of being obsolete.

Mr. FULBRIGHT. For sale by whom?

Mr. SYMINGTON. That is a good question, and I would ask the Senator not to press it. There were 6,000 American tanks available, let us put it that way, available in Europe because they did not meet the standards of European potential warfare, although apparently they did meet the standards of potential warfare in other places.

With that premise, if the modern new tank is a good tank, and we have another better one close to production, what is the reason we need this third even more expensive and even newer tank?

Mr. EAGLETON. If I may answer the Senator, I think his question goes to the very heart of this issue. His premise, which I know is not his own personal belief, but is offered to get at this issue. Our present tank force, with our principal and most modern tank being the M60A1, is far from obsolescent; indeed, according to the Stratton subcommittee of the House Armed Services Committee—which just completed a few weeks ago the most exhaustive analysis of tanks, including the Sheridan, and what has happened to them, why they work and why they do not work—the M60A1, currently deployed in Western Europe, is equal to, or, in their judgment, superior to any tank that the Soviet Union has deployed under the Warsaw Pact or otherwise.

Let me quote, if I may, just briefly, that part of the report.

Mr. SYMINGTON. Does that have to do with the M60A1?

Mr. EAGLETON. Yes. It reads as follows:

> Since 1959 the M60A1 main battle tank has been the mainstay of the Army armored units in Europe and the Army currently considers this tank equal to or superior to Soviet-designed tanks . . .

The Stratton committee goes on to point out the dilemma we currently face:

> Not only did the Army fail to maintain an adequate production rate of M60A1's during the 1960's, but they slowed down the production line and even closed it in 1967 to produce the M60A1E2, which still cannot be deployed because of deficiencies.
>
> U.S. armored capability was further degraded by the sale of M60A1's to countries other than NATO allies between fiscal year 1964 and fiscal year 1969.

Mr. SYMINGTON. Mr. President, at one point fairly recently a decision was agreed to between our Government and the Government of West Germany, not to pay for the location of our several hundred thousand troops in Europe through the purchase of military equipment, rather to do so as the result of an agreement between the two Governments for the German Government to purchase bonds of the United States.

Could it be that the difference in the amount of research and engineering work done on this particular military development, the cost increase was because of that particular change of policy?

Mr. EAGLETON. I am ready to confess the Senator is getting into a rather sophisticated industrial-military-monetary field that is a bit over my head. However, I surmise that it could be quite possible.

Mr. SYMINGTON. The Senator sees my point?

Mr. EAGLETON. Yes, I do.

Mr. SYMINGTON. It might be that that would have something to do with it. Otherwise, it would seem hard to understand. But in any case, again my congratulations to the Senator for this detailed clear and thoughtful presentation.

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

Mr. EAGLETON. I yield.

Mr. FULBRIGHT. Mr. President, concerning the great changes being realized in other areas, we were reminded the other day during the ABM debate of the great accomplishment of our astronauts and scientists in getting to the moon.

I think there might be comparable changes in areas of weapons development.

I am under the impression, for ex-

ample, that the whole concept of the tank may be incorrect. Tanks may be usable to El Salvador or Peru. However, for the kind of conflict in which this country is likely to become involved, I raise the question of whether the idea of the tank is really appropriate considering the sophistication of the military in other types of weapons.

I am reminded of what the distinguished senior Senator from Missouri has stated on other occasions about the aircraft carrier. He has said that it is very hard to understand why we are the only country that seems still to be bemused with building aircraft carriers. No other country seems to think they are important enough to have even a small one under construction. We have 15 major aircraft carriers. Another one is proposed.

The aircraft carriers are very vulnerable, as I have heard the distinguished senior Senator from Missouri say, to modern weapons and various kinds of missiles including air-to-ground missiles. A ship armed with the missiles can stand quite a way off from an aircraft carrier and hit it. An aircraft carrier is rather big and a relatively easy target. It is possible to sink one $500 million ship with a missile that costs $500,000.

The trouble seems to me to be the great lagtime between the technological dream the Senator spoke about and the actual technological advances that come about daily in fields such as missiles.

I looked at the very great number of missiles described briefly in the report on the pending bill. They involve an enormous amount of money. I ask just how seriously and how much in depth we have considered the appropriateness of the tank under modern conditions. In what depth has that question been examined and by whom?

This is one of the weaknesses of these programs as I see it. Once they get started, they develop a momentum and a kind of constituency of their own. Everyone forgets about what the real original purpose was. No one asks whether the program is still appropriate and whether it will serve a very useful purpose when completed.

I wonder what the Senator thinks about that aspect of the matter.

Mr. EAGLETON. Mr. President, I have given the very question that has been so articulately stated by the Senator from Arkansas a great deal of thought. And it seems to me that while dreams continue to be dreamt by those who would design new weapons systems, sometimes the dreaming continues but is unrelated to changes in facts and conditions and situations that go on on earth and not in the ethereal clouds. As the Senator points out, not that it is in the pending amendment, but presumably it will be in some other measure later, with respect to the concept of the aircraft carrier, the Senator pointed out that we had 15 aircraft carriers. Back in the days of President Harding, when they had the 5–5–3 conference between the United States and Japan, they agreed on some kind of a ratio, feeling that with the 5–5–3 concept they would have 15. They had them then, they have them now. Presumably they will have them 30 years from now.

I am informed that the Soviet Union has not built one aircraft carrier. We have 15, and some people think we ought to have more.

Mr. FULBRIGHT. There is provision for another carrier in the pending bill, and at a great cost.

Mr. EAGLETON. The Senator is correct.

Getting back to the specific issue with respect to tanks, I perhaps would not have questioned even this dream in 1945 at the conclusion of the war. Perhaps I would not have questioned the dream or idea in 1950. I think I would have been a little concerned with the matter in 1963.

Obviously, I am questioning it here today because the very nature, as the Senator points out, of tank warfare might have changed.

I call to the attention of the Senator the 6-day Arab-Israeli war in 1967, in which there were some tank engagements. However, there was also air superiority on the side of the Israelis.

I am sure that the memory of the Senator is filled with pictures published in the periodicals at the time of burnt-out Egyptian or Arab tanks, dozens and maybe hundreds of them.

It points out how vulnerable the tanks are when air superiority exists.

I am told we have air superiority in western Europe, and I hope that we do. What are we dreaming about at this time in 1969?

Mr. FULBRIGHT. That is my point. Unless this has to do with possible future engagements of this country—unless it gets into what Secretary McNamara, Secretary Clifford and, I think to a smaller or lesser extent, Secretary Laird, have called posture statements—unless we intend to intervene and try to control by force smaller countries around the world, it is hard for me to believe that there is any use at all for this type of weapon.

If we were to have a war with Russia, which is the danger that concerns us, what would we do with the tanks? Would we ship tanks overseas for a war with Russia? The Senator knows such a war would be a nuclear war and that tanks would be utterly useless.

Mr. EAGLETON. That happens to be my assumption.

Mr. FULBRIGHT. Unless we continue to follow the policy of the last administration by intervening in places like the Dominican Republic and Vietnam. However, our President has said that there will be no more Vietnams, as I interpret his statement made on his recent trip. He said he had no intention of having any more Vietnams, if he had a choice and could avoid it, in small places like Vietnam. He said that we would be of help to them but would not intervene. Perhaps a case could be made that if it was going to help them, we ought to make tanks for use in Cambodia and other countries.

If that is true, it may be that a very much less sophisticated tank would be more appropriate. I do not know whether they could operate a dream tank. It would take a super-duper graduate of MIT to operate a tank as complicated as this.

Mr. EAGLETON. This is the epitome of tanks. It would be meritorious in the Indianapolis speed race and would require a sophisticated wheelman.

Mr. FULBRIGHT. I raise the question, and it has been raised before—I think the distinguished Senator from Arizona raised it—that one missing link in this whole program—and Congress is partly at fault—is a real reevaluation of what we call the mission of the Defense Department. They have had missions, as described, I believe, by Secretary McNamara, of a war in Asia, a war in Europe—full fledged, I presume—and a semi-war in Latin America, all at the same time. If we are going to agree that their mission is that broad then we are called upon to make available almost every conceivable kind of weapon.

What the Senator is doing, and what I am trying to do, is to raise the question whether we should not reevaluate what the mission is, especially in view of these requests, which are now so enormous.

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

Mr. EAGLETON. I yield.

Mr. GOLDWATER. We were discussing on the floor one day what I believe must be done before we can intelligently talk about force structure or whether we are going to have to be prepared for the two-and-a-half-war theory—that is, what we are going to do relative to our responsibility, say, with the NATO Treaty. Every one of these treaties—I think there are 15 or 17—specifically calls for us to go to war. If we decide that we are not going to pay any attention to those treaties, we can forget all about most of our major weaponry. But if we are going to do as we have always done and respect our treaties, then we are going to need, for an interim period at least, weapons like tanks.

The Russians are not downgrading tanks. They have two with which they are proceeding. I do not know how they compare with this one. I have to say that this tank has not had a happy history. The development of it has not been as rapid or successful as we would like to have it.

But I add another thought that I think will help the Senator in his thinking in foreign relations. The Army had to drop the new helicopter, the Cheyenne. The tank people in the Army tell me that when they get the Cheyenne, they can forget all about tanks. It is going to be the antitank weapon. Knowing what I do about it, I can assure the Senators that it will be the most effective antitank weapon we have ever developed and will serve the purpose of the tank.

As bad a record as this one has had, and as expensive as it has been, it is all we have.

I return to my opening remarks: If we are going to respect our treaties—and the major ones are on the continent of Europe—I do not think the technology of war has developed yet to the

point that we can fight a land war there without tanks. I do not think they are worth a darn in Vietnam, for example. On hard ground over there they can operate.

I am glad of the opportunity once again to urge upon the Senator from Arkansas that his committee really take a look into this matter.

Before I leave, I have the figures that I told the Senator I would supply him with; and as soon as I return, I will give them to him.

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

Mr. EAGLETON. I yield.

Mr. STENNIS. I think the Senator should have a reasonable chance to finish his statement, if he wishes.

On the question of mission, our present obligation is along the lines of NATO, of course. But a tank is a basic, fundamental weapon—NATO or no NATO. So this would not just be thrown to the wind if we should terminate NATO. This is a doughboy's weapon. It is out there where the man is fighting, in the grime and in the mud. Our other tanks are not faring too well. Some are old, and there are other complicated matters.

I do not think we can just charge this off by saying we ought to change the mission. Our present mission, anyway, until changed, is along these lines; and we are not going to run out of the use of a tank now, although tanks of any kind are not used much in Vietnam.

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

Mr. EAGLETON. I yield.

Mr. FULBRIGHT. I do not think this is inconsistent. I raised this question, and the Senator from Arizona has somewhat confirmed it by saying that if the Cheyenne can be made effective, it will make the tanks obsolete.

What made the battleship obsolete? We have many battleships, with a lot of money in them, and they are considered obsolete. They used to be the very backbone of the Navy, not too long ago. That is all I am trying to say.

I raise this question: When it takes 6 years to develop a weapon, and in the meantime technological changes are so rapid, the original concept may well be obsolete.

I was impressed by the arguments made about Minuteman. It had not occurred to me that the advance being made in the accuracy of strategic missiles is so great that it may be that a static, in-the-ground, missile is becoming obsolete and it will have to be made mobile. It may be that a mobile one is much better than continuing to protect one that is in the ground, if they do make accurate weapons. It is just a matter of technological advance. That is all I am saying.

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

Mr. EAGLETON. First, I should like to comment briefly on some of the observations made by the Senator from Arizona and the Senator from Mississippi and to join, basically, in the sentiments of the Senator from Arkansas.

I am not recommending—and I do not think any other Member of the Senate recommends—that we abdicate or abrogate our NATO commitments. Also, I do not believe that the continuation of the MBT–70 is the sole basis of survival of NATO, any more than I think NATO would crumble when the Pentagon unilaterally—and I praise them for it—dropped the Cheyenne, unilaterally dropped other weapons systems—the MOL and others—and has disallowed certain other dream concepts that have not even been submitted to Congress but have been vetoed in the Pentagon. NATO did not crumble. It is not a question of NATO going down the drain if we do not have an MBT–70.

I recall and repeat what the Stratton subcommittee of the House Armed Services Committee said, and these are not people who are either unknowledgeable of or immune to the sensitivity of modern warfare. Their report on the tank situation was that the M60A1, employed in the NATO area, was superior to or equal to any Russian tank under the Warsaw Pact.

So this is not saying that we are going to keep doughboys from having a helmet or a gun or a hand grenade or even a tank. We have plenty M60–A1's. The problem is that if there was a mistake in the efficacy of tank warfare, which, I agree with the Senator from Arkansas, is highly dubious, to say the least, in the year of 1969—if there is a problem about the efficacy and viability of tank warfare, it relates back to the decision made earlier in the sixties when we had an M60A1, when it was known to be a good tank and an efficient tank and, with respect to cost and production, to be a proper utilization of public moneys. We purposely slowed down on it and even discontinued the production of it in 1967 for awhile, in a fantastic effort, a frenetic effort, to try to develop a new tank. Then the M60–A1–E2—I am not trying to dazzle anybody by a recitation of numbers and statistics—was to be the dream tank of that era.

Where is that? Perhaps the Senator from Arkansas would be interested to know. There are 300 chassis of M–60A2 tanks, like the chassis of cars, stripped down somewhere on a parking lot in Detroit, Mich. It is a boo-boo, it does not work, and there it is. I have a lingering doubt and certain expectation that maybe 5 years from now, or 8 years from now, if this bill is passed as it is, there will be 800 chassis of the MBT–70. Perhaps it will not be Detroit but maybe Pittsburgh or Cleveland.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. Does the Senator know the reason for the defect in those tanks?

Mr. EAGLETON. The Shillelagh system is part of it, according to the Stratton report.

Mr. STENNIS. But overall they tried to move that vehicle too fast.

Mr. EAGLETON. The Senator is correct.

Mr. STENNIS. But now the Senator complains about this one because it is moving too slowly. I think it is one of the points in favor of the tank that they did not run the red lights; they are perfecting this thing as they go. If it is ever completed, it will be the best tank that we or anyone else ever had.

I thank the Senator for yielding.

Mr. EAGLETON. Mr. President, with all due respect, my quarrel is not that the MBT is moving slow. I want it to move even slower; in fact, I want to put the brakes on it; not wipe it out and not completely do away with what has been done so ineptly and put it away and forget about it. All I am asking is that a sober, reflective, dispassionate second look be taken now in 1969 relating to a decision made in 1963, bearing in mind the enormous headaches developed in this system and the enormous escalation of costs that ensued in that period.

All this amendment asks is that the GAO, the agency which the Senate voted yesterday to assist it, make a determination of workability of the defense systems and its analysis thereof, and that the GAO be given a chance for 6 months to look into this matter. If it is given the green light and they share the optimism of others—and they are legitimate in their optimism; I do not fault them for it—they could go ahead.

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

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Does the Senator yield?

Mr. EAGLETON. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to inquire as to the preference of the Senator from Missouri as to whether he would like to discuss these points as we come to them in his fine presentation or whether he would wish to complete his presentation at this time before becoming involved in further colloquy.

Mr. EAGLETON. I have enjoyed so much this exchange I had forgotten my prepared speech.

Mr. HATFIELD. The Senator is only on page 1.

Mr. EAGLETON. I would be glad to yield to the Senator if the Senator wishes.

Mr. HATFIELD. I would rather hear the Senator finish his fine speech, which I have had a chance to read, and then ask the Senator a number of questions, all of which bear on the information the Senator has in his presentation. After the Senator has completed his presentation we could then engage in colloquy.

Mr. EAGLETON. I thank the Senator.

Mr. President, I believe that in my prepared text I was at the point where I began an analysis of the chart which is still in the rear of the Chamber, and I pointed out the escalated costs in terms of research, development, and engineering. That is when the Senator from Mississippi and I had our brief exchange as to the figures. I presume we will have a way to verify them later.

I shall now continue with my prepared text.

Nor do these figures include enormous expenditures for many of the MBT–70's subsystems.

The figures on the board thus far relate solely to the MBT–70 itself, but it has elaborate, complicated, and sophisticated subsystems, including the Shil-

lelagh 152-millimeter gun system begun under a 1959 authorization; over $30 million to Lycoming Corp. for research and development on a turbine engine not yet close to production; and additional expenditures for the acquisition of a scavenger system needed to blow burning residue left by combustible ammunition from the weapons system.

In addition to R.D.T. & E., approximately $200 million is programed for production engineering.

Mr. President, what this all boils down to is that the unit cost of the tank is now expected to be between $520,000 and $750,000—2½ to 3½ times as much as our most advanced present tank, the M–60A–1. I believe these escalating cost figures alone justify the study we propose.

Next, Mr. President, there is the question of the tank's strategic rationale. This is generally a part of the area discussed in the exchange with the Senator from Arkansas, the chairman of the Committee on Foreign Relations.

The MBT–70 was approved on the basis of expenditure projections far below those which have occurred, and time schedules far better than those met. Once approved, the project gained momentum. It achieved a sort of self-perpetuating justification as the Army deemphasized alternative systems, thus creating a greater need and urgency for a new system than would otherwise have existed.

The Army now justifies the MBT–70 because of the quantitative superiority of tank forces in the Warsaw Pact as compared with NATO. And yet this year's House Armed Services subcommittee's report briefly referred to in the Stratton report, indicates that the M–60A–1 tank, which is recognized to be equal or superior to the Soviet tank, is not being produced in quantity. That is, our best current tank deployed, the M–60A–1 which is equal or superior to anything Warsaw Pact countries have. We are not producing it anywhere near close to its potential. In fact, at the opposite end of the spectrum, it is currently being produced at a very minimal level. The result is fewer tanks at a higher cost—about $222,000 per unit.

The report states in part:

Since 1959 the M–60A–1 main battle tank has been the mainstay of the Army armored units in Europe and the Army currently considers this tank equal to or superior to Soviet-designed tanks.

Not only did the Army fail to maintain an adequate production rate of M–60A–1's during the 1960's, but they slowed down the production line and even closed it in 1967 to produce the M–60A1–E2, which still cannot be deployed because of deficiencies.

U.S. armored capability was further degraded by the sale of M–60A–1's to countries other than NATO allies—

Made reference to somewhat briefly in the exchange between the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Missouri (Mr. SYMINGTON)—

between fiscal year 1964 and fiscal year 1969.

I should like at this point to quote another portion of the Stratton report which will put in precise words that which I summarized in my answer, I think it was, to the Senator from Arizona (Mr. GOLDWATER):

In its rush to develop the Sheridan and the M60A1E2—

That is the one with all the unused chassis in Detroit—

equipped with a Shillelagh guided missile, the Army ordered mass production of these weapons and their related equipment before there was adequate assurance that the designs were suitable and, in some cases, even before production of fund requests had been officially approved. The fear of loss of program funds appears to be the principal reason why the Army top management level urged this mass production against the advice of qualified users and testing agencies and personnel who had persistently attempted to portray the true facts of their sadly lagging development effort.

The Senator from Mississippi pointed this out, and I am not suggesting or criticizing past development of the Shillelagh or the M–60A1–E2 tank because it was too fast. But, yes, I do join the findings of the Stratton committee. But I am not saying now that we must go headlong, full speed ahead, and emulate by repetition that which has already been proved to be so tremendously expensive, if not a financially catastrophic blunder, which constituted the genesis of the Stratton report.

Thus, the caution I am advocating in this amendment is not to throw the whole thing out, to abandon it, to ignore it or to forget it. The caution I am recommending is for a 6-month analysis by the GAO, which the Senator from Missouri (Mr. SYMINGTON) pointed out on yesterday is the watchdog for Congress, that the GAO be given 6 months to take a look at this item which has proved to be so burdensome and difficult to cope with since 1963.

Similarly, antitank weapons, which are presumably an important part of our response to the Soviet tank threat, have apparently been given low priority. This from the Department of Defense itself. The MBT–70 is pushed, advocated, urged, and given high priority, but the antitank weapons, for reasons, frankly, I am unable to understand, are given low priority. Yet in the fiscal year 1969 Defense appropriations hearing, General Miley, Assistant Deputy Chief of Staff for Logistics, Programs and Budget, stated:

The Secretary of the Army postponed the fiscal year 1968 procurement of TOW antitank weapon for higher priority items. The $11 million for fiscal year 1968 provided a minimum engineering service effort to insure the availability of a production capability for TOW in fiscal year 1969.

The sum of $11 million for fiscal 1968, providing for a minimum engineering service effort to insure the availability of TOW, thus testified General Miley.

There is another antitank concept, worked upon and researched, called the Dragon. According to testimony before the Defense Appropriations Committee in the 90th Congress, it was stated that there are no funds in that bill for the development of Dragon. The main part of the funds for the research and development, training and evaluation—that was $14½ million, in that instance—came over from the fiscal 1968 appropriations the year prior. Originally the appropriation was $20 million but $5.5 million was reprogramed to "higher priority items."

Mr. President, as a layman, and a nonsophisticate in the art of warfare but, hopefully, endowed with a modicum of commonsense, I find it difficult to understand how it is that a vague idea of a dream tank with highly complicated and terribly sophisticated weaponry, with ventilation systems, special superstructures, and the like, became such a high priority item; and yet the antitank weapons, those which can be mass-produced in larger quantities, with greater deployability in terms of the man in the field, or as he was referred to by the Senator from Mississippi as the "doughboy," why those weapons that could be given to the doughboy were given low priority. It just seems to me it defies commonsense. Perhaps there is a military explanation for it.

So while the Army failed to produce enough M–60A–1's, it also failed to push for antitank weapons—a curious pattern of priorities which could lead one to question the seriousness of the Soviet tank threat.

After all, what this debate thus far has been about, as the Senator from Arizona (Mr. GOLDWATER) points out, has been that we have our NATO commitments, and we have to keep those commitments. The Russians have tanks; we have to have tanks. The Russians possess a serious-threat tank; we will respond by building a bigger and better tank. If we are concerned about Russian tanks in the Russian pact, why is it that we put a low priority on these weapons systems, the TOW and the Dragon, the antitank weapons system that could be deployed in the greatest abundance for the men in the field. They would be a combatant and retaliatory response to the Soviet tank threat, if the Soviet tank threat indeed be that enormous.

In any case, it is entirely pertinent to ask whether the MBT–70, as it is now conceived, is truly a necessary and effective means of countering the tank threat in Europe—the point I think well made by the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT). This brings me, perhaps, to the core of my argument—cost and effectiveness. That is what the study we propose would help both Congress and the Pentagon to determine.

If we had unlimited resources, I guess we could take a gamble on the MBT–70, even if the stakes kept going up. But, as every Senator knows—and it is driven home more and more every day as the session grinds on—we do not have unlimited resources. We have lots of things we would like to do but cannot do because our funds are limited.

We have a projected yearly price rise rate of 6.4 percent, the highest in 18 years. We know that inflation has driven prime interest rates to a high of 8½ percent. Therefore, we must exercise prudence in Government spending of public moneys, especially the least economically productive type—military spending.

Is the MBT–70 cost-effective? Mr. Charles L. Poor, Acting Assistant Secretary of the Army for Research and Development, testified before the Senate Committee on Armed Services that it is cost-effective. I will read what Mr. Poor said:

> There have been a large number of studies conducted by the Army to determine the cost effectiveness of the MBT–70, and I think I can say without hesitation that all of these studies indicate that the MBT–70 is a more cost effective solution to the large number of Warsaw Pact tanks facing us than any other tank design that we have been able to consider.

That is what Mr. Poor says on behalf of his case. Let me say this about it in response. The most recent computer study of antitank warfare came to the same conclusion. But the cost-effectiveness calculation for the MBT–70, compared with the proven M–60A–1 and other weapons, was based on an extremely low and now out-of-date estimate of the MBT–70's cost. The M–60A–1, by contrast, was priced at a high figure, apparently based on the limited production policy now being pursued. The fewer M–60A–1's produced, the higher the cost per unit, the lower the cost-effectiveness, and therefore the less effective they are. So if we translate the cost of the M–60A–1 per unit, we will have a higher cost; but it is a poor comparison in contrasting it with the MBT–70.

It is my understanding that a very small increment in the price of the MBT–70 would make it no longer cost-effective. It would become less economical to produce and use than other systems. I am awaiting a report of the exact cost figure at which the MBT–70 goes over that line.

In this cost-effectiveness business, there is a sort of magical line beyond which an item becomes, costwise, ineffective and inefficient. It is my understanding that the MBT–70 is close to that line. A small increment in its cost and it would be over. I have asked for a report on that and have not received it yet. With the increased costs, delays, and problems, perhaps it already has gone over the line.

We can surely build a better tank. I do not dispute that, with our scientific, technological, and generally creative genius, given the money in unlimited abundance, we could build a better tank. I guess, when you get right down to it, Apollo 11 proves that, under the most optimum of circumstances, without the intervention of other countries, or without trying to thwart or stop it or resist it or fool with it or foul it, the United States has adequate—indeed, abundant—creative potential to come up with almost anything scientific, except a cure for the common cold.

But the point is we do not have unlimited funds, and for what purpose are we going to build the MBT–70? For what purpose will it be utilitarian in 1974 or 1975 or 1976, whenever it is produced? We keep moving the date back. Originally it was supposed to be in production in 1969. Now it is the mid-1970's. And at what price?

The truth in answer to these questions is that the Senate does not know the purpose or the need or the price.

Mr. President, our proposal is not entirely original. The many problems and doubts regarding the MBT–70 led the Special Investigating Subcommittee of the House Armed Services Committee—that is the Stratton committee—to recommend recently:

> The MBT–70 program should be reappraised and a report of finding made to Congress prior to any further steps in committing funds to the production of these tanks.

Representative MENDEL RIVERS' office—and Representative RIVERS is chairman of the House Armed Services Committee—issued this release on July 10, 1969, in connection with the Stratton Army tank report. Here is what Representative RIVERS' office said in releasing this report:

> It is also recommended that no additional Sheridans be sent to Vietnam until after all major defects have been eliminated and that the Main Battle Tank (the MBT–70) program be reappraised before further funds are committed.

That is the summary statement issued by the office of the chairman of the House Armed Services Committee, a man intimately knowledgeable of military matters, who says the main battle tank, the MBT–70, program should be reappraised before further funds are committed.

Secretary Laird himself listed the MBT among the problems inherited in the Pentagon on January 20, 1969. Secretary Laird said:

> Many problems, large and small, have already been identified. They range from obvious ones such as those connected with the Pueblo, the TFX, and the Main Battle Tank, to less visible ones such as—

Then he went on to recite some less visible ones. Here is the Secretary of Defense, again one who came into this position not unsophisticated in terms of the operations of the Department, considered to be one of the most knowledgeable Members of Congress in Defense and Defense appropriation matters, and he said three of the biggest problems he inherited when he became Secretary of Defense were the *Pueblo*, the TFX, and the MBT.

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

Mr. EAGLETON. I yield.

Mr. STENNIS. The Senator remembers, does he not, that the same Secretary he is talking about asked for $44.9 million in the last budget to continue this research and development? That is the same man the Senator is talking about.

Mr. EAGLETON. The Senator is eminently correct. The Secretary asked for more than the Senate Armed Services Committee recommended and the item was reduced by $15 million.

Mr. STENNIS. We reduced it $15 million.

Mr. EAGLETON. How do I explain it?

Mr. STENNIS. Yes.

Mr. EAGLETON. I have difficulty explaining—without using it in the sense of derogation—what I classify as the political schizophrenia that is inherent in the Secretary's making a recommendation that we expend another $45 million for R. & D., $24.5 million for production, and so forth.

In his explanation that we ought to do that—or his request that Congress do that—he says that three of the greatest headaches—problems—I do not want to misquote him—he inherited were the *Pueblo*, the TFX, and the MBT.

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

Mr. EAGLETON. In a moment, after concluding my response to the present question.

I cannot understand it. I would like to have the opportunity but it is not mine—and I am not quarreling about that—to specifically question the Secretary as how he can justify these three incidents. The *Pueblo* certainly was not our shining hour. The TFX was considered to be the calamity of this era, the millstone around McNamara's neck; and then he includes, gratuitously or not, the main battle tank. How he then can recommend we go ahead with it, without any second look, I cannot understand. Perhaps someone can explain it to me.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I do not know that I have an answer, but it does seem to me there is something of a parallel between the circumstances that the Senator from Mississippi has raised with the Senator from Missouri with regard to Secretary Laird's position and the time in, I think September or October of 1967, when, after a magnificent speech pointing out how ineffective an anti-ballistic-missile system would be, and giving all the arguments against it, former Secretary McNamara came up with a recommendation for a so-called thin ABM system—a nonsequitur, it seems to me, comparable in many ways with the nonsequitur which has been posed to the Senator from Missouri here.

Perhaps the same explanations are applicable broadly to each. They may include political pressure, and perhaps pressure from perfectly well-intentioned industrial interests or professional interests within the Pentagon; but in any event, I do not think the Senator needs to be, and I am not myself, embarrassed by this inconsistency, because we have seen it before.

Mr. EAGLETON. I thank the Senator from New Jersey for that very appropriate and apt observation.

I would not speculate; it serves no purpose to speculate whether conceivably, in my judgment, there could be pressure from a contractor or political pressure. Perhaps it could be this—and this may well happen: We have many systems and weapons; the Army wants Nos. 1 through 200, the Navy wants Nos. 201 through 400, and the Air Force wants Nos. 401 through 600. They each want 200 items. So they have this give-and-take process: "Well, I will give in to you on this one, and let you go ahead with this one, but I am going to put the brakes on the Cheyenne. I will let you go ahead with the C–5A, but I have to call a halt on the MOL. Thus, by this process if you give me a little and I will give you a little, we will work out a pack-

age, and perhaps we can put on a harmonious, smiling face and a unanimous front in terms of making a considered presentation to Congress."

There is give and take, I readily admit to the Senator from New Jersey, in all of life, and it is not being critical of the military when I say that this kind of horse trading or log rolling is perhaps part of their existence. It is part of ours, as it is a part of every human being.

Mr. CASE. There is no question about it, and there is no bitterness or any attack on motives or anything else involved in the Senator's position or mine, or any Senator's position, in regard to the military. They are great people, doing an unimaginably difficult job, and we want to be helpful in terms of protecting them from their own inner stresses and excesses.

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

Mr. EAGLETON. I am happy to yield to the Senator from California.

Mr. MURPHY. Unfortunately, because of an executive meeting, I have not had the chance to hear the entire presentation of the distinguished Senator, but as to the part I have heard, I might point out, as a member of the Armed Services Committee, that we did not approach our duties on that committee, or at least I did not see any evidence of it, on the basis of any political considerations whatsoever.

We were sent a list of weapons and equipment that, in the judgment of the military experts, was needed for the best balanced defense of the United States, and for the protection of its security.

There were many items that we questioned as to whether they were necessary. We went into it very carefully, and there were long discussions, for instance, as to some of the different missiles. The experts were there to point out the reasons for the difference. We would ask, "Why would not this missile do the same job that the other one would do?" We spent long hours going over such matters very carefully.

There are certain items that certainly I, for one, was not completely happy with. I was one of the earliest critics of the TFX, which the Senator mentioned. But unfortunately, through a series of circumstances over the years, we have not had too many new weapons models. We have had lots of research and development, but not very much building, and we had to take what was in existence. It was not always, in my judgment, the finest choice; it was, you might say, the only game in town. That was what there was; this was the choice, and you had to develop it further, improve it, and hopefully finally get it around to doing the operational jobs that the military felt was important.

So this is the circumstance. I have the greatest sympathy for the Secretary of Defense, in dealing with some of the conditions and some of the complexities that he found. Certainly he was knowledgeable; he had served on the committee of the House of Representatives, but he was not in charge, and when he assumed the job, along with the new administration, he had to accept what was there, just as our committee, when we sat down to go over the requests and to look at this bill, which is the authorization for military procurement, had to accept the conditions that existed, and there are many areas where there could have been criticism.

But there are always two ways to make an approach, negative or positive. We could find fault forever; but I hope my distinguished colleague—who does not seem to be extremely interested in what I am saying; I hope I am not conducting an exercise in futility here, trying to make an explanation.

Mr. EAGLETON. Oh, no.

Mr. MURPHY. As a member of the committee, having spent many hours, I feel that there was not any political consideration. I have been in and around the military, directly or indirectly, for many years; and I think sometimes unfortunately they are given the blame for things that are not their fault. I should like to make the point that I am in complete sympathy with the Secretary of Defense in the tremendous job that he inherited, with the conditions that he inherited, and I say, in the best judgment of this committee, nonpolitically, with full consideration of the absolute necessity for the protection of this country, this is the way, as far as I was able to ascertain, the committee as well as the military experts that appeared before us honestly felt. I did not see any evidence of a fellow saying, "Well, I have a factory in my State which is going to make some roller skates; therefore we ought to buy them for the Navy." I did not find any of that. I have found a lot of it suggested. I have found a lot of it suggested by innuendo, from time to time. As with so many things in these complex times in which we live, the impulse is to dissent rather than try to put together, and to put the emphasis in the wrong place.

That was my purpose in rising. I thank my distinguished colleague for his courtesy in yielding.

Mr. EAGLETON. Mr. President, I certainly thank the senior Senator from California. I hope that by nothing I said, either by spoken word or by inference or innuendo connected therewith, did I imply that there was any politics played in Senate Armed Services Committee.

The Senator from New Jersey commented on how the Secretary of Defense could on one occasion identify the main battle tank in the ignominious triumvirate of the *Pueblo*, the TFX, and the MBT–70.

Mr. MURPHY. I think the *Pueblo* is no longer relevant. I think that through the judgment of the Secretary of the Navy that was finalized.

I think there was a problem under the new Secretary of the Air Force. I hope that some of the things referred to when talking about the main battle tank have been very drastically changed and that many of these elements that constituted a problem 2 or 3 or 4 years ago are no longer a problem. There has been a passage of time and what he said on a certain day may no longer apply.

Mr. EAGLETON. I thank the Senator from California. What the Secretary of Defense may have said a few months earlier in 1969 may admittedly no longer apply, so fluctuating are the justifications for programs, whether it be the quick justification that we debated for 3 months as between the Sentinel thin shield defense of the big cities as against the mad Chinese to a couple of weeks later—that was January 20—to March 14 when the President made his speech on the thin protection of the land-based ICBM's as against an attack by the not so mad Russians.

Justifications change very quickly. I think the point the Senator makes is an important one. Justifications can change. Conditions can change. Events can change. However, the dream never does. The dream is still the 1963 dream.

It was a dream they had lurking around the Pentagon where someone had said, "We want to have a better tank. Maybe somehow, somewhere, we might want one of those good old tanks.

So, in 1963 they were dreaming. And they are still dreaming and dreaming an evermore expensive dream—$303 million now. God knows what it will be a year from now.

They are still dreaming. As the Senator from California said, times change, and what Secretary Laird meant when he said that the three greatest headaches were the *Pueblo*, the TFX, and the main battle tanks may have changed.

How would the Senator likc tc be in that company? As little as I think of the MBT–70, nothing I have said before or will say in these remarks would disparage it as much as the Secretary of Defense himself did by associating it with the *Pueblo* and the TFX.

The Senator from California now says that things have changed and that what the Secretary said about the *Pueblo* is no longer in effect. The bumper stickers are off the cars. The TFX is all straightened out, and the MBT–70 is all straightened out. That is a pious hope which, in my judgment, will never be realized.

I revert to my text.

In an exclusive interview with George Wilson, of the Washington Post, the Secretary expressed dismay at the amount of gadgetry which has resulted in expensive breakdowns and repairs on the MBT–70. This was an interview with Mr. Wilson. It was later than the one previously quoted. I am sorry that the Senator from California had to leave the Chamber.

He may think that the MBT–70 is hunky-dory today. However, he did not think it was good when he put it with the *Pueblo* and the TFX, and when he was talking with Mr. Wilson of the Washington Post. He wondered if we need all these extravagant MBT–70 devices when the Russians get along well with simpler equipment.

That is not the Senator from Missouri talking or the Senator from Oregon or anyone else who is advocating the pending amendment. This is an interview with the Secretary of Defense who, as has been pointed out by the Senator from Mississippi, recommends going ahead with the MBT–70 despite the fact that he associates it with the *Pueblo* and the TFX.

In July 1969, issue of Government Executive, General Betts, the man in charge of this from a programing point of view, stated:

> The most important problem is that we have given it a great deal of capability and that means a very expensive vehicle. The problem is whether we have put more in this vehicle than we require. The toughest question is whether we really need everything that's in this tank.

This is not the proponent of the amendment talking, but the general in charge of the program. He wondered, as I wonder, whether we need everything that is in it. Is it programed properly? Do we need it at all? I ask.

General Betts went on to say:

> While we continue to test it, we will also continue to analyze whether to give up some of the things that are in it. It doesn't have to have a combination of several weapons systems as it does now. It doesn't have to have all of the integrated computer-controlled fire control that it does now.

Of course, we cannot have our cake and eat it, too, as someone once said. We cannot justify the MBT–70 by dreaming about it and saying we will have all of this sophisticated gadgetry, this dual fire system, the Shillelagh, the 152 mm., and the fire control where, if there is a nuclear explosion, the hatch can be closed and we will live in isolation, somewhat analogous to the astronauts, but not quite so roomy.

We cannot have all that gadgetry and find out it is too expensive, and then ask a rhetorical question, as the general does, and say we have to strip some of this out. We will be back to where we started with the M60A1.

We cannot propose this tank as the ultimate, as the desired objective with its great sophistication and its great complexity and then strip it of that which makes it different and makes it presumably utilitarian and then go forward with it. When you leave it, it will be little better than the existing tank except that the costs productionwise are infinitely more expensive.

The Battelle Memorial Institute is making a study for the Defense Department of MBT–70 components in an attempt to make the system more cost effective. There may well be some changes in components and design, depending on the findings and DOD's willingness to adopt them.

I want to make this clear. I am getting close to the end of my remarks and to the end of my voice.

The amendment we offer today would not in any way prejudge the fate of the MBT–70. It would strike out $30 million under research and development and $24.5 million under production-based support which would be used for manufacture of prototypes. That is my understanding of what the item basically consists. It would prohibit further authorization until after a full investigation by the auditing arm of Congress, the Government Accounting Office.

These are our auditors. As the senior Senator from Missouri pointed out, this is the one agency of Government that is sort of ours. We cannot be suspicious of them or fear them or be resistent to them. They are our creatures. They are not under the control of the President.

The Comptroller General is appointed for a term of 15 years. He is immune except for malfeasance or nonfeasance. He is immune from the pressure of the Executive. All we ask in the amendment is that our auditors, our watchdogs, be given a chance to examine this item afresh, to examine it from a point of view to which perhaps it has never been subjected since its inception in 1963.

Let me add at this point that to do this would not be turning this system over to a bunch of nonknowing, philosophical eggheads. The GAO already has worked in analyzing this system. Their efforts and their endeavors were instrumental to the Stratton subcommittee, which, as has been quoted so often, went into the basic question of tanks, more specifically, the Sheridan, the Shillelagh, and what-have-you, with passing reference to the MBT–70. But the GAO is a well-trained and experienced professional and competent group which has systems analysts who not only would do this study objectively, but also, based on the past performance they rendered to the Stratton subcommittee, are, by actual fact and by case example, equipped to do the job.

So we ask in this amendment to have four questions answered by the Comptroller General. We ask for 6 months in which to have the questions answered.

First, why research and development costs estimates have had to be revised steadily upward since 1965—again referring to the chart in the rear of the Chamber.

Second, 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.

Third, whether the strategic projections made in 1963 with regard to the use of the MBT 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? Again, this has reference to the questions and the comments of the Senator from Arkansas (Mr. FULBRIGHT).

Fourth, whether there are more feasible and less expensive alternatives to the development of the MBT–70.

The amendment requires the Comptroller General of the United States to submit the results of his study and investigation, together with such recommendations as he deems appropriate, to Congress not more than 6 months after the date of the enactment of this act.

Mr. President, we do not ask that the MBT–70 be completely and summarily canceled. This we do not ask. In 1963, when it was conceived, the production date was geared to be 1969. We are in 1969. The production date is now estimated to be some time in the mid-seventies, 5 years or more away. We ask only that, in view of this 5-year delay in production, in view of the increase in the research and development costs, in view of the extremely high projected per unit cost, in view of the improvement in mobile, cheap, and effective antitank weapons, and in view of the changing role of the tank in modern warfare—in view of all these things, which, to me at least, are legitimate questions, but in the aggregate make an abundant case—that the Comptroller General make a complete and thorough 6-month study to see whether a course that was charted in 1963, under dreams and ideas perhaps appropriate at that time, is justifiable, either scientifically, technologically, militarily, or economically, in 1969.

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

Mr. EAGLETON. I am pleased to yield to the junior Senator from California.

Mr. CRANSTON. I thank my fellow junior Senator, the Senator from Missouri, for initiating a probing examination of one aspect of the military authorization measure before the Senate. This sort of careful study is essential to the well-being of this country, to insure that we have the defense apparatus we need and that we do not spend money on a defense apparatus we may not need.

Frankly, I have not made up my mind as to this amendment and the value of this tank. Some cynical citizens think that nothing is ever determined by fact and logic in the course of a debate in the Senate. I bear witness to the fact that it is, because my vote will be determined by what I learn, in the course of the debate in the Senate, from those who support this amendment and from those who do not.

I am concerned about the inflationary aspects of the defense budget. We are being asked to support an extension of the surtax not only for the remainder of this year but also for a further period of time to deal with inflation. One way to deal with inflation is to have the tightest possible defense budget; and I am not convinced at the present time that all items, including this one, in the defense budget are necessary. I should like to ask the Senator a few questions that relate in part to this aspect.

First, are we contributing at present one-half of the cost of maintaining the NATO defenses in Europe?

Mr. EAGLETON. I wish I had at my fingertips, or based on immediate research, all the answers to the legitimate and probing questions of the Senator from California.

I do not know, in terms of dollars expended, whether we are maintaining half the cost of NATO. It would be my guess that we are, but I do not want to attest to it.

Mr. CRANSTON. At any rate, it is a very high percentage.

Mr. EAGLETON. It is a very high percentage, I think we are safe in saying.

Mr. CRANSTON. One fact I do know is that the cost of U.S. troops in Germany is running, for us, to the tune of $850 million a year. There is that much drain on the balance of payments in this period of inflation.

This leads me to question whether we should build tanks for a type of war that is unlikely ever to occur. I want to hear the case for this tank and the threat of that kind of war from the chairman of the committee when he responds to the Senator's amendment.

I wonder whether the Senator has any comment on the validity of the threat

that we might find ourselves involved in a conventional or a tactical nuclear war in Europe, whether that threat is so grave that we need this sort of tank?

Mr. EAGLETON. I consider that to be, again, a very wholesome question. I am aware that the Senator from California was away from the Chamber, attending a hearing of the Committee on Labor and Public Welfare on an educational bill that is of vital importance to the Nation. While he was at the committee meeting, an exchange took place between the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT), the Senator from Arizona (Mr. GOLDWATER), and myself, and, in part, also the Senator from Mississippi (Mr. STENNIS)—and perhaps other Senators—on this point, on this fundamental question.

I asked, at the end of my speech, Whither goest the tank? The Senator from Arkansas (Mr. FULBRIGHT) pointed out that tanks may well be the bellweather of success in El Salvador and Honduras; they may be indispensably necessary in Haiti, where Dr. Duvalier may well need them, to stay in power. They may well be needed in other areas, too.

But, at best, I can only pose the question. It is one of the questions that I, as a freshman Senator—just as fresh as the junior Senator from California—want the General Accounting Office to answer.

I do not pretend to be endowed with all the innate wisdom and experience that are necessary to make a highly sophisticated answer to the question; but I think the question is legitimate. When one who is as experienced as the Chairman of the Committee on Foreign Relations, who has been a Member of the Senate for many years and has seen different wars come and go and different threats come and evaporate—when he, based on that experience, wonders whether the tank is a viable force of modern weaponry in Western Europe under conditions that obtain in the year 1969, at least I have to wonder, at least I have to ask the question and search for the answer. I need the assistance of the Senator from Mississippi (Mr. STENNIS), I need the assistance of the senior Senator from Missouri (Mr. SYMINGTON), men who have devoted their lives to the effort of providing an adequate, proper defense.

I need the assistance of the General Accounting Office and of the Battelle Institute, which have made studies. These are questions that ought to be asked. That is all I am asking in my amendment. I can only ask the question. It is easy to ask questions. It is the easiest thing in the world to cross-question oneself. But when an item has been imbued with delay; is perhaps not of timely essence; is not a make-or-break proposition, that we have to have tomorrow, I should like to have an answer to the question.

I was against the ABM and opposed to those who said we could not wait because it was important that we have it in connection with forthcoming talks on limitations of armaments. That may be so. But no one can say that this item is of immediate essence. It has been delayed 5 years now. It was supposed to be produced in 1969, but it will not be produced until 1974 or 1975. I hope that will not be the case.

These are the questions we ask. We ask that we be given 6 months to permit our investigators, our accountants, in the General Accounting Office, an arm of Congress, to take a look at this proposal.

Give us 6 months. I ask that of the Senator from California who is not committed on this vote, and who approaches the matter, as much as any other Senator, on a factual basis without a kneejerk reaction. Because of his experience as a comptroller, he has an analytical and precise approach. That is the nature of his thinking. He served in California, and it was part of his job to analyze the pros and cons of proposals, although, of course, not weapons systems in a State organization. He did deal with other systems and methodology, and he was able to make a dispassionate, informed, unemotional judgment based on known facts, worthy assumptions, and the like. All I am asking of the Senator from California and other Senators is that the entirety of Congress, all 100 Senators and 435 Representatives, be given the benefit of the kind of dispassionate analysis that the Senator from California would give a system. I ask the Senator from California to make the kind of judgment that he would make back in California or the kind of judgment of this system he would now like to have given by the Comptroller General, Mr. Staats, and his staff.

If we were saying in this amendment, "Knock out all the money—period," I would not support it. I could not have enough knowledge, as a lawyer from the State of Missouri, to know if this is the right thing to do. I am frank to admit I am not that knowledgeable on this subject. But I do ask that we not spend any more for a moment on this painstaking and tortoise-like tank. All I ask is 6 months. I ask that the Senator from California join with me; nothing more.

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

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator has been very generous in yielding. I understood the Senator to say that he would not favor knocking out all the money for this item from the bill.

Mr. EAGLETON. No. I said if the bill contained lines 1, 2, 3, and 4, the money items, and did not contain the rest of the items that call for study by the GAO, I would not support the bill.

Mr. STENNIS. The amendment of the Senator does take the money, all of it out of the bill, for this tank.

Mr. EAGLETON. The Senator is correct, and for this limited purpose, for this limited period of time.

Mr. STENNIS. For 6 months. Is that correct?

Mr. EAGLETON. That would be the length of the study.

Mr. STENNIS. The Senator knows he would be taking the money out until there is another authorization bill and appropriation bill, which is ordinarily 1 year.

Mr. EAGLETON. The Senator is correct.

Mr. STENNIS. That is correct.

Mr. EAGLETON. But there are exceptions, I understand, to the appropriation process, whereby a supplemental appropriation could come in.

Mr. STENNIS. That is not ordinarily done, and there could not be money transferred for this purpose, because when the appropriation is cut out, the artery is cut that gives it life.

Does the Senator know that this operation would close down and stop by September 30, and that the people who are there would no longer be employed, certainly not in that project? To start it up is not like lighting a fire. You would have to get men who are qualified and get them back on the job and get it fired up in that way.

I am told by people who have experience that taking this money out, as provided in the Senator's amendment, would cost about 2 years' time. So, when the Senator said he would not be for it if we just took the money out, I wanted to question him on that point because it does take the money out and there is no life left in it until there is a recommendation or congressional action, signed by the President.

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

Mr. EAGLETON. I shall yield, but first I wish to respond to the Senator from Missisippi because I think his point is an interesting one and goes to the heart of this matter. The amendment would strike from the bill $30 million and another $24.5 million. The Senator is correct that during that period there would be a discontinuation of expenditures on these projects.

The Senator is correct when he states—I take his word for it, and it makes commonsense to me—that by September 30 the money would run out from previous appropriations and many persons would be reassigned and some would lose their jobs. It is quite possible.

The GAO study would take 6 months, if it were the kind of green light the Senator from Mississippi would want to see. I know he has some lingering misgivings about this program, and he so stated. I think on the day he made his initial presentation on this measure, the manager of the bill said, "I have about lost patience with this situation." That is what he said in referring to the MBT–70. So I know he has some misgivings and would like to see a greater certainty in this situation.

Perhaps it would be less than 6 months because perhaps someone either at GAO or elsewhere with previous experience with tanks such as the Sheridan or the MBT–70 or with the Shillelagh weapon system could do it sooner. I would be glad to make it 3 months or 2 months. If they come back and give the green light, I would then join with the Senator form Mississippi and say I would support a new authorization and new appropriation.

I am not a perfectionist, nor do I belong to that group which is experienced in the craftsmanship of legislation. Perhaps it might be wise to leave some

money in, putting the brakes on it, until the GAO study comes in and perhaps gives it a green light and opens it up to let the money flow. I am not that good at drafting legislation. Maybe there is a way to draft it based on the experience of others.

I guess it was curious happenstance that this amendment came on the heels of the amendment agreed to yesterday, which had been introduced by the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. CRANSTON. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I have a great train of thought going and I do not want to get off it for the moment.

It was perhaps a curious happenstance that the sequence of events occurred that way, but to me this could be a magnificent sort of test case as to whether the amendment adopted yesterday was prudent. I know that the Senator from Mississippi had serious misgivings about it. My senior colleague, for whom I have the highest personal respect and who perhaps knows more about military matters than any man I have been privileged to know, also had serious misgivings about the Schweiker amendment. To me, this could be an important and impressive test case as to whether what was done yesterday by the Senate in agreeing to the Schweiker amendment calling upon the GAO to give Congress assistance, analysis, and recommendations, will work.

Perhaps the Senate made a mistake yesterday. I was paired in support of the Schweiker amendment because it made sense to me, although to Senators like Mr. STENNIS and Mr. SYMINGTON, and others—the amendment was adopted by a margin of only one vote—it did not make sense.

Let us test it out. Here is the best way I know to test it out. This is a case in point. This is a nonvital case in point. Time is not of the essence. Time is with us. This is one weapons system where 3 months, if the GAO can do it that quickly, or up to 6 months, it will not make us, break us, or defeat us.

I am now happy to yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Missouri for yielding to me. He referred to the amendment adopted yesterday relating to the GAO and I wanted to ask one or two questions in relation to it. Part of my concern about that amendment was its relationship to the need for the GAO to be independent and objective in evaluating the programs. I was convinced that the GAO might become too deeply involved in these programs and I wondered how objective its reports would be, and whether we would be able to rely upon them for the advice and counsel and the expertise that we want in relation to costs.

This leads me to wonder about another aspect of the Senator's amendment. He spoke in a very kindly way about my own background as a State comptroller. My background as a State comptroller, and that of most State comptrollers, I am sure, deals with costs, with analyses of those costs, but not necessarily with the value of specific programs. Such judgments are left at least in California and elsewhere, I am sure, usually, to executive experts in those fields, where there is a legislative body, to the experts among the general membership in that legislative body. In relationship to the four things the Senator asks the GAO to do in his amendment, and specifically to item 1, "Why research and development cost estimates have had to be revised steadily upward since 1965." Am I correct in assuming that this relates specifically to the cost estimates relating to tanks?

Mr. EAGLETON. Relating not just to tanks, let me say to the Senator from California, but specifically, I mean, to the MBT–70—that particular and specific program.

Mr. CRANSTON. This tank?

Mr. EAGLETON. Yes.

Mr. CRANSTON. It seems to me that is obviously an appropriate task for the GAO to perform. I want to ask why, in the second, third, and fourth items, which the Senator wants the GAO to perform in his proposed amendment, why the GAO would be particularly qualified to report to us on the effectiveness of any particular weapon and on relating this to strategic projections and new strategies and to alternatives not in terms of cost but in terms of performance of the MBT–70?

Mr. EAGLETON. Again, to me, that is a very profound question. Perhaps it could only emanate from one who has had the experience of the Senator from California serving as a State comptroller. I think in his definition of duties and responsibilities in California he of course relates the facts as they apply to his office, and I dare say the vast majority of State comptrollers would as well. But I think he too narrowly assume or identifies his prior experience and the nature of the duties of his office precisely with that of the Comptroller General of the United States. He circumscribes the capability and performance potential of the Comptroller General.

The office of the Comptroller General, as I would understand it, is not one made up of personnel who are adroit only at figures and can balance a ledger, can tally a sheet with assets and liabilities and see whether something is in the black or in the red. That takes talent. That is not the limit of their talents, however. The best proof I can give to the Senator from California as to the capability of the GAO to work in this area, and specifically to work on tanks, and even more specifically to work on the MBT–70, is that they have already been doing that work. They did it for the Stratton Committee. They were a major portion of the investigative arm that supplied the Stratton Committee with its most persuasive and compelling findings of the $1 billion in waste in connection with the operation and deployment of the Sheridan and Shillelagh systems. Proof of the pudding is that they have done it. If it is unwise for them to do it—yet this they did, and it was not done yesterday, it was passed on with authorization of the Senate, they have done this before—it would be the subject of new remedial legislation to circumscribe and prohibit the Comptroller General of the United States. I for one, would not support that. I think the Comptroller General can render to us and should render unto us that which the Bureau of the Budget renders unto the President of the United States and the executive branch.

Mr. Mayo is not just a bookkeeper. He is not there just with pencil and paper with lines on it and columns, adding up figures. He and his analysts go to the Pentagon—not enough, in my opinion, and in the opinion of the Senator from Ohio—to try to examine the efficacy and the legitimacy needed for weapons systems. They do that. The Budget Bureau does that for the executive. The Comptroller General has been doing that for the legislative branch—to wit, the Stratton report; and, in my judgment, should continue to do it. I know they are equipped to do it on the MBT–70 because they have already done part of the work on it.

Mr. CRANSTON. Did the Senator consult with or get the views of the GAO in regard to its ability to perform these particular functions?

Mr. EAGLETON. I will turn that question over to the Senator from Wisconsin to answer. That is in his specific area of expertise.

Mr. PROXMIRE. The Senator from California has asked the Senator from Missouri whether the GAO indicated its position on whether it could make this investigation?

Mr. CRANSTON. Yes, whether these particular duties, particularly 2, 3, and 4, in the amendment, are duties which the GAO is equipped to perform and is prepared to perform.

Mr. PROXMIRE. I will certainly find out the answer to that. I have staff or the Joint Economic Committee looking into that. They have not told me specifically whether the GAO feels it is qualified to do this, but I would be surprised, if they were not able to provide data on which Congress could decide. I think the record of the GAO indicates that they can do this kind of thing and that they have done this before.

Mr. CRANSTON. I thank the Senator from Wisconsin. I have two more questions I should like to ask the Senator from Missouri. Was one of the reasons for trying to alleviate the friction between the United States and Germany the balance of payments problem we face, due to our troops being in Germany and the desire to develop a cooperative project relating to NATO that could possibly contribute toward alleviation of those frictions?

Mr. EAGLETON. That would be rather speculative on my part. I do not know that the origin of the agreement back in 1963—the $80 million, 50–50 agreement—has ever been pinned down precisely. I did ask, in an unclassified hearing, about this matter. I do not want to put words in the mouth of any particular officer. There were three or four officers present, a general, a colonel, a major, and a civilian. One of the men in uniform put it this way: Back in 1963, the Federal Republic of Germany had shown tech-

nological expertise. They are talented people. It was a two-heads-are-better-than-one approach. This was a novel idea. As one man put it—and I have nothing better to say on in—let Germany, with its scientists and contractors and its people, go full steam ahead on the engine work, especially, and otherwise, and let our people go full steam ahead. Two heads are better than one and perhaps we will come up with something better than if we did it all by ourselves or Germany did it all by herself. That is what I recall being said to me in that unclassified portion of the briefing.

Mr. CRANSTON. If this tank is something that some experts believe is needed to defend Western Europe, would it not be the better course for the Europeans to build it and pay for it?

Mr. EAGLETON. Earlier this day the Senator from Louisiana, chairman of the Senate Finance Committee (Mr. LONG), and I had a brief exchange on the agreement with respect to the Federal Republic of Germany, and he was at least on the border of answering the question asked by the Senator from California.

If it can be shown that it is an effective tank, the details of who will build it and the question of the importance of our balance of payments, have to be decided by other people. But we have to get over the hurdle of whether it is needed.

I know I for one, and I know the Senator from Louisiana, would be tremendously happy if West Germany or Belgium, or any of our other NATO allies would show greater interest in developing and beefing up and expanding their weaponry, whether it be land, sea, or air, and could take a greater burden of their own defense and thereby relieve us of the expenditures and the balance of payment problems that are caused by the maintaining of over 200,000 of our troops in Western Europe. I for one would applaud that. I would love to see it. I would like to see our troops brought home, and to let our allies take care of themselves. We would continue to pledge our aid to the NATO countries. When, as, and if needed, we would send help, under our NATO obligations.

Mr. CRANSTON. I thank the Senator from Missouri for his detailed and helpful and careful work on this matter.

Mr. PROXMIRE. Mr. President, will the Senator yield on the point the Senator from California has raised with the Senator from Missouri?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. I first want to say that we recognize that the General Accounting Office has over 2,000 professional auditors and accountants and staff people who have devoted their lives to inquiring into Government agency practices. Second, 42 percent of them, according to Mr. Staats, have been working on defense analysis.

So these are the experts, these are the qualified professionals, in the best position to give us the kinds of answers the Senator from Missouri's amendment calls for.

As far as conclusions are concerned, however, we have to make them, and we should. I do not think it would be proper, I do not think the GAO would presume, to tell us whether the MBT–70 is the most effective weapon to meet the contingency for which it was planned. That is not their job. Again and again they have been reluctant to do that. But they will give us facts and information and cost effectiveness, and we make up our own minds, as the Senator knows.

In all these questions there may be value judgments or strategic judgments of this kind. They cannot make up our minds for us, any more than the military men can make up our minds for us. The military men can give their recommendations in this area, but nobody pretends that they should make the final decision.

The distinguished Senator from California is a former comptroller of the State of California. He knows all an auditor or accountant can do is give us the facts and the data and the information; but that is not available now, and the Senator's amendment would make it so.

Mr. CRANSTON. I thank the Senator.

Mr. EAGLETON. Before yielding to other Senators, I wish to make this point to the Senator from California. I shall be brief. I know he must leave. I have some data, dated July 9, from the Comptroller General of the United States, addressed to "Dear Senator EAGLETON." It is a report prepared by the U.S. General Accounting Office, the statement of Harold H. Rubin, Associate Director, Defense Division, and so forth. And there is a brief report that that agency has already made what is admittedly a sketchy report on the MBT–70, the main battle tank.

I ask unanimous consent to have printed in the RECORD the last 2 pages, labeled B–1, and B–2 from the report of the Comptroller General of the United States.

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

MAIN BATTLE TANK (MBT–70)

The Main Battle Tank (MBT–70), currently being developed under a Cooperative Tank Development Program between the United States and the Federal Republic of Germany, is designed to utilize the Shillelagh missile and the 152mm combustible cartridge case ammunition. Development of the MBT–70 was initiated under this program by an Executive Agreement signed between the governments on August 1, 1963. This agreement provides that the total costs of the program will be shared equally. In view of the development status of the MBT–70, and the considerable degree of slippage it has experienced, we considered it prudent to concentrate our efforts on the Sheridan and the M60A1E2 tank, deployment of which was more imminent.

RESPONSIBILITIES

The Office of the U.S. Program Manager and Project Manager, US/FRG Main Battle Tank, was established by Army Material Command General Order No. 52, effective August 15, 1963. As Project Manager, he reports to the Commanding General, AMC. As U.S. Program Manager, he is the U.S. member of the international US/FRG Main Battle Tank Program Management Board, and as such, reports to the Chief of Staff, United States Army, and is governed by policy and program guidance issued by Headquarters, Department of the Army.

MBT–70 OBJECTIVES

The MBT–70, which is intended to replace the M60 and the M48 as the standard main battle tank, will be employed against armored formations and all other types of land warfare targets including infantry elements of a modern army. It is intended to provide a night firing capability with improved reliability and durability, reduced maintenance requirements, improved weapons, and a significant increase in ballistic protection.

MBT–70 COMMONALITY

The MBT–70 is designed to be armed with the Shillelagh missile and the 152mm combustible cartridge case ammunition common to the Sheridan and M60A1E2 tank, and is intended to use an automatic loading device which is the key to a three-man crew concept. However, the automatic loader is dependent upon the acceptability of the ammunition combustible cartridge case which will be discussed in detail subsequently.

CONCLUSION

Unless deficiencies in the combustible cartridge case ammunition are corrected, it is reasonable to assume that the MBT–70 will experience difficulties similar to those of the Sheridan and M60A1E2 tank.

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

Mr. EAGLETON. I yield.

Mr. STENNIS. I appreciate the Senator's yielding to me. I want to make a very brief statement on this subject. I think the Senator is making a fine presentation. My remarks are not directed at him at all.

Mr. President, the question arises here about keeping the bill moving. I am a great believer in the proponent of a bill or of an amendment having a full chance to present his case. I want to go on record every day as being among those who want this bill to move along. I know tremendous amounts are contained in it. The bill involves our men in Vietnam and our future military program. It is highly important that this bill move beyond the Senate as soon as possible. The House will have to pass a bill. It will have to go to conference. All those matters take time. It has to come back here before the Appropriations Committee can move on it.

So I am ready to agree to a time limitation on this matter. Let us let other Senators who want to speak come in and say what they want to say and, if possible, get a vote on the amendment this afternoon. I hear a rumor going around that there is not going to be a vote this afternoon. This is an important matter, but, still, it is just one matter in the bill, and if we cannot get to a vote on it in a day, I think it is just tragic. I imagine the Senator would be willing to agree to something along that line.

Just one other thing. I appreciate the Senator's yielding to me. He yielded largely for questions. We just cannot go on and on letting any Senator who wants to walk in and make a speech on the matter by getting the Senator who has the floor to yield to him. The rules of the Senate provide that the Senator can yield only for a question. This is not directed to the Senator from Missouri. So, to make the bill move, the day may come when I shall have to object to

yielding except for real emergencies or for questions.

I thank the Senator for yielding to me. When he has finished, I will propose an agreement.

Mr. EAGLETON. In response to the distinguished Senator from Mississippi, may I say I am not prepared at this time—and I am not trying to foot-drag—to agree to any time limit. In addition to myself, there are cosponsors, the Senator from Oregon (Mr. HATFIELD), and five other cosponsors, who are mentioned on the amendment, including Senator MCGOVERN, Senator Moss, and Senator YARBOROUGH. I do not want to unilaterally, on my own, foreclose them from the fullness of any participation they would like.

Mr. STENNIS. The Senator should not, and I would not quickly agree, either. I shall have to consult with other Senators.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, first, I desire to congratulate the distinguished junior Senator from Missouri on his excellent speech in support of the amendment he has offered, cosponsored by other Senators.

In answer to the question from the distinguished junior Senator from California, the Senator from Missouri adverted to the NATO Alliance and to our troops in Western Europe. Is it not a fact that of all the NATO powers, the United States is the only one which has entirely fulfilled its NATO commitments?

Mr. EAGELTON. I thank the Senator from Ohio. He has never been accused of being prone to understatements, but I must say with all deference that that is an understatement. We have not only fulfilled all our commitments, we have overfulfilled them. NATO is U.S.A.-NATO.

Mr. YOUNG of Ohio. That is correct. Now, regarding the MBT–70, that is supposedly a joint United States-West German project for a heavy tank, designed to operate sometime in the 1970's, in the event of a tactical nuclear war in Europe.

Supposedly, there is built-in protection for the crew against the contaminants of nuclear war. However, testimony has revealed that beyond limited protection against the hazards of nuclear radiation, the design is certainly not acceptable for operations in any nuclear war. We are in agreement on that, I am sure.

Mr. EAGLETON. I concur fully with the Senator from Ohio.

Mr. YOUNG of Ohio. The Armed Services Committee, as I recall, wisely recommended a reduction of $14.9 million on that item, and I voted for that reduction in the committee, as I am certain did the distinguished senior Senator from Missouri, the colleague of the Senator who now has the floor.

Mr. EAGLETON. May I respond to the Senator's statement at that point?

Mr. YOUNG of Ohio. Yes.

Mr. EAGLETON. The Committee on Armed Services cut out that $14.9 million with this comment, as the Senator will recall, referring to the MBT–70. It said:

> This program has been experiencing difficulty for some years, and the committee now believes that a reorientation of the program is in order.

Mr. YOUNG of Ohio. Yes.

Mr. EAGLETON. What I am trying to do is to help with that reorientation, to get our expert advisers in the GAO to help us with that reorientation.

Mr. YOUNG of Ohio. I am certain that the senior Senator from Missouri, the Senator's colleague, who is one of the senior members of the Committee on Armed Services and one of the most highly respected and most knowledgeable members of that committee, concurred in that reduction, and I know the junior Senator from Missouri is voicing the views of his distinguished senior colleague on that subject.

We did not feel, in the committee, that the results of early research and development justified the Pentagon's budget request. Nevertheless, more than $54 million remains in the bill we are now considering for research and development, and for production base support, for this Main battle tank.

The fact is that the engine, the transmission, the suspension, and auxiliary equipment are being manufactured by West German companies. That is a fact, is it not?

Mr. EAGLETON. Significant numbers of the components, especially with respect to the engine, and I presume other components as well.

Mr. YOUNG of Ohio. This is almost a quarter of a century following the end of World War II, and still at this time, 300,000 men of our Army, Navy, Air Force, and Marines are stationed in Europe, and along with them are 255,000 dependents. Of course, as the Senator knows, those officers there, at least field grade officers and general officers, never had it as good as they have it now, with their dependents, their servants, their automobiles, and their travel throughout Europe. That is all a great expense to our taxpayers, and we are trying to curtail it.

Since April 1963, I have spoken out here in this Chamber urging withdrawal of most of our troops from Western Europe. If there is any real danger of aggression from the Soviet Union in Western Europe, it would be far better for our taxpayers if we would have our young draftees, say on a 13-month tour of duty, in Western Europe, instead of all those divisions made up mostly of professional soldiers stationed in Europe, living like squaw men with their families. Would it not be far better if those divisions were brought home, or sent on to the Pacific? If we have to be involved in a civil war in Vietnam, why should they not be sent there instead of draftees with only 4 months of training?

I am sure the Senator agrees with me that the threat of military aggression by the Communists against Western Europe is not as it was in the time of Stalin, and has in fact all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles toward West Germany. The Soviet Union is no longer a have-not nation; its leaders now appear principally dedicated to the objective of raising the standard of living of their own people.

It is the nuclear umbrella of the United States that provides the real protection for Western Europe and West Germany, and not our ground troops there, certainly. Does not the Senator agree with me that it is not the large number of our ground troops in Western Europe, or the MBT–70s, that are protecting Western Europe?

Mr. EAGLETON. I think that is correct.

Mr. YOUNG of Ohio. Of course, we have the capability of airlifting, as the Senator knows, a combat-ready division from the United States and having them in the field in Western Europe within 24 to 48 hours ready for action. We know that.

Mr. EAGLETON. Absolutely; and that would save vast amounts of money; and, as the Senator well knows, many learned observers on the military scene, both professional and civilian, seriously question our massive military presence in Western Europe—by massive I mean in terms of the enormity of the number of troops with, as the Senator says, their dependents, et cetera, and the great financial drain. They question, first, whether militarily it is needed; and economically, we know the drain it imposes upon us, not only taxwise but balance-of-payments wise.

Mr. YOUNG of Ohio. And does not the Senator from Missouri agree with me that having them there is nothing more than foreign aid to West Germany in disguise?

Mr. EAGLETON. It is foreign aid through the back door.

Mr. YOUNG of Ohio. Yes. And the West German Government and the West German people do not need that foreign aid from us, because they are prosperous now as never before; is not that a fact also?

Mr. EAGLETON. One of the most prosperous nations on earth, with the most solvent economy and the strongest monetary system.

Mr. YOUNG of Ohio. Is not the continued production in West Germany of the MBT–70 simply another form of foreign aid in disguise from the taxpayers of America?

Mr. EAGLETON. I perhaps would not adopt the full phraseology of the Senator; but it is certainly an economic shot in the arm to West Germany that they can do some work on this tank. The Daimler-Benz people and the others are certainly not going to be losing any money on it, and it is certainly highly questionable whether this country will get anything out of it that will be useful or needed.

Mr. YOUNG of Ohio. And it is only maintaining and building up their military-industrial complex?

Mr. EAGLETON. It is certainly helping their industrial complex.

Mr. YOUNG of Ohio. Should we not delay the further development of the main battle tank until the Comptroller General of the United States has an opportunity to report to Congress on the

practicability and cost effectiveness of this mighty complex system?

Mr. EAGLETON. I could not have put it better myself. Those are words from Heaven.

Mr. YOUNG of Ohio. Well, I sort of stuttered on that "cost effectiveness" and "practicability"; but we are in agreement, are we not?

Mr. EAGLETON. Completely, on that point.

Mr. YOUNG of Ohio. Mr. President, I have a final question to ask of the distinguished Senator from Missouri. I ask whether the Senator agrees with me that there is only the most remote possibility that there would ever be a limited nuclear war long enough in duration, or any nuclear war long enough in duration, for these main battle tanks to be of any use whatever?

Mr. EAGLETON. It is highly questionable. If there were a limited nuclear war, I think the tanks would be among the first to go, and then next would be the aircraft carriers. I do not know how limited "limited" is in a nuclear war. I think it would be a matter of a few seconds, minutes, or hours. It would be a terribly short period of time with a limited nuclear exchange, if the Senator is talking about an exchange between the United States and the Soviet Union. The very essence of the situation escalates and is something horrendously gigantic.

Mr. YOUNG of Ohio. It would be a matter of moments.

Mr. EAGLETON. The Senator is correct.

Mr. YOUNG of Ohio. Mr. President, I again compliment the distinguished Senator from Missouri.

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

Mr. EAGLETON. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arizona for a few moments without losing my right to the floor.

Mr. COTTON. Mr. President, reserving the right to object, and I certainly shall not object, the custom of having someone hold the floor and farm it out for speeches when other Senators are waiting to get the floor has gone about far enough. I am certainly not going to object at this time.

I want to serve notice that I shall be objecting and very sharply to any of these arrangements, and I shall call for the regular order. However, I would like to say while I am on my feet that some of us expected we were going to work last night and today. It was even intimated that we would work Saturday.

The people back home are not going to view with very much enthusiasm the Senate's recessing for 3 weeks in the middle of this crucial defense bill.

We were going to work. Nothing happened. Nothing will happen today. Quite obviously, we are not going to work Saturday. Everyone knows that on Wednesday half of the Senators will be going to Los Angeles to welcome the astronauts. When is the Senate going to work?

Mr. President, I do not object.

Mr. EAGLETON. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, yesterday evening figures were inserted in the RECORD by the distinguished Senator from Tennessee (Mr. GORE) and the distinguished Senator from Arkansas (Mr. FULBRIGHT) which I questioned and for which I promised I would have an answer today. I am sorry that neither gentleman is here. It is difficult to know when one can get the floor. So, one cannot make dates.

Mr. President, efforts are being made in some quarters to convince the American people that President Nixon is not living up to his commitment to bring 25,000 American fighting men home from Vietnam by August 31.

In doing so, those involved in this attack are deliberately mixing apples and oranges.

They are comparing current figures of manpower totals in Vietnam to those of last January, even though the President did not commit himself to troop reduction until June 8 at Midway. Let me read just what the President said on Midway regarding the withdrawal of American troops:

> As a consequence of the recommendation by the President—
>
> President Thieu, that is—
>
> and the assessment of our own Commander in the field, I have decided to order the immediate redeployment from Vietnam of a division, equivalent of approximately 25,000 men.
>
> This troop replacement will begin within the next 30 days and will be completed by the end of August.

Mr. President, my colleagues should note that the President was talking about about 25,000 men, not exactly 25,000.

I made some inquiries into that figure because I recognized it as being substantially more in number than the average American division.

So that my colleagues might have a better understanding, I point out that a figure of approximately 16,000 is generally used for an infantry division in Vietnam. However, a division force, which is a division plus supporting forces, is approximately 40,000. So, the 25,000 figure is more than a division, but less than a division force.

Mr. President, President Nixon was talking not about early August but about end of August. These are the facts.

But supposing the President were talking about troop figures of last January, there is still a valid explanation that applies.

The Pentagon uses two figures on troop strength in Vietnam. Actual strength and programed strength. Both are valid.

Programed strength is an absolute. It is the number of men the services can put into Vietnam. Actual strength is the number of men actually there. This varies as troops are rotated.

By the end of August the Defense Department expects to have a programed strength in Vietnam of 524,500 compared with the previous programed strength of 549,500. This is a reduction of 25,000 in programed troop strength.

Of course, actual troop numbers will fluctuate under this reduction in programed strength just as it has before. But the approximate number will be around 515,000 by the end of August, compared to an average strength during fiscal 1969 of 540,500, again this is a decline of about 25,000 just as President Nixon promised.

Mr. President, in their eagerness to make hay out of any possible mistakes, or variances or changes, too many persons who should know better, are shooting from the hip.

I suggest that they at least wait until the end of August before they begin blasting away at those who are trying so desperately to rectify the costly errors of the last 8 years.

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

Mr. EAGLETON. I yield.

Mr. PEARSON. Mr. President, I voted against the anti-ballistic-missile system. I did so because of the questions of the reliability costs, and the arms race, together with the question of necessity.

The question I put to my distinguished colleague and neighbor from Missouri today is whether he is convinced—I might say that I am—of the necessity for the construction and deployment of the main battle tanks, the necessity of the system, the necessity of a tank as part of the overall symmetry of power we need, measured together with the nuclear umbrella and the conventional forces and our guerrilla trainees.

Mr. EAGLETON. I have lingering, gnawing agonies and general doubt as to the need or necessity of tanks in general.

I do not have much doubt personally as to the need for the MBT–70. I do not think we need it.

I would say to the Senator from Kansas that if tanks are needed, if there is a massive threat of being outtanked by the Warsaw Pact, we have and are producing at a painfully slow pace, at a very minimal rate, the M60A1.

As I stated earlier in the debate, according to the Stratton subcommittee of the House Armed Services Committee, it is equal to or superior to any Russian tank that is part of the Warsaw group. So I have a general doubt, and I know the Senator from Arkansas does, as others do, about tanks in general. However, quite frankly I have not had the experience the Senator from Kansas has had in military matters. But I have very little doubt about the MBT–70. It is an Edsel.

Mr. PEARSON. I should like to respond to the Senator in this manner. I am not sure that I have any competency to make a judgment or a statement as to the necessity of this particular tank, but I have a conviction as to the necessity of tanks themselves.

This is a fairly sad and sorry story in relation to this particular tank system. The Senator seeks to correct it and seeks to attack it. We have a multiplicity of illustrations we can bring out from the Senator's mention of today in his very excellent presentation.

I doubt the wisdom, I might say to the Senator, of picking out system by system by system and seeking to correct it. I think perhaps the approach of the dis-

tinguished Senator from Pennsylvania yesterday was a better way to get at this problem.

Mr. EAGLETON. I agree somewhat with what the Senator says. By my amendment and that of the Senator from Oregon (Mr. HATFIELD) we are not trying to superimpose our judgment, our expertise, because I think both of us would candidly say that we are not as scientifically or militarily trained on that as are the Pentagon or Members of the Senate who have made their life the study of these matters, such as the distinguished Senator from Mississippi.

The very thing we are asking for in this amendment is what the Senator pointed out. We are asking for the first test case of the Schweiker amendment. What better way can we prove whether what was done here yesterday, by a narrow vote, over the strong objection of some very able people—including my own senior colleague, Senator SYMINGTON—was a wise move, than by saying to the GAO, "We give you 6 months." I am willing to cut that, if I can find out from the GAO that they can do it quicker—2 or 3 months. "Take a look at this thing, as you already have done in part for the Stratton committee, when you looked at the Sheridan and the Shillelagh, and you gave a look on the side at the MBT–70. Take a look at this thing and report back to us."

I think it was happy coincidence that the Eagleton-Hatfield amendment came in the wake of the Schweiker amendment, because this gives us a wonderful opportunity to test out the wisdom of that which was done yesterday.

We may find in a 2- or 3-month period, based on what the GAO does—if they do it sloppily or ineptly—that what was done here yesterday was a mistake—a mistake that is rectifiable either on the House side or in conference. Forty-six Senators yesterday thought it was a mistake; 47 did not. Perhaps the 46 were right. We have a perfect way to find out—a laboratory case. I keep hearkening back, because I think it is vital, to this one weapons system whose history proves that time is not of the essence. It is 5 years overdue now, and another 2 or 3 months, unlike the arguments advanced in the ABM debate, are not vital or potentially catastrophic.

Mr. PEARSON. I thank the Senator.

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

Mr. EAGLETON. I yield.

Mr. PROXMIRE. I have some questions for the Senator, but first I should like to commend him on a remarkably fine speech. I especially commend him on his responses to the questions that have been asked him. He has been asked questions that have tested him from every angle, and I think his responses have been most convincing.

I think the Senate and the country are fortunate that in the last 2 days we have had a vision of the future. Yesterday, the distinguished, young, new Senator from Pennsylvania did a marvelous job on his amendment, under difficult circumstances, with strong opposition, as we all know. Today, we have a followup by another new, young Senator. In the first case it was a Republican Senator and in this case a new, young, Democratic Senator who is also indicating his remarkable ability. The common thread here, of course, is that they are both aiming at the same thing, and that is to make the military accountable, to make it possible for us, as Senators, to know when we vote on the military budget what we are voting on.

I ask the distinguished Senator from Missouri if it is true that costs since 1963 on this tank have risen over 500 percent.

Mr. EAGLETON. According to the figures we have, that is the case—500-plus percent.

I must say that prior to the Senator from Wisconsin coming into the Chamber, the chairman of the Committee on Armed Services, the Senator from Mississippi, had figures supplied to him by the Defense Department that might be different. We are trying to verify it. My figures came from the Defense Department through a colonel whose name I supplied. We are trying to reconcile it. According to the figures in the chart, the Senator is correct.

Mr. PROXMIRE. The chart shows the increase in cost, which began at $40 million, a total of $80 million—$40 million for the United States and $40 million for Germany. Now they have gone to about $230 million for the United States.

Mr. EAGLETON. It is $227 million for the United States and $80 million for Germany, or thereabouts.

Mr. PROXMIRE. Is it true that the purposes for which this tank was originally designed, originally conceived, have changed

Mr. EAGLETON. They have changed immeasurably.

The chairman of the Committee on Armed Services, the Senator from Mississippi, pointed out that the purpose of the tank was unidentifiable almost at the beginning. It was an idea in 1963. I call it a dream. He calls it sort of an idea, a vague idea that was kicking around the Pentagon. So I do not know that in 1963 it had any purpose except to build a dream tank.

Mr. PROXMIRE. When the Senator says "a dream," does he mean the idea was to build a faster, stronger tank, with a lower silhouette, a tank that would be technologically superior to the tanks now but with no new strategic mission?

Mr. EAGLETON. If the Senator will bear with me, I should like to get a precise quotation from my speech. Either General Betts or General Burba, or somebody who had something to do with this tank in its growing stage and inception stage, said—I have it here. It was General Betts, the Army Director of Research and Development. He said:

> For the first estimate we did not have a design. We did not have any really detailed idea of what would go into the tanks so the early estimates were very summary in nature.

That is what he said, and I take him at his word.

Let me add to that, on the same line and consistent therewith, Maj. Gen. Edward J. Burba, who was formerly the head of the MBT–70, said in 1967 in the Armed Forces Management magazine:

> For the first time in the history of modern tank design, the designers of the MBT were given carte blanche to optimize basic design configurations into which they put the best scientific engineering know-how.

They were given carte blanche to "go out boys and build us something, something dreamy." That is about the way I understand it.

Mr. PROXMIRE. What has been the expressed need for this tank? What has been the expressed purpose for it? What is it supposed to do?

Mr. EAGLETON. It is supposed to offset the growing tank threat of the Soviet Union and the Warsaw powers in Western Europe. That is the alleged purpose of it.

Mr. PROXMIRE. It is to be used in what kind of warfare?

Mr. EAGLETON. In a limited warfare.

Mr. PROXMIRE. Nonnuclear?

Mr. EAGLETON. Nonnuclear warfare. It presumably can be used in nuclear warfare. It might lend itself to that type of warfare. It is much faster, much more maneuverable. That is, if it would work, it would be all these things. But, basically, it would be used in a limited warfare; and if we got into a limited nuclear war—which is a concept with which I have always had difficulty. I do not feel that it would remain limited very long—I am talking about a matter of hours.

Mr. PROXMIRE. What evidence does the Senator have that tanks may becoming less useful and perhaps obsolete because they can be hit? What is the cost difference between an offense and defense on tanks? In other words, what would be the cost to develop weapons that could knock out tanks?

Mr. EAGLETON. The cost effectiveness of this particular MBT–70 is priced between $520,000 and $750,000 per tank. That is not the cost for the entire group of them, but for one tank. The range depends on how many are produced. If more are produced, of course, the cost goes down.

The cost effectiveness of this particular item, I understand, is very close to the breaking point, and perhaps going over that point, where it will not be cost effective because of the development of other weaponry, including antitank weapons.

Here is a quotation from General Miley, talking about the Tow, which is an antitank weapon:

> This is our new Tow antitank weapon. You can see the wires that guide it coming out the tubes and they will kill any known tank in the enemy inventory.

Mr. PROXMIRE. Does the Senator have the cost of that weapon?

Mr. EAGLETON. I do not have it, and I believe it has not been publicly disclosed. I shall try to get the information.

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

Mr. EAGLETON. I yield.

Mr. GOLDWATER. It runs in the nature of $7,000 to $9,000.

Mr. EAGLETON. The Tow. The Senator from Arizona has said that the cost is $7,000 to $9,000 per weapon. I thank the Senator.

Mr. PROXMIRE. The Senator from Arizona is very helpful.

This means that a $7,000 to $9,000 weapon could knock out this one-half million dollar tank. Is that correct?

Mr. EAGLETON. That is my understanding.

Mr. PROXMIRE. I would like to ask the Senator another question.

Mr. EAGLETON. I wish to add there is another weapon called the Dragon. It is designed to fill the Army need for a certain type weapon. It is launched from a tube without recoil. This is a system which can be operated by one foot soldier. That system is not operable.

Mr. PROXMIRE. Is it not true there has been an investigation of this tank by a special investigating subcommittee of the House of Representatives; that the study recommended the MBT–70 program should be reappraised and a report finding made to Congress prior to any future steps being taken? Was not this recommendation made by the subcommittee of the Committee on Armed Services in the other body? Is this not what the amendment of the Senator would accomplish?

Mr. EAGLETON. Absolutely. And that is precisely a quotation from the report. I quoted earlier from the statement of Representative MENDEL RIVERS, of the House Armed Services Committee, in which he pointed out it was his recommendation that we stop on this thing now and take a long hard look at it. This comes from a man who obviously has enormous experience in weaponry.

Mr. PROXMIRE. A man who certainly has not been soft on providing adequate armed forces.

Mr. EAGLETON. Precisely.

Mr. PROXMIRE. Is it not true that Secretary of Defense Laird has raised some very serious questions about this particular tank and has classified it along with the *Pueblo* and the TFX as an area in which we may have dismally failed?

Mr. EAGLETON. The Secretary, to my knowledge, on two occasions publicly, and maybe on other occasions, has so classified the MBT–70. In one case he compared it with the *Pueblo* and the TFX as being an inherent millstone.

Later on, in an interview with the Washington Post, he expressed the opinion that delay in gadgetry would result in delay of the MBT–70. He wondered if we need all the MBT–70 devices when the Russians get along with simpler weapons.

I shall quote at this time from Representative RIVERS' office when he released the Stratton report.

> It also recommended that no additional Sheridans be sent to Vietnam until all major defects had been eliminated and that the Main Battle Tank 70 program be reappraised before further funds are committed.

That statement comes from the chairman of the House Armed Services Committee. That is a pretty impressive sign to stop, look, and listen; not to discontinue or throw away or scrap but to take a look for a limited period of time with the GAO doing the looking and listening for us. They are people we can trust. They are ours. If we cannot trust the GAO to do the kind of job we want we are in terrible shape. They are beholden to no one but us. I would not be afraid to let them help make this decision. We hurt ourselves when we deny ourselves that opinion.

Mr. PROXMIRE. This impressed me more than any other quotation. General Betts is the head of Army Research and Development. Is that correct?

Mr. EAGLETON. The Senator is correct.

Mr. PROXMIRE. Is it true that General Betts said the problem is whether we put more into this vehicle than we require? The toughest question is whether we need everything that went into this tank.

Is it not true that this argument made by the most expert man we have in the Department of Defense in this area would suggest an investigation, a 6-month investigation by the General Accounting Office would be extremely helpful to us in resolving whether we should go ahead?

We have the Secretary of Defense, the people from the House Armed Services Committee, we have General Betts, all of whom raise very serious questions about this tank. Under these circumstances it seems to me logical that the amendment of the Senator from Missouri is sound, sensible, and necessary if we are going to really insist we know what we are doing when we authorize these large sums.

Mr. EAGLETON. We have not only General Betts, who is not certain what gadgetry should go into this, but we also have these other opinions. The GAO report would not only help us to decide but it might help General Betts. It would give him an analysis and help him decide as to the cost-effectiveness for some of these things, such as whether there is ventilation and whether they can close the lid on the Shillelagh, and all of these gadgetry items.

Not only do we have Representative RIVERS expressing misgivings, and the report linking it with the *Pueblo* and the TFX—and I am not trying to embarrass the distinguished Senator from Mississippi—but I go back to his statement, for when he presented this bill he said, "I have about lost patience with this situation," referring to the MBT–70.

We all know the Senator from Mississippi to be a patient man. Maybe he would like to have the report of the General Accounting Office to determine whether his patience has been warranted and justified or whether the continuing faith he has had in this program has been overextended.

Mr. PROXMIRE. Mr. President, will the Senator yield for one further point?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. Mr. President, I would like to say to the Senator from New Hampshire (Mr. COTTON) and the Senator from Mississippi (Mr. STENNIS) that I agree wholeheartedly with them that we should move this bill along as fast as we can. At the same time I feel very strongly it is imperative that we discuss this question in detail. I think Senators must agree that this debate has been a completely germane discussion. I have been around here a long time and I have heard a great deal of irrelevant, nongermane debate on many issues. In colloquy with the Senator from Missouri and other Senators, they have not been talking about irrelevant matters, even though it would be easy to tie other things in with this problem on tanks but, by and large, during the entire discussion, when other Senators were interrogating the Senator from Missouri, the subject has been germane and pertinent.

Mr. COTTON. Mr. President, in view of the fact that the Senator referred to the Senator from New Hampshire, will he yield to me?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. EAGLETON. I am pleased to yield to the Senator from New Hampshire.

Mr. COTTON. I wish to agree emphatically with the distinguished Senator from Wisconsin that the discussion to which we have been listening has been not only germane but also most enlightening and most helpful.

I wish to compliment the distinguished Senator from Missouri (Mr. EAGLETON) for the very able presentation he has made on an important subject, a subject on which he is well informed and about which he feels most deeply. I agree wholeheartedly that any point in this bill upon which the defense of this country depends should be explored and should be handled with care.

But, Mr. President, at some time, on my own time, I shall have a few observations to make and I would like to make them on my own time. They could not possibly take more than 8 minutes. I should like to inquire—and this is not in the way of being sarcastic—whether the distinguished Senator from Missouri could give us a general idea as to when the floor will again be open for Senators to address the Chair to seek recognition. Will it be 4 o'clock, 5 o'clock, 6 o'clock, or will it be on Monday? Or when?

Mr. EAGLETON. Relating to the pending amendment?

Mr. COTTON. I mean relating to the bill—again, this is not any reflection upon anyone.

Mr. EAGLETON. I understand.

Mr. COTTON. I am talking about the control of the floor by the Senator from Missouri. Does the Senator from Missouri have a general idea when he will be prepared to surrender the floor so that another Senator can seek recognition?

Mr. EAGLETON. I do not have a precise idea as to my time limitation. The Senator did indeed ask for a general idea of my limitation, but based on the fact that I have not yet given an opportunity today to yield to the distinguished cosponsor of the amendment, the Senator from Oregon (Mr. HATFIELD) who, I am sure, has some observations to make on this matter I cannot give him a precise idea. There are five other cosponsors, and I do not know whether any or all of them wish to speak. Besides, other Senators may wish to address themselves to the question and address me on the matter.

Mr. COTTON. May I say that under the rule—we all want to hear from every one of these Senators—but under the rule, they have no special privilege to address the Chair. Any Senator, when the floor is open, can address the Chair and if he is the first to address the Chair, he will be recognized and has a right to be heard.

The mere fact is, under the rule as I understand it, we cannot toss the ball from one cosponsor to another cosponsor, to another cosponsor and onto another cosponsor, and close the floor to Senators who have something to say.

The Senator from New Hampshire does have something to say and he would like to say it on his own time. I do not care whether it is 6 o'clock or 8 o'clock tonight, or whether it is Monday at 11 o'clock.

For the past 8 weeks, we have been talking about the ABM. Everything that could possibly be said about the ABM, pro and con, has been said not once, not twice, but 10 or even 15 times by every Senator on this floor.

If the Senator from Missouri will be patient for one moment longer, we have a tax bill coming up from the House. We are now in the month of August and talking about a recess next week. I do not expect that those who control the votes in the Senate are particularly solicitous about the present administration; but if Congress does not begin to get down to brass tacks—and I think the pending bill should be thoroughly explored—but if we do not get down to brass tacks, we will find ourselves here at Christmastime; and I feel great apprehension about that, because I do not believe that we can continue the first session of Congress simultaneously with the second session of Congress and draw double pay.

Personally, the Senator from New Hampshire wants to say right now that he does not believe the Senate has a right to recess at this time. I think that these matters that the Senator from Missouri and others are discussing, and other questions coming up on the pending bill, are of paramount importance. I do not want to see that discussion throttled. I also do not want to see it go into another marathon.

I want to say right here and now that if the Senate pursues its announced course of going home, or going somewhere else, next Wednesday night, or next Thursday, with this bill still in the midst of being considered and discussed, with the tax bill still to come, with appropriations bills way behind, and with the President going on the air tonight to talk about his major domestic program, I think that the people of this country are not going to feel that the Senate is doing its duty.

Mr. President, this is the speech I was going to make. The Senator from Missouri has been very kind. I have made my speech. Now the Senator can have the floor, so far as I am concerned, and I thank him very much for his courtesy.

Mr. EAGLETON. I thank the Senator from New Hampshire, with whom I am pleased to share a hall on the fourth floor. I am glad that the Senator from New Hampshire did have the opportunity to make his 8-minute talk, so he has not been delayed.

Let me say this: As he well pointed out, the subject of the ABM was before the Senate for 8 weeks. I quit counting a long time ago. However, I have been in this Chamber today for 3 hours and 15 minutes, which is infinitely less than the 8 weeks we discussed the ABM. I admit that this matter is of less moment than the ABM. I am not here to say that it is of the same significance as the ABM. However, it is a $55 million item, which I suppose is petty cash to the Pentagon. But, conceptually, in terms of future warfare—and we are planning for future warfare—I think it is very important, as it relates to the Schweiker amendment which the Senate adopted yesterday, for the GAO to help us. I strongly believe that it should. This will be a perfect test case for them.

So I, for one, if the Senate took 8 weeks to get to this hour, am not prepared in 3 hours and 15 minutes to stop consideration of the pending amendment. I do not know what the time price tag will be. I think it will be more than 3 hours.

Mr. COTTON. The Senator from New Hampshire was not reproaching the distinguished Senator from Missouri. The Senator from New Hampshire was not even insinuating that the Senator from Missouri was taking more time than he should. I was simply seeking to try to find out when I might be in the Chamber and have an opportunity to address the Chair to seek recognition. I think the 2 or 3 minutes that I used just now perhaps takes care of the situation, because I wanted to get my statement in, that I think we should stay here until this bill is disposed of, and not go home until it is disposed of.

Outside of that, I compliment the distinguished Senator from Missouri on his presentation, and that 8 weeks he referred to.

Mr. EAGLETON. I may well be subject to correction. It was an estimate. I think it was longer than that. I know it was a terribly long period of time, so long that I lost track.

I thank the Senator from New Hampshire.

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

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. Let me make it clear that my remarks are not addressed to the Senator from Missouri except to compliment him again on his very fine presentation here on the floor of the Senate. He is fulfilling an obligation to his sense of duty when he makes these explanations.

But I say to all Members of the Senate now, we all know this is an important bill. We want everything to be discussed freely and fully, but we all know it is a bill that must pass. It is not a question of having a bill or not having a bill. This bill must pass with something in it. I think we all want it to move along reasonably fast and with proper dispatch.

If there is going to be a disposition here for one Senator to just get the floor—the Senator from Missouri is entitled to all the time he has taken, and some more—or if there is going to be a disposition just to delay matters and not get to a vote, the Senator from Mississippi feels he has a duty to other Members of the Senate. I believe all Senators stand here on an even level. The floor is even here, as far as I am concerned, but, in legislative parlance and practice, the Senator who is handling the bill, as we use that term, has some obligation to other Members here to do what he can to push it along.

I do not ordinarily make a request when the leaders are absent—I am sure neither one would disagree, as far as I know; perhaps we could have a quorum call—but I would want them to propose or I will propose that on this amendment we have controlled time. We could have, say, 1 hour and a half to the side, or 2 hours to the side; and if that is not enough, 2½ hours to the side; and if that is not enough, 3 hours to the side. Then we will have some certainty, and then things will move along.

I think if we are just going to kill time, we ought to just come out and say so and let the public understand and let the membership understand so they can make other plans. But I do not want any Senator to agree to what he honestly thinks is too short a time.

I wish those in this Chamber will ask the majority and minority leaders to come to the Chamber, so we can get their advice and counsel after the Senator from Missouri has finished.

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

Mr. STENNIS. May I just finish? I am not trying to grab the floor. I told the Senator from Oregon this morning that if he wanted to follow the Senator from Missouri, I would not ask for the floor. But certainly the membership is entitled to some kind of statement from the committee that has passed on this measure. The membership is entitled to some kind of statement from us as to how it looks to those who had the responsibility of going into this subject and filing a report.

So I hope somewhere along the line I will have the chance in my own right, when I may have the floor, sometime this afternoon.

Mr. COTTON. Mr. President, will the Senator from Missouri yield so that I can ask the Senator from Mississippi a question?

Mr. EAGLETON. I am pleased to yield.

Mr. COTTON. I would like to ask the Senator from Mississippi—I know that he does not wish to assume the prerogatives of the leadership——

Mr. STENNIS. That is correct.

Mr. COTTON. But I would like to ask the Senator from Mississippi if he does not feel very strongly that the Senate ought to stay here until this bill is disposed of before we recess.

Mr. STENNIS. Mr. President, if the Senator will yield to me to respond——

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. I think we ought to drive hard to finish this bill, working day and night and Saturday, before there is any recess. I know many Senators have made plans for the recess, involving their families and their children, and I would bow to those plans; but if we are not going to try to finsh, I think we forfeit those considerations.

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

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

Mr. COTTON. Mr. President, will the Senator yield to me for one more question?

Mr. EAGLETON. Mr. President, I yield for the limited purpose of this interrogation, without giving up my right to the floor.

The PRESIDING OFFICER. The Chair wishes to inform the Senator from Missouri that he has a right to do that. The Chair made the observation he did for the benefit of other Senators who seem to be seeking the floor from the Senator from Mississippi.

The Senator from Missouri.

Mr. COTTON. Mr. President, I distinctly asked the Senator from Missouri to yield to me.

Mr. EAGLETON. I nodded and yielded. I was chatting with another Senator. It is my fault.

Mr. COTTON. The Senator from New Hampshire understands that many of us have plans. The Senator from New Hampshire has plans. It would be most unfortunate if those plans, which have been mentioned for many months now, should be frustrated. On the other hand, the Senator from Mississippi has been here a considerable length of time, and so has the Senator from New Hampshire, and human nature being what it is, if the Senator resolved to say to the people of the United States, "Here is a bill that must be taken care of for the defense of this country and we are going to stay here until we do it," I think it would be amazing how succinct and to the point the debate would suddenly become, and I think we would have adequate debate and we could dispose of this bill.

Mr. STENNIS. I thank the Senator for his suggestion. I am certainly willing to stay.

I thank the Senator for yielding.

Mr. EAGLETON. Mr. President, I may say to the Senator from Mississippi that perhaps within this hour I shall be in a position, after conferring with Senators who are interested parties in this amendment, to discuss some potential agreement. It is not my desire, nor certainly that of the Senator from Oregon (Mr. HATFIELD) or other Senators, to engage in foot-dragging, slow-down tactics.

Mr. STENNIS. If the procedure is going to continue on the pattern of yielding 5 or 10 or 15 minutes to various Senators, I am going to request to come in on that pattern for 12 or 15 minutes, for the committee.

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

Mr. EAGLETON. Mr. President, I have had a request from the Senator from Vermont. I am going to make a unanimous-consent request that I may yield 2 minutes to the Senator from Vermont (Mr. PROUTY) without giving up my right to the floor, on a matter apparently extraneous to that under debate.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object in this one instance—I believe that hereafter, unless the Senator from Missouri yields only for the limited purpose of a question, I shall be inclined to object. I have plans, as do other Senators, and I would like to get to a vote as soon as possible. I shall not object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Missouri? The Chair hears none, and the Senator from Vermont is recognized.

S. 2806—INTRODUCTION OF A BILL TO PROMOTE EQUAL EMPLOYMENT OPPORTUNITIES FOR AMERICAN WORKERS

Mr. PROUTY. Mr. President, on behalf of myself, the distinguished senior Senator from Pennsylvania (Mr. SCOTT), the distinguished junior Senator from Michigan (Mr. GRIFFIN), the distinguished junior Senator from Oklahoma (Mr. BELLMON), and the distinguished senior Senator from Pennsylvania (Mr. SCHWEIKER), I send to the desk a bill entitled the Equal Employment Opportunity Act of 1969 and ask that it be appropriately referred.

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

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

Mr. PROUTY. Mr. President, this is the administration's bill proposed by the President to amend title VII of the Civil Rights Act of 1964 pertaining to discrimination in employment by employers, labor organizations, and employment agencies.

Five years ago title VII of the Civil Rights Act of 1964 ordained a national commitment to eliminate discrimination in all aspects of employment. Unfortunately, as a result of compromises necessitated by political considerations, Congress did not see fit to provide realistic enforcement procedures to support title VII's guarantees.

This bill corrects that deficiency, and does so in a way that breaks new ground in the continuing development of American law. Under the President's proposal, the Equal Employment Opportunity Commission will continue to seek voluntary compliance with title VII but if conciliatory efforts prove unsuccessful, it may bring lawsuits against recalcitrant violators.

The main thrust of this bill, Mr. President, is to provide for the trial of cases in the U.S. district courts where the Equal Opportunity Commission has found reasonable cause to believe that a violation has occurred.

Traditionally, advocates of fair employment legislation have sought enforcement by regulatory agencies through administrative processes. This proposal preserves the most attractive features of that approach—expertise and independence from shifting political winds—while contemplating a vigorous policy of enforcement in the courts, where speedy redress can be obtained through due process. In addition, it has the advantage of being capable of easy accommodation within EEOC's existing structure.

Proceedings under this measure will be able to be commenced shortly after enactment. On the other hand, if we should instead enact legislation providing the EEOC with decisionmaking and enforcement authority through administrative processes, it will require 2 to 3 years of gearing up before results can begin to be realized, a further delay difficult to accept.

Under the administration's bill, Mr. President, charges of unlawful or discriminatory employment practices will continue to be filed with the EEOC. This agency will conduct investigations of these charges and, where the evidence establishes reasonable cause to believe a violation has occurred, the EEOC will attempt to conciliate the dispute as it does at present.

Should conciliation attempts fail, however, the EEOC will have complete freedom to file a complaint in an appropriate Federal district court, which will be the trial tribunal to hear the case on the merits.

Similarly, where the Commission dismisses a charge after investigation, the aggrieved person shall have the right to commence an action in Federal district court as he does under present law.

Decisions of the Federal district courts are appealable to the appropriate U.S. court of appeals and the U.S. Supreme Court in the usual manner, with one modification. This involves the situation where the EEOC loses a case in whole or in part in Federal district court litigation. In such circumstances, the Civil Rights Divison of the Justce Department, after receiving recommendations from the Commission, will decide which cases to appeal to the court of appeals.

The alternative proposal to the procedures in the administration's bill, Mr. President, is to provide for administrative litigation in the first instance before a Federal trial examiner subject to the provisions of the Administrative Procedures Act. The trial examiner's findings and recommended order would then be subject to review by the Commission with ultimate judicial review in the U.S. court of appeals either as the result of an enforcement proceeding brought by the EEOC or by a petition for review filed by any party to the proceeding.

I have previously taken the position that the Commission should have the same decisionmaking authorityt and authority to enforce its orders in the courts of appeals as do other independent Federal agencies such as the Federal Trade Commission and the National Labor Relations Board.

I have taken this position in the past, however, in the context of either granting the EEOC decisionmaking and enforcement powers or leaving the law in its present posture. This latter alternative is completely unacceptable, as both the law and the Commission need to be strengthened and given additional tools

with which to accomplish the objectives set by Congress.

The bill which I introduce today, Mr. President, does contain the teeth of enforcement which are so badly needed. Enforcement comes much more quickly here, from the Federal district court initially, than it would under an administrative hearing type of bill.

In this regard, the entire proceeding will probably be substantially shortened by direct appeal to the court of appeals from the trial in Federal district court, rather than following the more circuitous route of administrative hearing before a trial examiner whose findings and order are appealable to the Commission before access to the courts of appeals may be obtained.

Furthermore, as I review this bill, I find no way in which it will hinder or tie the hands of the EEOC in performing its duties.

Thus, the Commission is free upon its own determination to litigate any or all cases it desires to in Federal district court with no person or agency being given the right to veto or reverse such EEOC action.

Moreover, in the exercise of its own expertise in this particular area, the Commission may urge upon the courts any proposed remedies which it might have ordered in its own right if it retained decisionmaking authority.

The propriety in granting, modifying, or denying such remedies will finally be determined by the court of appeals, and possibly the Supreme Court, under this bill in the same manner as would be the case if the Commission were granted the authority to issue its own orders subject to court review.

There is also the question of whether this bill will result in a backlog of cases awaiting trial in Federal district courts. This is a matter we must study closely, but my present feeling is that it will not approach the backlog which would be faced by the Commission if it were required to review every litigated case in the country before enforcement in the courts of appeals could be sought.

Moreover, as Federal court precedents are established under this bill, I envision a substantial number of respondents complying with court decisions or entering into meaningful conciliation agreements with the Commission, rather than appealing, after they lose cases in Federal district court. Not to mention the increase in pretrial conciliations by respondents who would take their chances in drawn out administrative proceedings before a Federal trial examiner and the Commission, but who would hesitate to go to trial directly in Federal district court when the precedents are clear.

I want to note, however, that I reserve the right to offer amendments in our committee which in my judgment can make this piece of legislation stronger and even more effective in removing the blot of discrimination in hiring and employment practices and to insure true equality of opportunity for all qualified persons in seeking, obtaining and retaining employment in both the public and private sectors of our economy.

Mr. President, laws protecting human rights are as deserving of adequate implementation as any other declaration of national policy, and indeed, deserve priority. Congress has declared that certain discriminatory acts are unlawful and it is overdue in adding substance to its words. We must act now, to finally demonstrate that the law—all laws—apply to everyone equally, and that the comfortable as well as the disadvantaged are subject to its rule.

The bill (S. 2806) to further promote equal employment opportunities for American workers, introduced by Mr. PROUTY, for himself and other Senators, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2806

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

SEC. 2. Subsections (g) and (h) of Section 705 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e–4) are amended to read as follows:

"(g) The Commission shall have power . . . (6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under Section 706, or for the institution of a civil action by the Attorney General under Section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters."

"(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the Courts of Appeals of the United States pursuant to this Title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission."

SEC. 3. (a) Subsection (e) of Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5) is amended to read as follows:

"(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided,* that if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from the date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or further efforts of the Commission to obtain voluntary compliance."

(b) Subsections (f) through (k) of Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5) are redesignated as subsections (g) through (l) respectively, and the following new subsection is added:

"(f) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited."

(c) Subsection (h) of Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5), as redesignated by this section is amended to read as follows:

"(h) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice, the court may enjoin the respondent from engaging in such unlawful employment practice, and order affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of Section 704(a)."

Mr. SCOTT. Mr. President, I am pleased to join with the Senator from Vermont (Mr. PROUTY) as a sponsor of this bill entitled the Equal Employment Opportunity Act of 1969.

I believe that the introduction of this legislation and the ensuing consideration given to it will greatly strengthen title VII of the Civil Rights Act of 1964 pertaining to discrimination in employment by employers.

While I personally favor the cease-and-desist approach, this well-reasoned alternative is worthy of consideration.

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. EAGLETON. Mr. President, I yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, and with the permission of the distinguished Senator from Missouri, who has the floor, and without him losing his right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). 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. EAGLETON. Mr. President, I yield for interrogation to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I have some questions to ask of the Senator from Missouri. First, however, I would like to make one or two brief comments.

Mr. GRIFFIN. Regular order.

The PRESIDING OFFICER. The regular order is that the Senator from Missouri has the floor and has yielded to the Senator from Oregon for the purpose of asking questions.

Mr. HATFIELD. Mr. President, we were talking awhile ago about the questions that have been raised by various people as to the dependability of the research and the experiments we have had thus far on the tank.

I ask the Senator from Missouri if he has information which would support the reports we have read in the press about the growing concern of the Germans.

Mr. EAGLETON. Mr. President, may we have order? I am having difficulty hearing the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. The questions relate to the attitudes of our partners, the Germans. According to the chart, we started out with the idea that we would share the cost 50–50 of research and development. That now has shifted to about an 80 to 20 percent differential. We support 80 percent and the Germans support 20 percent.

I have some information here that was reported in the New York Times of October 9 and 10, 1967, to the effect that there has been growing concern on the part of our partner about the tank, and dates back to October 1967.

It says:

Some military experts here—

Meaning in the German capital of Bonn—

have raised some very serious questions about the continuation of the joint program.

So, as I restate the question, does the Senator have information concerning the attitude and the thinking on the part of our so-called partner?

Mr. EAGLETON. Mr. President, I have no really precise or quotable information. I have rumors and speculation. I have been casting about for some accurate information as to the posture of the Federal Republic of Germany as to their desire to continue even at the advantageous 80–20 formula that is now the rule rather than the original 50–50 formula that obtained at the inception.

Mr. HATFIELD. Mr. President, why was the formula shifted from 50–50 down to 20 percent for the German contribution and up to 80 percent for the American contribution?

Mr. EAGLETON. This gets into the realm of the imprecise, but the original production estimates for the MBT–70 were such that in 1963 and in 1968 the Germans were willing to go along on the 50–50 basis. However, when the production estimates accelerated and more tanks were to be produced, apparently they did not want to sink so much of their public treasury into the production of more tanks than they had anticipated. So they wanted to hold it to a certain limit.

I call to the attention of the Senator from Oregon a report with which I know he is very familiar since he was the chairman of the committee that prepared the report on military spending, dated July 2, 1969.

The report had a chapter, so to speak, on the main battle tank. It had chapters, I might add, on many other items which will be the subject of other amendments that will be before the Senate. It refers to bacteriological warfare, CBW, and also to a study made on the manned orbital laboratory. However, the Pentagon beat them to the punch and withdrew it before Congress could get to it.

Be that as it may, it had a chapter on the main battle tank, and I will read this small portion thereof, which relates directly to the question of the Senator from Oregon:

Under the latest agreement—

Meaning the agreement between the United States and the Federal Republic of Germany—

the United States and Germany split evenly the first $138 million—

That takes us to about 1968 on that chart—

with the cost above that to be prorated on the quantity of tanks purchased by each country.

Returning to what I said earlier, the Federal Republic of Germany apparently does not want to buy too many tanks, looking down the road. It is dubious as to why they want to buy any, based on what is now known about this item.

Mr. HATFIELD. I should like to ask a further question, also concerning the fundamental point of cost effectiveness and the involvements of our country along with Germany in the development of this tank.

When we talk about the cost effectiveness of a weapon which is developed by the Pentagon, supposedly the cost effectiveness is a criterion upon which we are to make judgment on whether we should move ahead or accept the proposals for such development. Can the Senator tell us what some of the components of that criterion might be? In other words, what is the definition of cost effectiveness as it relates to the MBT or any other weaponry, but particularly as it relates to the MBT. This knowledge would help us decide where we escalate, or where we move ahead, or where we cut off work on such a proposal?

Mr. EAGLETON. It is a very fine question, completely appropriate, and does not lend itself to a precise, computerized answer. There is no magical computer, totally self-sufficient, into which various indicia can be pumped and a "yea" or "nay" answer come out.

There is an element of subjectiveness in this cost-effectiveness business. As I gather it—and others who are more learned in this can certainly clarify any misconception I have—it goes something like this. No weapon system exists in a vacuum. No man is an island. Each weapon system or weapon interrelates with other systems and human beings who operate. But as costs escalate—in this instance, the enormous 500-plus percent on R. & D. alone, and now the per unit cost of the MBT–70 is between $520,000 and $750,000—you get to a breaking point, a point of no return, meaning that it is an imprudent and wasteful expenditure of public money to go ahead with it, because some other item, albeit another tank, an antitank weapon, aircraft, or what have you, can do the same job more cheaply. It is our information that, so far as the MBT–70 is concerned, it has just about reached the point of inefficiency, the point of no return, at which if it escalates much further, it is no longer cost effective; and other items, including the M60A1—anyway, the tank that we have now functioning and operational in Western Europe—and other configurations and other antitank weapons, including the Tow, the Dragon, and so forth, would better be able to do the job per dollar expended than would going ahead with the then expensive MBT–70, once it crosses that line.

Mr. HATFIELD. Would the cost effectiveness, then, be analogous to what we have as a cost-benefit ratio formula for the development of water and other such reclamation programs?

For example, we have in such programs the requirement to develop a cost-benefit ratio which often includes recreation benefits, flood control benefits, power benefits, wildlife, fisheries, conservation, and so forth. In the computation of these various components, a certain cost-benefit ratio develops to justify the building of the project. Would the cost-effectiveness ratio be analogous to this cost-benefit ratio, not only in terms of having the components that are cranked into this cost-effectiveness program in order to justify the building of such a tank in the original instance, but also that at times along the way, it could be reviewed and recomputed?

Mr. EAGLETON. Emphasizing the word "analogy," I think the analogy is indeed an apt one.

As the Senator knows, we have that in terms of some of our public works projects, perhaps all of them. The distinguished chairman of the Committee on Public Works is in the Chamber, and it is my pleasure to serve with him on that committee.

The Corps of Engineers, for example, studies a particular flood control project, from the standpoint of its conservation, water, power, and other criteria, and determines what the benefit-cost ratio is. If it meets the accepted criteria in terms of benefit-cost ratio, it can well meet with the approval of the Corps of Engineers and subsequently the Committee on Public Works and the entire Congress. If it falls short of that—despite the fact that it would be a desirable thing to have, despite the fact that people of a given area might like to have the dam and might like to have more water, despite the fact that the people might like to have more recreational facilities—if it does not reach this benefit-cost ratio, it is considered to be an imprudent and unwise expenditure of public money.

Thus, I think the analogy in the instant situation is apt. I do not fault, nor do I believe the Senator from Oregon faults, the right of people, whether they be in the Pentagon, on the floor of Congress, or in the ghetto, to dream. It is perfectly ethical, and it is a process of our orientation that we dream. We dream great dreams. Part of our trouble as human beings is that so often we leave those dreams unfulfilled and unmet.

So I quarrel not with the privilege of the Defense Department to dream up this tank when they dreamt it back in 1963.

In the words of the Senator from Mississippi, they dream an idea. They say, "We are going to build a tank," and they call in the contractors and say, "Go to it, boys. Build the greatest tank you fellows can guess might be made available." So then they dream and dream and dream and dream. Unfortunately, the dream gets more expensive. First it was an $80 million dream; then $183 million, then $303 million. Up and away. Then the point of the benefit-cost ratio is reached, such as in public works projects. In military projects, it is the cost-effectiveness. The luxury of dreaming is one that this country can ill afford at the very time there are those with unmet dreams, those whom the Senator from South Dakota (Mr. McGOVERN) has referred to as individuals who dream of a decent meal, those who are left behind in the war on poverty. We talk about jobs, we talk about schools, we talk about neighborhood corps, we talk about neighborhood centers, but we leave out a pretty important dream, the dream of being able to eat.

So if we let the Pentagon keep dreaming the eternal dream, in this manner, of preserving the MBT–70, there will be some people in Portland, in St. Louis, in New York, and in Chicago who are still going to have their dream unfulfilled.

We cannot do it all. Yes, there was a time—I said this earlier—when, with our enormous wealth, the urgencies and exigencies of the age were not nearly so heavily upon us, and we could afford the luxury of this kind of project. We could let the Pentagon fool around with it, change it. They could put the Shillelagh in or take the Shillelagh out. They could put the environmental control unit in the tank, or take it out. They could install dual firepower or not. We could afford that kind of dream in a bygone day. For better or for worse, but realistically, that day has gone, and the dreams of the military and the dreams of Congress have to be realistic, attainable, predictable, and fulfillable dreams, or we will not be doing what we must do in terms of the desires of other Senators with respect to our economy. They will be shortchanged.

It is not the $54 million for the prototype that will feed all the hungry people. The $54 million will not balance the budget, a budget which has long been out of balance. But it is symbolic. We cannot continue to condone a continuously haphazard, ill-performing weapons system that year after year is brought back to Congress. The Pentagon says, "Last year was a good year for us. We admit that, Members of Congress. The Shillelagh was not going too good. The Scavenger system is a little too goofy. We have not quite mastered the environmental control unit. We have 300 unused chassis sitting on a lot in Michigan and do not know what to do with them. Give us another year."

It has been that way since the beginning—1963—and has continued through 1964, 1965, and on until 1969. Not only patience, but human endurance is being exhausted. Still the gentlemen say, "One more year." It is like a broken record. We have had enough.

Although $54 million will not make us or break us, it is important in terms of what it symbolizes. We say at this time—when the needs are so heavy upon us—we are not going to fritter away another $54 million or 54 cents if we can help it.

Mr. HATFIELD. Are we to assume that each time we have seen an increment in the cost of this tank there has been a new cost-effectiveness study, or for that matter, as to the overall tank itself?

Mr. EAGLETON. Frankly, I must say to the Senator that I do not have the precise date when the last cost-effectiveness study was made by the Pentagon. I am not trying to play the old game of, "I know something you do not know." I have had a couple of classified briefings on this matter and I do not want to transgress because I am not as familiar in this area as many other Senators who have dealt with armed services-type matters for a long time. In order that I may stay on the side of conservatism, I will not directly answer the Senator's question. However, I will say what I have said again and again. It is my understanding that cost effectively, the MBT–70 is pretty close—and I shall leave it at that—to the point of no return in the sense of being imprudently cost effective.

I wish to add to and amplify the continued optimism of the Army in its presentation of this program year by year. Here is what General Burba stated in March of 1938, and that is about a year and a half ago. He was then in charge of the program. I believe General Betts is now in charge of the program. In March 1968 he said about this tank:

> Skeptics and advocates alike have been impressed with the smoothness which has characterizd the program's progress since its inception.

I do not know him. I know he is a fine career man. I think he has a bad ghost writer because as of March 1968 this project was floundering and it had been floundering from its first halting start. It is a dream, and it has floundered and stumbled since its inception.

I do not know how he could say in March 1968 that "smoothness which has characterized the program's progress since its inception". And then, when he takes over the Department of Defense, tells us the three millstones he inherited were the *Pueblo*, the TFX, and the BMT–70, the main battle tank. Is that not a delightful association? Here is a Secretary of Defense in 1969, after General Burba had said all is well, who said that his three millstones were the *Pueblo*, the TFX, and the MBT–70.

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

Mr. EAGLETON. I yield.

Mr. HATFIELD. What kind of judgment would we be making, if we could not base it on some sort of cost effectiveness? In other words, do we have enough data on cost effectiveness, or are we merely being asked to continue this project on the basis of these generalized remarks on the part of the gentlemen the Senator has quoted.

Mr. EAGLETON. To me it is entirely, and I will say exclusively, the latter. We are asked to buy another year in a long stream of years, with all these bugaboos and unworkable components. "Maybe we will make them better next time. Let it go a little longer, and so forth. It is a broken record upon which time has expired.

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

Mr. EAGLETON. I yield.

Mr. HATFIELD. We have the report before us. I am talking about the report No. 91–290 of the Armed Services Committee, in which the only reference I can find to this tank is a statement which is rather general. It appears on page 53:

> The committee also recommends a reduction of $14.9 million in the joint US/FRG main battle tank program. This program has been experiencing difficulty for some years and the committee now believes that a reorientation of the program is in order.

I would like to ask the distinguished Senator from Missouri if he knows what the Armed Services Committee means or what they have in mind when they talk about a "reorientation" of the program. Does not the committee action in itself confirm what the Senator has been saying today on the floor of the Senate about the questionability and the unreliability of the program thus far? Is not the Senator merely asking for a post-

ponement on this tank project until the GAO can make some sort of evaluation? It is not to vote the tank up or down. It asks Members of Congress to take a hard look at a project that has cost millions of dollars and which the Senator eloquently has stated has created doubt in the minds of generals in the Pentagon, the Secretary of Defense, our German partners who have been involved in this project, members of the Committee on Armed Services of the Senate, and the House Armed Services Committee. The Senator has quoted many sources that indicate grave doubt.

Is it not true that all this amendment asks is that we continue to look into this matter through another set of eyes, through a study by the GAO, and then make a determination on the future of this tank following that kind of report? We ask this rather than going pellmell down this pathway which has brought little in the way of results with the expenditure of millions of dollars.

Is that not what the Senator is asking us today?

Mr. EAGLETON. In summary, that is what I am asking through the medium of this amendment. I am not sure what the word "reorientation" means. I know not if it is a word of art in the military field, or whether it means other than it means in the nonmilitary area. But when the Armed Services Committee says, as I have quoted, that the committee now believes the reorientation program is in order, to me, as a nonmember of that committee, it means: Let us take a look at it. Knowing that those who have a greater knowledge of the history of this subject, as I say, still stumble and bumble along, and knowing that they want to take a look at it, bear in mind that the original request to the Pentagon for research and development on this item was $45 million. To be precise, it was $44.9 million. The Armed Services Committee cut it $14.9 million. So that means that the Armed Services Committee was about two-thirds as sold on it as was the Pentagon. The Pentagon wanted $45 million and the Armed Services Committee said, "We will give you $30 million."

Thus, in that frame of reference, in percentages, they are about two-thirds as happy with it as the Pentagon.

As to the Pentagon, I do not know who is happiest with it over there. I know that General Burba surely is. He says it is the smoothest thing since raw silk. He is happy with it. Secretary of Defense Laird is not happy with it. He said it was comparable to the *Pueblo* and the TFX.

Thus, I am asking for a reorientation. The Senator is correct on that, if I interpret that word correctly. I want someone to look at the program. The someone I want to look at it is the someone that the Senate yesterday declared by its vote on the Schweiker amendment should help us look into various armed services programs; namely, the General Accounting Office.

By a curious coincidence, today, I want to implement that amendment with my amendment. I want to implement it under a microscope, so to speak, and make it a laboratory case, as to whether what the Senate did yesterday on the Schweiker amendment was right and proper.

In my amendment, we ask the GAO to get us the report in 6 months. Knowing what I know, and what the GAO knows about tanks, since it has been working on them for the Stratton committee, if they can get that report to us much quicker, it will serve two purposes and will be well worth the time.

Purpose No. 1 will tell us something about the tank. It will tell us a lot more than we know now.

Purpose No. 2 will serve the commendable objective of proving whether the Schweiker amendment was prudent. Forty-seven Senators thought it was prudent, and 46, including some of the most knowledgeable members of the Armed Services Committee, disagreed. We will know in 2 months whether, by this laboratory case, if we can get the GAO to give us a report in substance, in efficient form, with expertise, with thoroughness, whether what the Senate did yesterday was correct.

Maybe it was wrong, because the Schweiker amendment was adopted by a razor-thin majority. If it was wrong, then perhaps someone will want to undo it. It can be undone in the House, in conference, or what have you.

Thus, what we are asking for in the amendment are two commendable purposes, at a time when time itself is not of the essence. The MBT–70 cannot be shrouded in the argument that engulfed the ABM system, and apparently successfully so, that we cannot wait, that the survival of America is on the line if we do not deploy the ABM and perhaps it will be too late if we do not do so, and we will lose 2 years. I am not going to repeat the 8 weeks' argument. The die has been cast. The votes have been counted. The ABM will be deployed in Montana and South Dakota. But, time is not of the essence in this case. No one has ever said it was. It began in 1963 as a vague idea. The Senator from Mississippi said himself that they took their time trying to put some facts into the idea and narrow it down—I am paraphrasing here, and if I go beyond what the Senator from Mississippi intended, he can correct me—but it was a vague, amorphous idea, indeed, but that it would get less and less vague, and more identifiable and become a more precise idea. So that time was never of the essence in this program. It could not be.

At the outset, they said they would have the tank with us, manned and running around, by 1969, I think it was. Here it is 1969, and there is no tank. It is anyone's guess whether it will be in the mid-1970's, or 1974, 1975, 1976 perhaps, when it will be produced.

Thus, I say to the Senator from Oregon that this has the dual, double-faceted, commendable purpose of being illustrative of the Schweiker amendment, and at the same time giving us illuminating information that we all so desperately need on this particular project.

Mr. HATFIELD. I have only one more question in sequence. Is the Senator from Missouri aware of what criteria the Armed Services Committee used in reducing the Pentagon's request by $14.9 million?

Mr. EAGLETON. I freely confess ignorance as to the precise rationale that the committee employed in making that reduction.

Mr. HATFIELD. So far as the phraseology is concerned of asking for a "reorientation" of the program, the Senator has no further data as to what they meant, or has the Senator discussed that with the Armed Services Committee members?

Mr. EAGLETON. No, sir; I have not.

Mr. GOLDWATER. Mr. President, will the Senator from Missouri yield for a question?

Mr. EAGLETON. I am pleased to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to ask the distinguished Senator from Missouri some questions relative to the language in his amendment that refers to the Comptroller General of the United States.

First, the Senator has referred very often to the amendment adopted yesterday by the Senate, as introduced by the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER). As I read that amendment, I see in it a charge that is in keeping with the general purpose of the GAO and the Comptroller General of the United States; namely, they are to report on contract items, the time they were entered into, subsequent estimates of cost completion, and the reason for any significant rise or decline in prior cost estimates. I do not see how that amendment compares with the language in the Senator's amendment which is now pending—if the Senator will give me his attention——

Mr. EAGLETON. I beg the Senator's pardon.

Mr. GOLDWATER. For example, on page 2 of the amendment, the Senator charges the Comptroller General of the United States, among other things to consider, first, why research and development cost estimates have had to be revised steadily upward since 1965. I will agree that that is a proper charge to give to the Comptroller General, but does not the Senator believe it is within the prerogative of the GAO to answer a question, for example, as in paragraph (2) whether the MBT–70, considering its revised estimated production costs will be the most effective weapon to meet the contingency for which was originally planned. Does the Senator feel that that would come under the proper function of the GAO?

Mr. EAGLETON. I think that the Senator from Arizona makes a valid point. I have today discussed it with the Senator from Wisconsin (Mr. PROXMIRE), who is not now in the Chamber, but who, in my judgment, is one of the Members of this body most knowledgeable on the GAO—not the only one, but he has had a great deal of contact with that agency, as a result of his chairmanship of the Joint Economic Committee. Although he is cosponsor of my amendment, I think he is a bit inclined to think that I have

stretched paragraph (2) as to the general capability of the GAO.

He told me this much—if I am at liberty to quote him on a hearsay basis—he said, "They will fight like hell not to try to give you a precise answer under No. 2; that they do not like doing this kind of evaluation." I will concede, perhaps, to the Senator, that I may have overdrawn a bit on subparagraph (2).

Mr. GOLDWATER. I am not trying to be picayunish about this.

Mr. EAGLETON. No. It is an important point.

Mr. GOLDWATER. Because I think we need more information about contracts, and so on; but I do not think the GAO is competent to tell whether it is the most effective weapon; or, going to paragraph (3), to answer 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 a result of advanced technology and new strategy.

Does the Senator feel that that comes within the proper purview of the GAO?

Mr. EAGLETON. That is getting a little closer to what the Senator from Wisconsin (Mr. PROXMIRE) says may be a shade overdrawn.

If I may interrupt—it is right on the point—I have in my hand a letter from the Comptroller General of the United States to me, dated July 9, 1969. The letter itself is not greatly revealing, but it is a cover letter transmitting to me a report from the GAO, two pages of which I already put in the RECORD earlier on this day. It is on the main battle tank. I do not pretend, nor does the GAO, that the two pages are an exhaustive analysis. It is a very brief summary of a very complex subject.

Let me read a part of page 2. The report starts by discussing the Sheridan and the M60A1E2. Then it goes to, "MBT–70 objectives." I found, and the Senator from Arizona especially will find, that it is not terribly sophisticated; it is cursory. It continues:

> The MBT–70, which is intended to replace the M60 and the M48 as the standard main battle tank, will be employed against armored formations and all other types of land warfare targets including infantry elements of a modern army.

Skipping to—

> MBT–70 commonality. The MBT–70 is designed to be armed with the Shillelagh missile and the 152mm combustible cartridge case ammunition common to the Sheridan and M60A1E2 tank—

Skipping the recitation of certain facts—

> However, the automatic loader is dependent upon the acceptability of the ammunition combustible cartridge case which will be discussed in detail subsequently.

I now come to the conclusion:

> Conclusion. Unless deficiencies in the combustible cartridge case ammunition are corrected, it is reasonable to assume that the MBT–70 will experience difficulties similar to those of the Sheridan and M60A1E2 tank.

That is not a terribly profound conclusion. The point I am trying to make is that the GAO is more than just a bookkeeper's office. It is more than an office where people take a bunch of figures, add up the assets, add up the liabilities, and strike a balance. It is composed of talented people who are analysts, who have the expertise and talents to go beyond the printed word, beyond the diagrams, beyond the schedules, beyond the figures, and to get into what we may call the area of substance and the area of theory.

What I am trying to do by my amendment is ask for the services which Mr. Mayo renders now for some of the same agencies, military as well as nonmilitary. I am willing to cut the period to 6 months. I am asking that office to give us the benefit of their talent, which I know they have, because of the magnificent work they did in assisting Representative STRATTON in his report. The GAO is mentioned particularly in that Stratton report, specifically page 11, which I may put in the RECORD later. But we have these talented people there, we have this questionable program, and I do not see where it hurts a soul or a cause or in any way jeopardizes us to use our people in that way.

Mr. GOLDWATER. The point I am trying to make in these questions is that the General Accounting Officer is not charged in any way with making strategic projections. They do not sit in the meetings when they are made. They have no way of knowing whether a weapon will become obsolete, because of projections, within 6 months or any time. In fact, the conclusion the Senator just read is the conclusion written by the Army on the weapon.

We do not say this is a perfect weapon. We recognize that there are problems. But what I am trying to get at is the General Accounting Office would want to duck from something like that; that they would want to stay with their purpose of accounting, looking into contracts, and so forth.

For example, going to paragraph (4) of the amendment, the GAO would have to answer the question of whether there are more feasible and less expensive alternatives to the development of the MBT–70. If the Senate adopts the amendment, we will be getting into the area of having another agency do the job that the Defense Department, the strategic planners, are charged with doing. Even though I know the GAO is a very competent group, and I have great respect for their judgments, I do not believe anyone in that group is equipped to make the kind of judgment the Senator asks that office to make, outside of what is contained in paragraph (1) on cost.

I am afraid there might be a constitutional question here, although I am not an expert enough to put my finger on it, of mixing up the duties charged to the executive branch and the legislative branch. I think there is a grave question there. Others better equipped than I can discuss it.

I do not think it is wise to let the GAO consider the question of effectiveness of weapons or whether they are obsolete in the strategic projections. I do not think the GAO is equipped to do it any more than the Joint Chiefs of Staff would be equipped to go in and run an audit on the Department of Health, Education, and Welfare.

The amendment is in no way comparable to the Schweiper amendment, which confined itself to money matters, contracts and so forth.

Mr. EAGLETON. I thank the Senator from Arizona. As I said in answer to the previous question, I think at least in terms of subparagraph (2), based on the wise advice of the Senator from Wisconsin (Mr. PROXMIRE), some of that language may be a bit overdrawn. It is quite possible that there could be some bit of redrafting of the latter part of it.

We had an exchange earlier today with the Senator from California, who is a former Comptroller of his State. I do not want to so narrowly circumscribe that which I am requiring the GAO to do that we would merely make them bookkeepers, insofar as what I would ask them to look into with reference to the MBT–70.

I am not here to expound upon the Schweiker amendment one way or the other. It has had its day in the court of the Senate. I am here to expound on the MBT–70 and how we can get the ultimate information, advice, counsel, consultation, and expertise that we have not had as of now in trying to make the "nitty-gritty" decision on a program that has stumbled along, as I have said, for 6 years.

So far as the MBT–70 is concerned, knowing the GAO has systems analysts, knowing they have some personnel who did the enormously successful work for the Stratton committee, which went way beyond bookkeeping and went into the question of effectiveness, comparing it with the Shillelagh——

Mr. GOLDWATER. If the Senator will yield, he will find that this information is available from the Army. Our committee knows of all these aspects The GAO or the Secretary of Transportation, if they want to, can call the Army and get a detailed description of everything that is wrong with the tank and the development of it. The Army has never said, to my knowledge, that it was a perfect and a perfected weapon.

The problem is that by this amendment we are setting up another agency to do precisely what is being done by the Joint Chiefs of Staff, strategic planning, and by the Senate Armed Services Committee and by the House Armed Services Committee.

I wish to recognize that the House of Representatives has made an exhaustive study of this question. The Senate committee has made a cursory study of the matter. But all of the material is available now from the Army. So I think we are getting into another situation where we are going to have too many cooks in the kitchen, and we are not going to get out of that kitchen what we would like to get, which is cost effectiveness, if that word still has any meaning, contract effectiveness, and so forth.

I think if the Senator would confine his charges to the GAO to those fields, he would be on very legitimate, safe grounds. But if I were the GAO myself,

I would have to try to duck anything like this, because I would not be equipped to do it.

Mr. EAGLETON. Well, as I have stated previously, the Senator from Wisconsin (Mr. PROXMIRE), who is an expert on the GAO function, doubts whether the GAO would be overly anxious to assume at least subparagraph (2), and perhaps it will have to be redrafted. I am ready to admit that.

The Senator from Arizona points out that maybe this would be a situation of too many cooks in the kitchen, therefore just making a muddle of the thing, and making a still greater muddle out of that which has been muddled pretty far already.

My answer to that, however inadequate, is that I do not know how anybody could make a greater muddle out of this MBT–70 program than has already been made. It has been badly confused thus far, and I think one further look at it will not muddle it up or confuse it any further.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. During the colloquy this afternoon, the Senator from Missouri has referred to a dream—the dream of this tank. Would it be improper to imply that perhaps that dream might have become a nightmare?

Mr. EAGLETON. That is a very apt observation. I may say to the Senator from West Virginia that in some instances, dreams turn out advantageously, and bear fruit; but others turn 180 degrees into a nightmare, and this is of the latter type.

Mr. RANDOLPH. And a dream can destroy as well as build?

Mr. EAGLETON. Yes. And a dream can not only destroy, a dream can divert our attention and our interest from other more profitable pursuits, even in tanks. That is, the development of the M60A1 accelerated the development of the antitank weapons, the Hawk, the Dragon, and the Tow, which have been downgraded in priority, and the like.

Mr. RANDOLPH. I thank the Senator from Missouri. While listening this afternoon, I have made an assessment of the efficacy of the amendment proposed by my colleague. I have followed the questions and answers and I am inclined to support the amendment of the Senator who has now very kindly yielded to me.

Mr. EAGLETON. I am very grateful for the flattering comments of the Senator from West Virginia.

Mr. MANSFIELD. Mr. President, will the Senator yield the floor to me for about 10 minutes, with the advice that within that time, or at the end of it, he will get it back?

Mr. EAGLETON. With that proviso, I am happy to yield to the majority leader.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from West Virginia.

THE FUNDING OF MASS TRANSPORTATION

Mr. RANDOLPH. Mr. President, the President of the United States has forwarded to Congress an important message on public transportation. The message quite appropriately focuses attention on the real problems facing the people and affecting the economy of our Nation. We must carefully consider the needs of our people for mobility and provide the transportation facilities which they require.

I have long realized, and have so stated, that highways alone cannot provide the transportation needs of the American people. This is true for the metropolitan centers, with their great populations, and to a lesser degree for the smaller cities and communities of the United States as well.

It was, I think, necessary that the President forward such a message because it does lay down, as it were, a platform on which this Congress can constructively legislate. I do not think, however, that the recommendation of the President will provide the tools to meet the transportation needs of the next generation.

Mr. President, in my 25 years in the House of Representatives and in the Senate, I have come to believe that we cannot expect that the Congress will appropriate out of general funds sufficient amounts of money with which to continue to strengthen the highway system of the United States, or the airport and airways systems. Funds for airways facilities have not been forthcoming and we are in an air safety crisis.

I am delighted that Senator WARREN MAGNUSON, the very knowledgeable chairman of the Senate Committee on Commerce is present on the floor at this time. I commend him and the members of his committee who have joined together in exploring in detail the possibility of a trust fund for airports and airways, such as we have had for highway transportation in this country. The highway trust fund has enabled us to develop our system of highways to serve the needs of interstate commerce and defense. As our road system has progressed we realize that, in part, we are meeting the transportation needs of the Nation.

The message of the President of the United States directs our attention to a third major form of transport in this country, mass transit. This third element must definitely be given attention.

While I am delighted the President has spoken out on the need for action, I do not believe that general funds financing will provide sufficient moneys to do the job. The uncertainties attached to such funding prevents them from being a proper source of money for either highway development, airport-airways development, or now, as proposed, for mass transit development. Experience has shown that there will never be funds appropriated in sufficient sums from general revenues to do the job which must be done, not so much for this generation as for the next generation.

Mr. President, of course, the members of the Banking and Currency Committee and the members of other committees are more familiar, than I, as to the level of the authorization which should be provided, it is my impression, however, that the amount suggested by the President of the United States and the administration to finance the public transportation program is inadequate.

I close by saying, Mr. President, that I join the mayors of the cities of the United States who have expressed themselves on this matter, and I join with the able Secretary of the Department of Transportation, John Volpe, in believing that a trust fund is the proper way to approach mass transit. I believe it is the proper way to approach the airport-airways problem, and has been proven to be the proper way to finance the building of 42,500 miles of interstate highways in this country.

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

Mr. RANDOLPH. I yield to my distinguished friend from Georgia.

Mr. RUSSELL. Mr. President, I am tremendously interested in what the Senator is saying, because I have been subjected to some agitation to have a trust fund for the purposes he has enumerated. It so happens that urban transportation, mass transit, is one of the few programs advanced by the Great Society that I supported, because to me it is inevitable that we have got to do something to help the cities. Since all these people have been brought into several communities of the Nation, steps must be taken to help them carry on a normal existence there.

I just wonder where the Senator proposes to get the money for the trust fund.

Mr. RANDOLPH. Mr. President, this is a pointed question, and I will make what, at least from my standpoint, is an adequate answer. We poured money into the highway trust fund from user taxes.

Mr. RUSSELL. Absolutely, and that is different. The trust funds for the highways are derived from the people who use the highways.

Mr. RANDOLPH. And they are committed to a specific form of transportation.

Mr. RUSSELL. The Senator is correct. How does the Senator propose to get the trust funds for the mass transit problem?

Mr. RANDOLPH. From user charges, as we are going to get it from the users of the airlines, from the airline tickets and the charges that come from those who ship or travel.

I do not say that we will get the full amount. It will need to be supplemented. However, we will get a basic amount based on user charges. This amount will come from the people using mass transportation—those persons who benefit. In Iowa, Kansas, and many other States, there will be no need for mass transit financing. Funding should be derived from user charges, basically in the metropolitan areas of the country where the facilities will be located and used.

Mr. RUSSELL. What will be the nature of the user charges? For example, to improve the facilities for transportation within a city, would we levy a tax on the vehicles operating within that city, or just how would we raise the funds? Where would we levy it?

Mr. RANDOLPH. We would levy it

upon the shipper to a degree. Of course, the shipper in some areas would not be greatly affected. Shippers in the metropolitan areas would be subjected to user charges.

Mr. RUSSELL. I can understand how we can set up a trust fund for the highways and for the airways. However, that would be a specific use fund in the nature of a tax that would go into a sequestered fund, a trust fund for that purpose.

Mr. RANDOLPH. And it would be committed to a specific facility.

Mr. RUSSELL. I would be very happy to support such a move, but I have not yet been able, in my own mind, to generate an idea for getting funds to the extent of the large amount of money needed for mass transit into a trust fund.

I do not know how to do it other than to get the people to come to Congress for it and it seems that the people who advance the fund object to coming to Congress for the money.

Mr. RANDOLPH. I do not believe that Congress will provide funds sufficient to do the job, just as they have not done it for the airways or for the highway program. However, I think there can be en equitable and workable user charge in different categories, generating a considerable amount of the necessary funding, supplemented with appropriations from the different political subdivisions involved.

For example, in Boston, with the mass transit program, there would be perhaps a relationship of its value with the Boston environs.

Richard Buck of the Massachusetts Bay Transportation Authority is cognizant of the problems existing there. He believes that the trust fund concept would provide the necessary financing for this important project, supplemented perhaps, initially from Federal, State or/and local revenue sources.

Mr. RUSSELL. Mr. President, I appreciate the fact that the Senator has made his statement, because any interest that is generated in the matter that causes a lot of discussion will be profitable in arriving at some solution.

I will await with interest the modus operandi of raising a trust fund in the amount of anything like the billions upon billions that the proponents of the program desire from the user tax. I think it will get very onerous on someone, and someone will have to come to Congress in the end.

Mr. RANDOLPH. Mr. President, I will make a quick response and not discuss the matter further.

The distinguished Senator from Georgia, the President pro tempore of the Senate, brings to the discussion very valid statements. This concerns me. Do not misunderstand. I do not blithly lay it aside. However, I feel that basically a fund must be established through user charges—supplemented by other revenue sources—as I say, coming from the different political subdivisions, within the great metropolitan areas.

Mr. RUSSELL. Mr. President, I am glad it will not be the responsibility of the Senator from Georgia to originate the user charges and raise money in the sums that have been mentioned.

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

Mr. RANDOLPH. I yield.

Mr. MAGNUSON. Mr. President, the whole theory of Federal support for mass transit is actually to aid the cities in supplementing the money they would collect from fares charged on their transit systems.

Mr. RANDOLPH. The Senator is correct.

Mr. MAGNUSON. And we had a provision—the Senator from Georgia knows this well—for many years that the cities could not raise subsidized fares by using Federal grants.

The trust fund in this case would be established from a portion of the fares that people pay to ride a subway or a good mass transit system.

Mr. RANDOLPH. That is why I mentioned the user tax.

Mr. MAGNUSON. The Senator is correct. I think the President did point out, as did Secretary Volpe, that we can raise fares sufficiently to provide the initial revenue for a trust fund. This would be in a supplemental way, of course. What would be raised would be a trust fund of sorts, in effect an authorization of Congress that x number of dollars each year would go for mass transit planning and development.

The problem of mass transit funding from Federal sources is that 1 year is a feast, and the next year is a famine. The money we are talking about is for planning, as well as for system development. The great bulk of this money will come from fares.

I agree with the Senator from West Virginia. We find that where good service is furnished, people do not complain about the fares. It is where the service has been bad, where planning has not been adequate, where the equipment is unreliable or unpleasant, that mass transit systems are not doing the job and are losing money.

This planning and development has to be done in every city, and when proper planning has made the systems efficient, the fares will be acceptable. However, as the Senator pointed out in the beginning, it is bound to be a combination of both Federal and local financing that succeeds, and a bond issue by cities for their transportation systems will be helpful, where this is possible.

In most cities today, the fares collected in mass transit just about pay for the operating expenses of obsolete systems. Once we modernize these systems, which will take billions of dollars, I think we will find that fares will meet more of the costs, and that we will be able to meet the financial needs of mass transit systems more or less completely with the user charges.

Mr. RANDOLPH. Mr. President, I felt so. However, certainly the Senator raises a good point.

Mr. RUSSELL. Mr. President, I foresee one of the most complicated problems ever presented in the Senate.

The Senator from Washington talked about the fares going into the fund. But what does the Senator propose to do in the areas in which the transit system is privately owned; and we have that situation in many cities.

Mr. RANDOLPH. That is not true in too many cities now.

Mr. RUSSELL. I do not mean in the case of the subways. Of course, the private owners have all given up the ghost long since, and the cities have had to subsidize them for years. However, other cities are just as interested in mass transit. They have bus systems and things of that kind.

In Washington, we have a problem of transportation and we have a privately owned transportation system at the present time. The same situation exists in Atlanta. I am greatly interested in that situation.

I have not read the President's message. He may answer a great many of the questions that are in my mind.

Mr. MAGNUSON. The President does not answer anything. He says, "we are going to do something about mass transit, and it is going to cost this amount of money."

Mr. RUSSELL. But when it gets down to writing the bill, there will be a million and one questions that will arise with regard to the matter.

Mr. MAGNUSON. The Senator is certainly correct on that.

Mr. RANDOLPH. Mr. President, I thank the able Senator from Georgia and the able Senator from Washington for discussing the very real problems involved in this important matter.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a 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. I ask unanimous consent for the present consideration of the report.

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

The legislative clerk read the report. (For conference report, see House proceedings of August 5, 1969, pp. 22241–22242, CONGRESSIONAL RECORD.)

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

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the conference report of the House, which acted first, be printed at this point in the RECORD for the benefit of the Senate.

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

CONFERENCE REPORT (H. REPT. No. 91–426)

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, having met, after full and free conference,

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Federal Aviation Act of 1958, as amended, is further amended as follows:

"(1) Section 407(b) (49 U.S.C. 1377(b)) is amended by adding the following additional sentence: 'Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof.'

"(2) Section 408 (49 U.S.C. 1378) is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"'(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided*, That the Board may by order exempt any such acquisition of a noncertificated air carrier from this requirement to the extent and for such periods as may be in the public interest;'.

"(3)(A) Section 408 is further amended by adding the following new subsection 408(f):

"'PRESUMPTION OF CONTROL

"'(f) For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.'

"(B) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading 'Sec. 408. Consolidation, merger, and acquisition of control.' is amended by adding at the end thereof the following: '(f) Presumption of control.'

"SEC. 2. The amendments made by this Act shall take effect as of August 5, 1969."

And the House agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
WINSTON L. PROUTY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on 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, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which is a substitute for both the text of the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed to in conference are noted below, except for technical, clerical, and conforming changes made necessary by reason of the agreement reached by the conferees.

References to provisions of existing law refer to the provisions of the Federal Aviation Act of 1958.

CIVIL AERONAUTICS BOARD EXEMPTION AUTHORITY AND BOARD PROCEDURES

The Senate bill contained two related provisions. One amended section 408(a)(5) of existing law to provide that the Civil Aeronautics Board could, by order, exempt any acquisition from the requirement of prior Board approval to the extent and for such periods as may be in the public interest. The other amended section 408(b) of existing law to permit the Board to establish such expedited procedures (other than evidentiary hearings) as it deemed appropriate in those cases where Board approval was required only by reason of section 408(a)(5) of existing law.

The House amendment limited the authority of the Board to exempt acquisitions from prior Board approval to acquisitions of noncertificated air carriers (such as air taxis and airfreight forwarders). The House amendment did not authorize the Board to prescribe expedited procedures and dispense with an evidentiary hearing in any case of an acquisition where prior Board approval would be required.

The substitute agreed to in conference follows the House version. The committee of conference felt that the exemption authority of the Board with respect to noncertificated carriers eliminated the possibility that the Board would be overburdened with hearings on acquisitions of control. In the case of certificated carriers, particularly the smaller supplementals, the committee of conference expects the Board to process any acquisition proceedings with all due speed.

ATTORNEY GENERAL

The House amendment amended section 408(b) of existing law to require the Board to notify the Attorney General of the time and place of a public hearing on approval of acquisitions and other transactions already within the purview of section 408(a), and also to require the Board to determine that the Attorney General was not requesting a hearing before it could approve certain acquisitions without a public hearing. The Senate bill contained no comparable provisions.

The substitute agreed to in conference omits the House provisions relating to the Attorney General. The committee of conference was informed that, under existing practice, there is no lack of communication between the Board and the Attorney General as to Board action on proposed transactions affecting control of air carriers. The committee of conference expects routine and prompt contact between the Board and the Attorney General to continue. Moreover, the Attorney General would no doubt be included, as to notice, under existing law as in the group of "other persons known to have a substantial interest in the proceeding." Therefore, the conferees agreed that, in view of the statements in both the House and Senate reports on this legislation that there was no intent to add to or detract from the Attorney General's authority under the antitrust laws, it would be better to omit the House provisions.

PRESUMPTION OF CONTROL

The Senate bill created a presumption of control on the part of any person owning beneficially 10 percent or more of the voting securities or capital of any air carrier, and defined beneficial ownership of 10 percent of the voting securities to mean ownership of such amount of the carrier's outstanding voting securities as entitles the holder to cast 10 percent of the total number of votes which the holders of all outstanding voting securities are entitled to cast.

The House amendment created a presumption of control on the part of any person owning beneficially 10 percent or more of any class of the capital stock or capital of an air carrier.

The substitute agreed to in conference follows the Senate version. The managers on the part of the House agreed to the Senate language which had been worked out in conjunction with the Securities and Exchange Commission and the Civil Aeronautics Board.

EFFECTIVE DATE

The Senate bill had a retroactive effective date of March 7, 1969, but provided that no criminal penalties shall be applicable to anyone who acquired control of an air carrier between that date and the date of enactment of the Senate bill.

The House amendment provided that it take effect on the date of its enactment.

The substitute agreed to in conference provides that the amendments to existing law will take effect as of August 5, 1969, the date of the conference agreement. The language relating to retroactive criminal penalties was omitted as unnecessary.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The conference report was agreed to.

THE McNAMARA LEGACY

Mr. GOLDWATER. Mr. President, it is my purpose today to discuss in a general way many of the subjects that have been raised about this Nation's Defense Establishment and military preparedness during the prolonged debate on this Military Procurement Authorization.

Now that the issue of the ABM is temporarily out of the way, I believe it is time to place into a little better perspective many of the complaints about improvident military expenditures as well as the overall charges of gross waste and inefficiency in the Defense Department.

I believe it is well known in this body that I am a retired major general in the U.S. Air Force Reserve, that I am now, and have been in previous sessions, a member of the Senate Armed Services Committee, and that I have a great pride in and an admiration for the men and the record of our military services.

It is not my intention to here claim that because of this pride and admiration I am ready to blanket the entire Defense Establishment of this Government with a covering of total competence and efficiency. Because of my interest over a long period of years, I believe I am perhaps better able than many Members of Congress to understand the tremendous

complexities as well as the frailties and deficiencies of our military system and especially that part of it which is charged with the procurement of new weapons systems and items of military hardware.

Waste and inefficiency? Yes. Without a doubt there is an enormous amount of waste and inefficiency, not only in the Department of Defense with its multibillion-dollar budget, but throughout the entire Federal Government with its hundreds of departments, bureaus, commissions, boards, and agencies. Because of the enormous size and the incredibly complex nature of today's sophisticated weaponry, it is only natural that the largest percentage of waste and overlapping should be found in the Pentagon.

In this connection I have repeatedly expressed my appreciation for the thoroughgoing and exhaustive job of investigation performed by my colleague, the Senator from Wisconsin (Mr. PROXMIRE), and his Joint Subcommittee on Government Economy. I can find it in my heart, however, to fault the Senator from Wisconsin on a couple of grounds, the most important of which has to do with the fact that this very needful task was not undertaken years earlier.

I could possibly object also to the selectivity of the subcommittee's operations in that they seem to be concentrated solely on one department of our sprawling National Government. However, I shall forgo this objection in the earnest hope that Senator PROXMIRE and his subcommittee will next turn their attention to the waste and inefficiency which runs rampant through some of the nondefense departments of our Government. I would hope that he would look with particular emphasis into the multibillion-dollar expenditures of the Department of Health, Education, and Welfare.

As I stated earlier, my main complaint, as an interested Member of the Senate who has been away for 4 years, is that this inquiry into abuses in the Defense Department was so late in coming. I say that because long before I left this body to become the Republican nominee for President, the fact was well established that some things were radically and expensively wrong in the Department of Defense and especially in the Department's procurement procedures—procedures, for example, which enabled a former Secretary of Defense to overrule his Department's evaluation boards and military experts to award a multibillion-dollar contract for the TFX fighter-bomber plane to the highest bidder. As I have pointed out previously, that fiasco alone should have brought about a thorough-going examination of the Defense Department's handling of billions of dollars of the taxpayers' hard-earned money.

Had a proper investigation, such as Senator PROXMIRE has recently been engaged in, been undertaken at the time of the TFX controversy, I believe we could have saved the taxpayers many billions of dollars before such items as the ABM were even proposed.

I note that in Senator PROXMIRE's remarks on the Senate floor on July 29 that he does acknowledge the point I have just raised. He said:

> The unhappy fact is, however, that while inefficiency and military policies are being questioned today, they have been allowed to develop in the past without serious challenge from those outside the military establishment.
>
> A number of factors have enabled the military planners and the military spenders to claim their inordinate share of the public purse.

Thus, while the good Senator from Wisconsin acknowledges in one paragraph that the policies of waste and inefficiency which he is today exposing were allowed to develop in the past, in the next paragraph he leaves the impression—and I believe unintentionally—that these policies were the work of military men rather than civilians. But they were not. The fact is that the military planners and the military spenders, for 8 long, expensive years were former Secretary McNamara and his cadre of computer "whiz kids."

Mr. President, I do not wish to unnecessarily dwell on the tremendous multibillion-dollar debt of waste and inefficiency in defense procurement which we owe to former Secretary McNamara. But so long as some critics are indulging in an orgy of protest against any and all things related to the defense of this Nation and the defense of the free world, I, for one, would like to have it known and made crystal clear in the RECORD that the major architect of the things about which the liberals in this country are now ranting was one of their very own.

What I am stating here is that the man who caused all this money to be spent was a political liberal by his own definition and by his own announcements. What is more, I think it is important to recall that the badge of membership in the elite corps of the New Frontier's liberal disarmament advocates was pinned on former Secretary McNamara by none other than Harvard's own Arthur M. Schlesinger, Jr.

Let me explain what I mean. As will be recalled, Mr. Schlesinger was a braintruster and speech writer for the late President John F. Kennedy who wrote in great detail about his experiences at the White House and in the Kennedy administration in a book entitled "A Thousand Days," which was published in 1965. In his book, Mr. Schlesinger gives this first-hand observation of the former Secretary of Defense:

> Next to the President, McNamara . . . probably did more than anyone else to sustain the disarmament drive. With his sense of the horror of nuclear conflict, his understanding of the adequacy of existing stockpiles, his fear of nuclear proliferation, his analytic command of the weapons problem and his managerial instinct to do something about an irrational situation, he forever sought new ways of controlling the arms race.

Mr. President, I find it nothing short of fascinating that we have here a situation whereby an assault on the Defense Establishment is being fueled by the excesses of a former Secretary of Defense who is described by his own friend as a man dedicated to disarmament as a policy. I find it interesting, too, that Mr. McNamara now—after all the damage has been done, after the hundreds of millions of dollars for the TFX, F–111 have gone down the drain, after one weapon system after another has been abolished, after we have been left with an inadequate nuclear powered Navy and an Air Force which has no carry-on manned bomber—that after all this, Mr. McNamara explained the waste and inefficiency which took place under his regime as the fault of the U.S. Congress.

Mr. McNamara could not find the time to testify before the Proxmire subcommittee because of his busy schedule in his present post as President of the World Bank. However, he was not too busy to grant an interview to a newspaper reporter from Boston. As a result of the interview, former Secretary McNamara is quoted as having said that he spent much of his time as Secretary of Defense in—and I use his exact words—"fighting a Congress that wanted to spend too much on useless military projects."

Mr. McNamara, at another point in the interview, was quoted as saying "any number of times I was ordered to begin work on a project which was totally wasteful."

Mr. President, when these remarks appeared in the newspapers, I wrote to Subcommittee Chairman PROXMIRE calling the quotes to his attention and suggesting that it had become even more imperative that Mr. McNamara be asked to testify in the defense spending investigation and to explain precisely what he was forced to do by the Members of this body and our colleagues in the House.

Of course, things may have been different during the 4 years I was away; however, I do not recall any instances of the Congress twisting Secretary McNamara's arm and forcing him to spend money on useless projects. As it turned out, I am sure we all can agree that the TFX probably heads any and all lists that might be compiled on useless projects in the Department of Defense. But the arm twisting in this instance was all done by Mr. McNamara. It will be recalled that the TFX had its very beginning in the highly vaunted concept of "commonality" which was one of Mr. McNamara's prize innovations. From that point on, all the major decisions having to do with the TFX were apparently the work of Secretary McNamara and his immediate assistants in the Defense Department.

These points have not been contradicted or denied by the present critics of defense spending, such as Senator PROXMIRE. For example, in his July 29 remarks Senator PROXMIRE made reference to trouble encountered by the Joint Economic Committee in attempting to obtain an analysis of the defense budget and added "and frankly, this does apply to the previous administration."

This, Mr. President, is one of the few places where I have been able to find acknowledgment of the fact that the things which are being complained about in connection with the military procurement authorization did not occur in the present administration under the leadership of Secretary Laird.

As I say, the critics of military spending have not denied the responsibility which is owned by former Secretary

McNamara. But by the same token, it is not a matter that they very often make clear. Consequently, it has been my intention here today to clear up some of the confusion and set the record straight.

Thousands of words have been printed in the RECORD and many thousands more have been printed in newspapers and magazines throughout the country since the beginning of the year—and all of them related directly to the high cost of waste and inefficiency and favoritism and cost-overruns in the Department of Defense. I merely want the record to show that these words are a sad and dangerous monument to previous national administrations and especially to the liberal hero, Robert S. McNamara.

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

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. Mr. President, unfortunately, I was not in the Chamber when the Senator was making his address. I have just returned. I understood the Senator from Arizona to say we had not invited former Secretary McNamara to appear before our committee. Is that correct?

Mr. GOLDWATER. No; I did not say the Senator did not invite him. I called attention to the fact that he could not appear. I gave the Senator full credit for the good job he is doing. I said I hope he would equally and as thoroughly go into HEW and some domestic problems, which I know he intends to do.

I know that on reading the RECORD the Senator will find that this Republican Senator has been very kind.

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, if I may have the attention of the distinguished Senator from Missouri (Mr. EAGLETON), the distinguished Senator from Oregon (Mr. HATFIELD), and the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), who is the manager of the bill, I would like most respectfully to suggest to my colleagues, the Senators from Missouri and Oregon, to consider the possibility of withdrawing the amendment now pending, with the proviso that if the action contemplated does not take place before the third reading of the bill they would be in a position to again reoffer the pending amendment.

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

Mr. MANSFIELD. I yield. The Senator may have the floor.

Mr. STENNIS. Mr. President, and Members of the Senate, the sponsors of the amendment have urged greatly their need for an additional study covering certain points I will hereafter outline. We have had an around-the-table gentleman's understanding that the committee will ask the General Accounting Office for a study on these two points that I shall enumerate. If that study is made available before this bill leaves the floor of the Senate on final passage, then the committee will pass on the contents of the study. It is to be a study and not just a recommendation. It is to be a study on the points that I shall enumerate.

If the Committee on Armed Services still recommends that the funds be included in the bill as they are now, then this amendment will be withdrawn altogether and the funds will remain in the bill.

I am speaking to the sponsors of the amendment, the junior Senator from Missouri (Mr. EAGLETON) and the senior Senator from Oregon (Mr. HATFIELD). Do the Senators have others with them on this matter? I wish to ask the Senator from Missouri whether these two Senators, the Senator from Missouri and the Senator from Oregon, feel they represent others that have a special interest in this matter.

Mr. EAGLETON. The Senator is correct. There are five other cosponsors of the amendment, but I am permitted to represent them along with the Senator from Oregon (Mr. HATFIELD).

Mr. STENNIS. I wish to ask the Senator from Oregon (Mr. HATFIELD), if he feels that way, that he can speak for them under this arrangement, which is temporary.

Mr. HATFIELD. I think I can speak for the others.

Mr. STENNIS. I thank the Senator.

Mr. President, continuing with the next point, if this study for any reason is not available when the bill reaches final passage or near thereto, then the sponsors will be free, under this agreement, to recall their amendment or reassert the amendment and push for its adoption. That is all, except those two main points in the letter to the General Accounting Office.

Mr. President, and Members of the Senate, this report would be available for Members of the Senate and not just the Committee on Armed Services, but our committee would pass on it.

The first point this study would cover is why research and development cost estimates have had to be revised steadily upward since 1965; and, second, what other feasible alternatives to the development of the MBT–70 there are, if any, and the cost feasibility of each.

I judge that the last item is a kind of guideline the Senators mentioned want the opinion on.

This is a legislative matter now and continues to be a legislative matter and the Committee on Armed Services could, of course, confer with the Secretary of Defense or anyone else that it saw fit in considering this matter.

I hope I have stated the matter correctly.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I wish to say that I thoroughly approve what the distinguished Senator has advocated and stated. I think it fits in with the spirit of the amendment which is now pending, and I would hope that this matter could be adjudicated and settled on this basis.

Mr. STENNIS. I have just one word more. I have conferred with as many members of the Committee on Armed Services as I could, under the circumstances. I think we are all in substantial agreement on this proposal. Other proposals were respectfully declined.

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

Mr. STENNIS. I yield.

Mr. DIRKSEN. As I understand, this arrangement is pursuant to the colloquy we had in the Marble Room earlier this afternoon, and the Senator has outlined it pretty much in the same fashion.

Mr. STENNIS. Yes. It does not go as far as our discussion went, but the basis is the same, and no harmful precedent has been set, as I see it.

Mr. DIRKSEN. I am content to concur if the amendment is withdrawn.

Mr. STENNIS. I think Senators should have a chance to express themselves. I yield now to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I should like to reiterate, as one of the sponsors of the amendment, what the distinguished Senator from Montana and the distinguished Senator from Mississippi have outlined as the agreement.

It ought to be pointed out that in the amendment as we presented it, we were asking for the elimination of approximately $54 million from both the item of research and development and the item of prototype production. In withdrawing the amendment at this time, we then agreed to the specific proposal for a letter requesting a study which is embodied, basically, in subsection (1) on page 2, an additional subsection, which has been agreed to, and alternatives to the tank and other weapons, and that upon the receipt of that particular report, provided it is received before the final passage, the committee will make an evaluation of the report, and that Senators who are not members of the committee will also have access to the same report. If the report is not received before the final passage of the bill, we will then have the privilege of reasserting our amendment without prejudice.

I believe, further, so far as our discussion is concerned, that if the report is not decisive—let us say it is a report that can be interpreted pro- or anti-tank—Senators of like mind with the Senator from Missouri (Mr. EAGLETON) and myself will not be foreclosed from proposing an amendment to the appropriation bill which will come later; but that that bridge will not be crossed until we come to it.

Of course, I am only indicating this as a part of the background of our discussion. It is our hope that the report will be decisive, so that we can all agree to it; and if it is negative, we hope that we will then be able to reach some agreement as to what our next action should be; but it would not prejudice any of the sponsors of the amendment from taking future action on the appropriation bill. But it will not prejudice any of the sponsors of the amendment from taking future action as it relates to the appropriation bill; is that not correct?

Mr. STENNIS. Yes. The Senator is correct in all his statements, as I understand him. We will not undertake to bind—and should not—the Appropriations Committee. It is clear, though, that whatever the study reveals, or whatever the report is, so far as the bill now pending is concerned, the decision of the Armed Services Committee on it will be final, so far as the sponsors of the amendment are concerned. Is that correct?

Mr. HATFIELD. That is correct. Actually, that is all the amendment proposes to do, to ask for and receive a report. It did not attempt to precommit any Senators as to what that action would be following the report. I would accept the agreement as outlined, and I thank the Senator from Mississippi and the Senator from Montana for their assistance in this agreement.

Mrs. SMITH. Mr. President——

Mr. STENNIS. Let me say this. I have mentioned the two sponsors. I conferred with the Senator from Maine and I yield to her.

Mrs. SMITH. Mr. President, I did not hear all that the chairman of the Armed Services Committee said with respect to the agreement that was made. While I sat in on the discussions, does the plan agreed upon set the pattern for all other amendments or any other amendments to the bill?

Mr. STENNIS. Not at all, I say to the Senator from Maine. This I read from was the conference that we had in the Marble Room, with the Senator from Maine, the Senator from California, and the Senator from Wisconsin. This is the exact language that I used, otherwise I would have come to the Senator from Maine again. This does not set a precedent of any kind in that field. It is not agreeing to anything in the bill itself. This is a mere procedural matter.

Mrs. SMITH. Would other sponsors of amendments expect to call for the same review by the GAO on other amendments?

Mr. STENNIS. They might make that request, but I do not think we could agree. This is a peculiar case, in that this has gone on for several years and we are right down to the last mile, one might say, on research and development. I do not consider this to be a precedent. I believe it fully carries out the suggestion as made by the Senator from Maine. That is certainly my intention.

Mrs. SMITH. I thank the Senator from Mississippi very much.

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

Mr. STENNIS. I yield.

Mr. THURMOND. Mr. President, as I understand the arrangement, it does not provide for any suspension of the program.

Mr. STENNIS. That is correct.

Mr. THURMOND. There are 2,000 personnel working on this project. There are more than 1,000 civilian Government employees working on the project.

Mr. STENNIS. Yes.

Mr. THURMOND. The Army is deeply concerned about it. The Army says that a year's deferral in funding could delay first production for as much as 3 to 4 years.

Mr. STENNIS. Yes.

Mr. THURMOND. I just want the RECORD to be clear and show that there is no delay, no deferral, and no suspension of this project.

Mr. STENNIS. That is right.

Mr. THURMOND. This is merely consideration being shown the sponsors of the amendment, to give the GAO an opportunity to make its study and then the Armed Services Committee, from that study, will determine whether funds should be appropriated.

Mr. STENNIS. That is right.

Mr. THURMOND. And that action by the Armed Services Committee will be final.

Mr. STENNIS. Yes. The Senator is entirely correct. I am certainly glad that the Senator brought up that point to be covered now. We have gone into that and it will not disturb the assembly line or the production line or the work going on now. This agreement will not interrupt it in any way. Things will proceed as usual. There is an agreement, too, in connection with the tank, with the Republic of Germany. What is happening here now will not disturb that in any way.

Mr. THURMOND. Mr. President, the recent Warsaw Pact occupation of Czechoslovakia displayed to the world that Communist military ground forces can serve as effective instruments in the attainment of Soviet political goals. Few of us here in the Congress, and certainly no one in Europe, will forget for many years to come the photographs of Russian tanks rolling into that country and thereby suppressing a Communist regime which was becoming too liberal for its masters in Moscow.

With this suppression of the Czech people still fresh in mind it is surprising to me that the distinguished junior Senator from Missouri (Mr. EAGLETON) has introduced an amendment which would halt the joint development program of Germany and the United States to build a main battle tank.

The Czech crisis showed indisputedly that the Russians have not abandoned their traditional reliance on large quantities of main battle tanks. In fact, our intelligence indicates the Soviets have already begun issuing to their armored units the T–62, a newer and much better tank than in use by their armies in the early 1960's. This move is contrasted by the fact that the United States has not developed a really new tank since the Korean war when we first issued the Mark 48 tank. Since that time we have relied upon production improvements of the M–48, the latest improvement known as the M–60A1. The tank under discussion today is not merely an increment improvement of the old M–48, but rather a totally new tank which is revolutionary in nature and should serve our fighting men well in the next few decades.

The MBT–70 amendment offered by the Senator from Missouri, according to his press statement of July 18, 1969, is a followthrough to a study on the Main Battle Tank done by himself and included in the recently released report by the Committee on Military Spending of the Members of Congress for Peace through Law. This, of course, is not a committee of the Congress, but a group formed by members of both House and Senate to promote their ideas on defense matters. The chairman of this committee is the distinguished Senator from Oregon (Mr. HATFIELD) who serves as a cosponsor of the amendment by Senator EAGLETON.

Now, there are other parts of these reports which I wish to challenge. First of all, it should be clear the initial development cost agreed upon by the United States and German Governments was $80 million. Further, it should be stated right here that a reading of the agreement indicates clearly neither Government expected this $80 million to be sufficient to develop this tank but considered it merely the amount necessary to begin a reasonable development. Both Governments recognized the amount would be more and the agreement provided for these additional costs. It would be next to impossible to accurately estimate the development cost of a revolutionary vehicle such as these two countries hoped to build. Hardly any part of this tank compares with vehicles built in the past. Innovations have been undertaken which involve entire new concepts in tank warfare. Thankfully, the work is about done and we apparently have a weapon system which will serve our soldiers well for many, many years.

Therefore, it seems rather unfair to figure cost overruns based on this $80 million figure when both countries established it not as a target development cost but rather as a beginning point in the development costs of this important weapons system program.

Now, there is also this contention in these two reports issued by my distinguished colleagues that the MBT–70 has a nuclear capability as a part of its firepower. This is simply not so. The MBT–70 was not intended to have, does not have, and will not have nuclear firepower capability.

Perhaps my colleagues meant to say the MBT–70 is designed to operate on a nuclear battlefield. Now that is accurate, but later in the same paragraph of the Peace Committee report it is stated the MBT–70 does not provide any more protection on a nuclear battlefield than the M–60A1. This is an error. The M–60A1 tank design did not include particular features to overcome the hazards of a nuclear battlefield. On the other hand, the MBT–70 does possess specific features to reduce the hazards expected to occur in a nuclear war. The

MBT–70 thus has a valuable increment of advantage on such a battlefield as compared to the M–60A1.

Let me proceed further to clarify another claim made by these reports, that this tank was to roll off production lines in December 1969, but has been extended 4 years beyond that target date.

This misstates the actual facts of the agreement between the United States and Germany. The agreement called for a tank, and I quote: "ready for production in 1970." This does not mean tanks rolling out complete from a factory. What this does mean, is that all required development and a technical data package has been completed and ready for publication to industry. The industry must bid on it, a contract be negotiated, and finally a plant tooled up for production of the initial tank by about mid-1972 or later. Thus the target production date has not been extended for over 4 years. The present extension actually covers about 2 years.

Mr. President, sometimes it is puzzling to me just what technique the military should follow in trying to meet the objections of some Members of the Congress in providing weapons development at the lowest cost. Just recently the Defense Establishment was being sharply criticized because they had built weapons we needed and then had to abandon them in brief periods since they had served their usefulness and had been replaced by more advanced technology. Here we have a situation where a revolutionary new tank is being developed, one with a new turret, new suspension system, new gun, and it appears the criticism is based on a stretched out development program. As badly as we need a new tank today, is it not wise to spend a little extra money and take a little extra time in order to develop the best possible machine, one which will do the job in the next two decades as the M–48 has done in the past two decades?

Frankly, this development program has been going slow. We need this tank in 1970 not 1974 or 1975, but we will never get it if this amendment is approved and another delay takes place. We should not lose sight of the fact this tank, while designed to fight in various environments is mainly NATO oriented. Thus, it is to support our men in Europe who are eyeball to eyeball with the enemy. We must give our men there the best tank we are capable of building, and whenever we leave Europe it will be comforting to me to know the Germans have that same tank facing that same enemy.

Returning to the reports of my colleagues, through the Peace Committee and individually, it is stated the Army test and evaluations systems authorities admit a problem with the 152-millimeter ammunition. Such a problem did exist, but the same report in which this comment is made claims the ammunition and its gun operate suitably. Further, we have now passed through a period of testing of this ammunition and gun in Vietnam and hundreds of rounds have been fired with excellent results. In fact, the soldiers there have requested greater numbers of these weapons be sent there for their use.

Mr. President, the MBT–70 will not be merely an incremental improvement over a design first produced almost 20 years ago. In almost every feature, this tank will have revolutionary major increase in its capability. This will be true in its engine, its suspension system, its protection system, its battlefield silhouette, its secondary armor, and its main armament. The main armament alone is unique in the world. It will be a combination guided missile launcher, and a conventional gun capable of firing a new and improved variety of projectiles. The present stage of development has already shown these revolutionary features to have an excellent prospect of meeting their intended design characteristics. The total design of the tank has a most favorable prognosis of being a successful revolutionary design when it appears and much more than, as the Hatfield report would say, temporarily superior to Soviet tanks. It should be superior for a good long time.

The Hatfield-Eagleton description would have us believe that the technological rationale for which this tank is designed may be obsolete by the nuclear battlefields if they occur in the mid-1970's, saying it will be a victim of technology or a new strategy. They say this is the central issue. This reasoning is incomplete.

If this is a central issue, then the question is raised whether we should have any tank at all. If the most modern tank we can make, including revolutionary features, is thought to be obsolete and not useful, then certainly the present tank, product improvements of a 1950 design, will be even more obsolete and less useful. Those who kill off the MBT–70 because of this issue should also be proposing that we kill off all tanks for use on any possible nuclear battlefield.

If the Hatfield-Eagleton statements are intended to question whether there can ever be a nuclear tactical war, then they clearly cannot be at the same time arguing that a great improvement over our present tanks would not be useful to our forces, in Europe or anywhere else. As I previously pointed out, if a non-nuclear war should suddenly become nuclear than the MBT–70 with specific features designed for nuclear war will obviously be of greater usefulness to our troops in such combat.

The Hatfield-Eagleton statements raise the question of whether the strategic projections made in 1963 will be valid in 1974. If they intend to convey the idea that they have conjured up a better projection of the 1963 strategic considerations than those which prevail now, they should make them known. It is already apparent that the tactical projections on which the design of the tank is actually based were quite valid.

The Army stated then that they would need a much better tank if they were to contend with the probable tank which they might find on the battlefield of the future. The Soviets have proved them correct. They have begun issuing to their units the T–62, a much newer and better tank than their units had in 1963.

In other words, the best answer to the question which is asked by Senators Hatfield and Eagleton is provided by the Russians. They are now reequipping their armored and mechanized units—of which they have far more than we do—with a tank of much later design than our present M–60A1. The Soviets clearly expect to have a use for tanks on any future battlefield, nuclear or not.

The Hatfield-Eagleton discussion makes much of the length of time involved in developing the tank and getting it ready for production, and of what they described as the spiraling cost of development.

These statements ignore the available information pertaining to the sequence in development of this tank. In 1963, when the German-American agreement was signed, there was not then in existence any agreed concept as to what the tank would be, or what its specific features would be like. The hard, difficult discussions between the two countries' tank commanders over these details was not resolved until September 1965. These details of actual construction became the basis for the increase from the original $80 million estimate of initial joint development cost, to the later estimate of $138 million development cost. These estimates were in-house projections. Later actual bids by potential contractors for the various components intended to be in the tank indicated that this in-house estimate was too low and the development time previously forecast was too short.

The first prototypes, including in some cases alternative design features, commenced delivery with the first one in July 1967. Since then the development has proceeded in an orderly fashion, resolving the operational features of each of several revolutionary designs of mechanisms never before put together. This orderly, sequential, and severe testing of each of the components follows the general scheme of development which the General Accounting Office has recommended in such cases.

The statements of my colleagues are said to be based upon a study of the MBT–70 tank. The Armed Services Committee has recommended that the development of the MBT–70 be continued. This recommendation is based upon considerable study on the part of its staff which began shortly after the first prototype was issued for testing in July 1967. Its study has included numerous conferences with development officials of the Army, visits by members of the staff to observe the tank components in operation, including visits to Aberdeen Proving Ground, to test and production facilities of the contractors, to the Army Armored Center at Fort Knox, discussions with the Armored Board and Armored Agency of the Combat Development Command and the responsible experienced armor officers in the Armored School at Fort Knox. The considerations given here have been neither hasty nor perfunctory. The committee did believe that the orderly development procedure being followed would not be harmed if the requested funds for fiscal year 1970 were reduced from $44.9 million to $30

million in its overall consideration of reducing current expenditures. It likewise believes that there is every possibility that if there are no impediments thrown in the works, that the United States will succeed with putting in the field, for use by its fighting men, a tank that is far superior to any tank ever seen before. It further believes that nothing can be gained by throwing away the money already spent in this orderly development procedure, and condemning our troops to the continued use of a tank much older in design than that possessed by the Soviets. Further, the arbitrary interruption of a joint development in which our partners, the Germans, are faithfully fulfilling their part of the bargain, is to place the United States in the position of a defaulter on a contract.

To stop this development and begin another is hardly likely to be any less costly than the one on which we have already spent considerable money in getting close to the intended outcome. The most sensible thing, the most honorable thing to do in our agreement with the Germans, and the most economical thing to do, is to continue the main tank program as the Armed Services Committee has recommended.

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

Mr. STENNIS. I yield.

Mr. ALLOTT. I wish to ask about the second point the Senator read from on his list, which is closely allied with some of the points in the amendment, particularly the second, third, and fourth. As I understand the agreement, the decision of the Armed Services Committee will be binding as to what is done in this matter. But I should like to say, as a member of the Defense Subcommittee on Appropriations, that I believe, in these areas, in asking the GAO to make determinations, that we are going outside their function. Frankly, I think those are decisions which should be made by committees of the Senate and by the Senate itself rather than by the GAO. They may or may not have the expertise to make such judgments. I doubt that they do, not having ready availability and constant availability to intelligence reports, strategic services, and things of that nature. But I did not want this to go by, being in the Chamber, as in any way placing my stamp of approval with respect to that second point because I think it is a matter of determination in which the GAO should not be involved.

Mr. STENNIS. If I may respond to that quite briefly, I think the Senator is entirely correct. I do not think they have the capability, but we will soon find out.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Dakota, a member of our committee.

Mr. YOUNG of North Dakota. Mr. President, I want to associate myself with the views expressed by the Senator from Colorado. The General Accounting Office is a very efficient Office when it comes to accounting, but in the past I have found that whenever it delves into policy, it can be terribly wrong. Certainly I would not want to accept their views on military matters and policy decisions.

Mr. MANSFIELD. Mr. President, if the Senator will yield, that is not anticipated.

Mr. STENNIS. Mr. President, Members of the Senate, there has been a very good debate on this matter. It all came from the opposition to the tank. I hope we can conclude this colloquy soon and that someone on the committee who is versed in this matter—I am not referring to myself—will have an opportunity to say a few words. Meanwhile, it would be better to have quiet.

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

Mr. STENNIS. I yield to the Senator from California.

Mr. CRANSTON. I just wanted very briefly to comment on the point the Senator from Arizona (Mr. GOLDWATER) raised earlier and that the Senator from Colorado (Mr. ALLOTT) and other Senators have raised. I referred to it earlier today. It referred to some questions I had about the pending amendment.

I think the proposal now made clears the point, but I would like briefly to express my concern about expecting the General Accounting Office to render value judgments about whether a program is good or bad. I think to get them to express such judgments is offensive to experts in that field, the specific field involved—military for example. In the same way, I would question their right to judge the wisdom or lack of wisdom of the war on poverty and other such programs.

It should confine itself to the question of cost effectiveness and leave decisions on the wisdom and value of any program to the House, the Senate, and the administration.

I was comptroller of the State of California for 8 years. Hence, I have some feelings on what is the proper field to assign to the Comptroller.

During this debate, I asked my staff to call the General Accounting Office and get their feelings on the four points, in the pending amendment, providing actions by GAO. Very briefly, the feeling on the four points referring to the GAO is as follows:

As to point 1, which is now covered by the agreement, subsection 1 is within the scope of the GAO investigatory responsibility.

As to point 2 under that subsection, conversations with GAO indicate that the Comptroller General could not make any determination as to the most effective weapons. The most they could do is present the pros and cons as developed by the Department of Defense, and GAO has no capability to conduct technical studies of technical capability.

As to subsection 3, the GAO would be limited to presenting the information developed by the Department of Defense or other agency engaged in technological or strategic study. It could perform no function before setting forth the considerations which originally influence the decision with respect to the MBT–70.

Finally, under section 4, the GAO inquiry would be limited to an analysis of the decisions by which the Department of Defense decided to develop the MBT–70.

I think the compromise proposal now offered is a wise one. I think it has narrowed the scope of whatever the GAO would report.

Mr. MANSFIELD. Mr. President, I would like to emphasize that sections 2 and 3 have been obliterated and section 4 has been changed, so I think what will be done by the GAO is what it is capable of doing, and it is not capable of going into the military field or policy.

Mr. CRANSTON. Exactly.

Mr. STENNIS. Mr. President, I think it would be a fair test of the GAO's position. I think it will give them a chance to express themselves, too, about their capability.

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

Mr. STENNIS. Yes; I am glad to yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first, I thank the Senator from Mississippi. He has been remarkably patient and indulgent throughout what to me has been a very long and tiring debate, and he has many days such as this to endure. I want to compliment him and thank him for his patience with me and with the Senator from Oregon on the subject.

Second, let me affirm in brevity the thought which the Senator from Oregon has suggested. The understanding spelled out by the Senator from Mississippi through the exchange with the Senator from Oregon is precisely my understanding.

Finally, let me say that, however inarticulately our amendment was drawn, as the Senator from Wisconsin (Mr. PROXMIRE) pointed out, especially in subclause 2, the main thrust of what we were trying to achieve was a study and a report from GAO; and I hope we will have such a report. I think the whole Senate and the Armed Services Committee will benefit thereby.

Mrs. SMITH. Mr. President, during our hearings on the proposed defense budget authorization, I seriously considered recommending to the committee that which the proposed amendment seeks to accomplish. I repeatedly expressed my concern on the Army's efforts in tank development and anyone who doubts my concern can turn to page 364 and page 405 elsewhere in part 1 of the printed hearings.

But, Mr. President, after considerable reflection I, along with my colleagues on the committee, faced up to the stark realities of our NATO commitment. I have always believed and I shall continue to believe that if we are to dispatch our men in uniform anywhere outside the continental limits to carry out our national policies, the very least we can do is provide them the best and most modern weapons possible.

Yes, I, too, have expressed my disappointment in the numerous delays and high costs associated with modernizing our ground combat vehicles but let me point out the effects of amendment No. 76.

First of all, the whole concept of logistical support cooperation between the United States and the Federal Republic of Germany will be placed in serious jeopardy. The main battle tank development represents a binding contract

between the two governments in which Germany has invested considerable funds. It is a joint project that they alone cannot complete and one which the U.S. Government initiated. The proposed amendment, if adopted, represents a unilateral withdrawal from an international agreement without prior consultation with one of our most dependable allies. I remind my colleagues that this is one of our few allies that not only believes in but does actually participate on a cost-sharing basis.

Second, the monthly cost for the next 6 months is approximately $3 million to maintain the main battle tank program as a going program without procurement of significant hardware. Current funds in this program will permit it to continue at most until September 30, 1969. Thus, the effect of the amendment is to close down the program for an undetermined time. Development work will be suspended and termination costs will approximate $9 million.

Third, should the amendment be adopted the Federal Republic of Germany may see fit to take a unilateral action and cancel another contract with the United States to purchase 88 F–4 aircraft.

Our forces in Korea today and those in Europe are now equipped with tanks which embody the technology of the 1950's and I can assure you that these will be obsolete by the mid-1970's.

Mr. President, if the U.S. Senate decides to adopt the proposed amendment which would have the effect of unilateral withdrawal from a contract, I wonder if we should entertain another amendment to withdraw from the North Atlantic Treaty Organization (NATO).

That treaty will have been in effect for 20 years in August 1969—this month. The treaty provides that after 20 years any member nation which desires to withdraw may do so by giving the other member nations 1 year's notice.

Mr. President, the principal weapon systems contained in this bill are directly associated with our foreign military commitments. I strongly urge that before we deprive our own forces of their weapons, we should first withdraw from our treaty military commitments.

Mr. STENNIS. Mr. President, I highly commend the speech of the Senator from Maine. It is realistic. I think it contains some highly practical suggestions, and this is a matter that has to be met by something other than just talk, Mr. President.

We have had a lot of arguments here on the floor of the Senate as to what our foreign policy should be and what it should not be as expressed in the military bill.

This bill represents the Armed Services Committee's judgment of what is necessary to back up our foreign policy as announced, and also directly protects us. I do not know of any other foreign policy there is. I do not think we have formulated anything else. We talk about these matters, but this is the real thing: to protect ourselves directly first, and then to be in some kind of position to carry out at least our share of these commitments. I hope that we can get on into the meat of this bill now, and consider this matter in that light.

I, too, would like to dwell in make-believe land, or wish-it-was land, but we are up against the realities with this amendment today. This is the first time we have got into the real hardware of the bill, outside the matter of the defensive ABM and I think most of the other amendments, at least the sizable ones, will continue to deal with the necessary hardware to implement our present policy.

Let us not fool ourselves, now, in talking about whether or not we need a tank that will survive a nuclear war. I do not think we can make such a tank. We are talking about a ground war now, by conventional methods, and with reference to the tank, we are talking about the weapon in which Soviet Russia has been superior for a long time. The great preponderance of the evidence is that they still are superior.

So, if we do have this ground war—which God forbid we do not have—we could not plan a better way to be deficient than not to have plenty of good, effective tanks that would at least have a chance to cope with those on the other side.

I do not travel much, but last fall I did spend a little time in Western Europe, went right on over to the border of Czechoslovakia, went out in that mud and muck, and went up and over inside one of these tanks. I talked with those boys. I do not know anything about tanks, but that one did not look very much up to date to me.

I will tell you where that word "dream tank" came from. This is some of the roughest, toughest soldering that one can find anywhere, and the crew is a victim. I shall not emphasize this too much, but the crew, in a large way, is a victim of the position it is in, and the inaction or failure of that tank carries dire consequences for them.

This is planned to be a tank that will do so many things so effectively and efficiently that it gives the crew a much better chance. That is one reason they call it a dream tank.

If we mean business, now, about being over there, and if there is any kind of a threat, let this be the last weapon we neglect, for fighting a ground war, rather than the first. This is a doughboy weapon.

Mr. THURMOND. Mr. President, I wish to commend the distinguished Senator from Maine (Mrs. SMITH) for the excellent remarks she has made concerning the importance of the main battle tank. The Senator from Maine has quite properly stressed that a break in this joint development program with West Germany would be a unilateral action which could only have the most serious repercussions. My able colleague has also pointed out the critical need of our Army for a new tank since we have only had production improvements for the past 20 years. The remarks of the Senator from Maine should be heeded by all of us in this Chamber and I wish to associate myself with them.

Mr. McINTYRE. Mr. President, the amendment offered by the distinguished Senator from Missouri would have the effect of withholding all R. & D. funds for fiscal year 1970 on the main battle tank and, in addition, would withhold the funds for the procurement of 6 preproduction prototypes which were planned as the test vehicles to bring the tank to the point where full production could be initiated. Although the amendment calls for an investigation and study by the Comptroller General to be completed in 6 months, the result of the amendment would be a complete cessation of U.S. participation in the joint project.

In my judgment, this would so completely disrupt the contractual development efforts being carried on, both in the United States and Germany, as to force either termination of the Main Battle Tank development completely or a further delay which would probably amount to several years.

Mr. President, this is a result which, in my judgment, should not be taken lightly. The main battle tank is not intended just as a nice thing to have, but as an essential weapon system which must be put in the hands of our troops if they are to successfully cope with the threat which they will face in the 1970's. Our intelligence tells us that at the present time the Russians have tanks in the hands of their troops which are superior in some aspects to the tanks the U.S. Army has. It is estimated that the tanks which the Soviet forces are operating today reflect a technology which is approximately 10 years ahead of U.S. technology. In addition, the best Russian tanks outnumber the best U.S. tanks by more than 3 to 1. With a tank force that is currently inferior, both in quality and numbers, we should not take lightly any action to disrupt the efforts to upgrade our tank force. And, Mr. President, there can be no question that this amendment, if it becomes law, will seriously—perhaps irreparably—disrupt the main battle tank program.

The main battle tank program has been criticized because the initial research and development cost estimates have been revised upward a number of times. Mr. President, I am as concerned as any Member of this body about the rising cost of research and development and about the consistent record of the Defense Department in underestimating the ultimate cost of weapon system development. I recognize the difficulty of making precise estimates when a weapon system is in the conceptual stage. It is clearly too early to make any kind of reliable estimate for an international program before the two countries even agree on the specific tank configuration, and this was the case in 1963 when a preliminary estimate of $80 million was made by United States and German technical people. The 1965 estimates were somewhat more realistic but even these have grown—indeed, have doubled. I do not condone this growth any more than I condone the cost growth in the C–5 or other Defense programs, but in fairness I think we should recognize that the causes of this growth in development costs have, in large part, reasonable explanations. They do not necessarily re-

flect weaknesses in the program itself. For example, the estimates now include development of a joint heavy equipment transporter, a joint advanced component development program, and a gas turbine engine program which were not contemplated in the 1965 development estimate. In addition, technical difficulties have contributed to the increased costs. Many developments are simply product improvements in which existing designs are improved component by component, resulting in evolutionary changes that do not represent major breakthroughs. However, the main battle tank is a revolutionary development in which higher development risks are accepted to produce an all new tank which capitalizes on advanced engineering techniques and results in a major increase in capability.

Again, I feel that the Defense Department has been guilty of over-optimistic planning in not allowing for additional costs and time to solve these difficult technical problems which are associated with the revolutionary design. But it is this revolutionary design which will insure that the MBT–70 not only will not be obsolete when it is introduced but will be superior to any tank then existing on either side of the iron curtain.

Congress has repeatedly criticized the Defense Department for rushing weapons systems into production before the development difficulties are completely resolved thereby incurring expensive retrofit after the production run has started. The Army has sought to minimize this kind of expense by applying conservative controls to place the development of the main battle tank, and this has contributed to both the delays in the development and to the increase in cost.

Mr. President, I think that although the program has had problems, technical difficulties, growth in development cost beyond the original estimates, those problems are not the vital question now. What is vital is that our troops are equipped with inferior armor, in inferior numbers.

This is a dangerous condition which decreases the deterrent value of our NATO forces in Europe and increases the possibility of a military adventure by the Communists which could have disastrous effects. The important thing at this point, Mr. President, is that we need a new tank. We need a new tank in numbers, and we need it as soon as it can become available. I think that the effect of this amendment would be to deny us the capability to produce an advanced tank before the late 1970's. In my judgment, this is an unacceptable risk which we must not take.

Mr. PROXMIRE. Mr. President, on June 13, 1969, Elmer Staats testified to the Subcommittee on Economy in Government about the scope of GAO's involvement in the defense area. Mr. Staats stated that of the GAO's total operating budget for fiscal year 1969, of $59.6 million, over $30.1 million, or 50.5 percent is related to defense programs and activities. He said that the allocation of GAO's resources in the accounting, auditing, legal and other related functions in connection with defense spending amounts to 43 percent. The proposed GAO budget for fiscal year 1970 provides for a total professional audit staff of 2,585. Mr. Staats said:

> We continue to place heavy emphasis upon the major functional areas of defense activities, including procurement, supply management, manpower, research and development, facilities and construction, support services, and management control systems.

It is also well to remember that the Congress created the GAO to be its investigative arm. The annual report of the Comptroller General states:

> The Congress established the General Accounting Office in the Legislative Branch to serve as an independent, nonpolitical and reliable source of assistance in carrying out its constitutional power over the public purse.

The GAO periodically makes reports to Congress on its audits, investigations and evaluation requested by individual Members or committees. It annually issues literally hundreds of reports dealing with expenditures by the executive branch. These reports are designed to aid the Congress with information helpful in reviewing the annual budget requests.

It should, therefore, be clear that the General Accounting Office was created to perform the kind of functions outlined in this amendment, that it is eminently equipped to do so with a large professional staff, and that it has the experience in the area of defense analysis that is called for.

The GAO is the appropriate agency to undertake the study required by the amendment rather than the Bureau of the Budget or the Defense Department. I would note the following:

First. GAO is independent and responsible to Congress.

Second. GAO is building a systems analytic capability and currently has at least as much of this capability as BOB.

Third. Neither BOB nor DOD could be expected to develop a report which would offend the President or the Secretary of Defense.

The main battle tank, MBT–70, was conceived in 1963. It is being developed jointly by the United States and West Germany. Its purpose is to operate in the environment of a tactical nuclear war in Western Europe. The development of the tank had been scheduled for production by 1969, but it has now been deferred until 1974. The R. & D. costs of this weapon have risen from $86 million to over $300 million since 1963. In the current military authorization bill, there is a total of $55 million recommended by the Senate Armed Services Committee. This included $30 million for R. & D. and $24.5 million for production engineering. The Senate Armed Services Committee cut the R. & D. budget request of the Pentagon from $43.3 million.

The Army intends to replace all of the M–60–A1 tanks which we now have deployed in Europe with the MBT–70. Currently, there are well over 1,000 of these tanks in Western Europe. At the current estimated cost of producing the MBT–70 of between $600,000 and $700,000, per unit, it is estimated that the total cost of this program over the decade of the 1970's would be in the neighborhood of $1.5 billion.

The following points enumerate some of the circumstances surrounding the MBT–70 which are pertinent to a Congressional decision to continue the R. & D. on this weapon.

Developments in antitank warfare have far outdistanced tank warfare developments. It is now possible for an infantryman to knock out a tank with a guided missile which he carries with him in bazooka style.

The MBT–70 is designed to be equipped with a Shillelagh missile. In this system, both the missile and 152-mm. cartridges are fired through the same tube mounted on the tank. This Shillelagh firing system is enormously complicated and has not yet been made to work. The Shillelagh was supposed to be installed on the Sheridan tank, but, because of inherent design defects, it could not be properly mounted. Even though it was produced and sent to Vietnam, where it became embroiled in a scandal because of serious firing failures in battle. The same Shillelagh missile was supposed to be attached to the M–60 tank, but again mounting problems as well as severe misfiring troubles occurred. Currently there are hundreds of M–60 tanks waiting in Detroit for the Shillelagh missile which, according to the Stratton report, "still cannot be deployed because of deficiencies."

Costs of the MBT–70 are now projected to be about $600,000 to $700,000 for each vehicle. This is two and a half to three times as much as the M–60 tank, which we now possess, and whose performance is only marginally below that of the MBT–70.

The Army intends to replace all of the M–60's which are now deployed in Western Europe with MBT–70's in the decade of the 1970's. It is known that there are currently well over 1,000 of the M–60 tanks now in Western Europe. If these are replaced by MBT–70's during the next decade, we are confronting a total budget cost of $65 billion or more. If the Army receives the appropriation on the tank this year, the Congress will be very close to approving the production and deployment of this weapon.

The M–60–A1 tank now in Western Europe is at least equal to any tank now possessed by the Russians or in development by the Soviet Government. A number of people with whom I have spoken state that the M–60–A1 is superior to anything which the Soviets now have in development.

While the Army has argued that there is a potential tank threat from the Soviets in the Western European theater, it should be noted that in 1958, a decade ago, their principal rationale for developing a guided-missile capability on tanks was the alleged "possible superiority" of the Communist-bloc countries. In the recent report by the Stratton subcommittee of the House, it was noted that that Soviet capability never developed and now, some 10 years later, the M–60–A without the guided missile is "equal to or superior to Soviet-designed tanks."

The Army insists that we are outnumbered in tank forces in Western Europe. The Stratton Subcommittee noted that the reason we are outnumbered is because the Army failed to maintain an adequate production rate of M–60's during the 1960's and indeed, "they slowed down the production line and even closed it in 1967 to produce the M–60 with Shillelagh missile, which still cannot be deployed because of deficiencies."

The MBT–70 is designed to fight a war in Western Europe similar to World War II, only with tactical nuclear weapons instead of conventional weapons. Many strategists believe that such a contingency is no more than a remote possibility. Moreover, the Congress to date has not fully considered the implications of tactical nuclear war on the European Continent.

The characteristic of the tank which stands out in the minds of most of the people, both in the Pentagon and out, who are knowledgeable about this program, is the highly sophisticated technology which is being built into it. I understand that there is built into every tank a computer for leveling and automatic loading and firing. Among these people, there is substantial skepticism concerning the ability of existing technology to produce a workable vehicle. In fact, there is some well-based expectation now that the Secretary of Defense judges the weapon to be an ultimately infeasible end and may well cancel it himself, if the Congress does not cancel it.

Many people knowledgeable in the details of this weapon have informed me that a major share of the high cost of this weapon is accounted for by the use of a special steel which is neutron absorbing. In point of fact, if this is true, the Nation is spending a substantial amount of money—into the billions—to provide covering for a limited number of personnel who will be engaged in some prospective tactical nuclear war in Germany, France, the Netherlands, and so on.

That there have been difficulties in designing the sophisticated equipment in this tank is evidenced by the cost growth in R. & D. In 1963, it was estimated that R. & D. would cost $86 million and that the tank would roll off the production line in 1969. Now the R. & D. cost has escalated to well over $300 million, and production target is now 1974.

So far, the U.S. Government has spent over $30 million on the development of the 1500 horsepower turbine engine which, in the judgment of a number of people, may well not be technically feasible.

While the MBT–70 might have been analyzed to be cost effective prior to 1965, it is now doubtful, given the escalated R. & D. costs, and given the doubts about technical feasibility, that it would still be cost effective. It is essential that this question be studied.

Finally, I would make a number of other points which are pertinent to a decision on the MBT–70.

If this weapon is produced and deployed in Western Europe under a joint agreement with West Germany, we will be in the process of supplying tactical nuclear weapons to Germany. I do not believe that this fact is widely recognized for, if it were, the same kind of opposition to it would develop as did develop a few years ago on a similar issue.

By providing a tactical nuclear weapon to NATO countries, it seems to me that the United States is directly undermining its claims concerning the effectiveness of its nuclear deterrence. If we are spending $10 billion to fight a tactical nuclear war, it is difficult to convince our NATO allies that our nuclear deterrence is sufficiently potent to forestall any potential Soviet attack.

I would emphasize a point that I made earlier: namely, that Congress should not vote approval of a program such as MBT–70 without knowing the full budgetary implications of the system. This year, the Army requested $70 million of funds. This was cut to about $55 million by the Armed Services Committee. If this $55 million comes close to committing the Nation to a $15 billion expenditure, it should be known by all participants to the decision prior to final decision.

Mr. MAGNUSON. Mr. President, I have been listening to 2 days of debate here. I do not think it has been mentioned that at the other end of the spectrum is the Renegotiation Board, which has been operating for a long time. Of course, that Board passes on smaller amounts, but it passes on whether someone has made an excess profit on a military contract. The Senator from Colorado (Mr. ALLOTT) and I have handled the small appropriations for that office for years. That Board is collecting many millions of dollars, and it has responsibility over all military procurement contracts over, I think, $25,000, or whatever the figure is.

So despite the procedure we have been talking about, at the other end of the spectrum there is the Renegotiation Board, which acts in a very nonpartisan manner. The Board has done a very good job.

Does the Senator from Colorado agree?

Mr. ALLOTT. I certainly do.

Mr. STENNIS. I thank the Senator for his comments.

Mr. EAGLETON. Mr. President, I withdraw my amendment, without prejudice.

STUDENT LOANS

Mr. JAVITS. Mr. President, certainly, sooner or later, the majority leader will make a statement on the program for today and next week. I would like to call attention to the fact that the Committee on Labor and Public Welfare has just reported a bill which deals with the ability of 200,000 college students to get student loans, and if we do not deal with that measure before we have a recess, very likely a large number of them may be denied the opportunity to spend the next year in college. I know the exigencies we are all under, and I only state it to submit it to the majority and minority leaders. I would hope they might find some way of accommodating the serious situation. Thirty members of the Senate are cosponsors of that bill. I may add that the measure takes no money, because the money has been appropriated. It is just a matter of using it for this particular purpose.

Mr. MANSFIELD. Mr. President, may I say that the joint leadership will do what it can. It certainly will not consider laying aside the present business unless we have the concurrence of the Senator from Mississippi (Mr. STENNIS) and the ranking Republican member, the senior Senator from Maine (Mrs. SMITH); but if something could be worked out on the basis of a time limitation, we would be glad to give it our consideration. But if it is going to be a "dog fight," as it could well develop into, I think we would have to consider that. But we will do what we can, without being too definite.

Mr. PELL. Mr. President, I would like to associate myself with the views expressed by the Senator from New York.

Mr. MANSFIELD. Probably it would help get the Senator from New York and the Senator from Rhode Island off my back if we could agree to it.

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

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and 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. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. MANSFIELD. A quorum call is agreeable, provided that the Senator does not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. 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, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

AMENDMENT NO. 131

Mr. McINTYRE. Mr. President, at this time I offer an amendment to S. 2546. The amendment concerns chemical and biological warfare.

Senators NELSON, GOODELL, HUGHES, PROXMIRE, YARBOROUGH, PELL, HARTKE, MONDALE, STEVENS, and I are listed as cosponsors of the amendment.

Mr. President, the amendment represents an effort to deal with amendments previously offered by these Senators. Those amendments are numbered 114, 116, 117, 118, 120, and 121.

Mr. President, these amendments offered by the Senators for the most part are concerned with various rules and regulations that they would like to see incorporated into the law to serve as effective guidelines and controls over the storage, transportation, disposal, and maintenance of chemical and biological agents—and includes also the Senator from Wisconsin's and the Senator from New York's amendment concerning open-air testing of lethal agents.

The staff of my Subcommittee on Research and Development of the Committee on Armed Services, together with the staffs of the various Senators involved, have worked to try to incorporate into the amendment I have just presented the essentials of the various amendments offered. I believe that has been done with satisfaction. In substance, a great deal of the ideas and the thrust of the amendments offered have been taken.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk, so that it may be read?

Mr. McINTYRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with at this time.

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

Mr. ALLOTT addressed the chair.

Mr. NELSON. I yield to the Senator from Colorado.

Mr. ALLOTT. I wish to reserve the right to object to unanimous consent concerning dispensing with the reading.

Does the Senator plan to read it at a later time? I think the Senate should be informed of the contents of the amendment.

Mr. McINTYRE. I think the point the Senator from Colorado raises is a good one. The usual procedure, as the Senator knows, is to dispense with the reading, in the interest of time.

Mr. ALLOTT. All I am doing is inquiring whether the Senator intends to read it or to make it available to us later. If he does, I shall not object.

Mr. McINTYRE. I had not intended to read it because of the lateness of the hour, but I think the point is well taken. I do not want to give the appearance of rushing too fast on this important amendment. We have been in consultation with the chairman of the Committee on Armed Services and the ranking Republican member.

Mr. ALLOTT. If a copy is available to us, I will not object.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, reading of the amendment is dispensed with; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill add a new section as follows:

"CHEMICAL AND BIOLOGICAL WARFARE

"SEC. 402. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor.

"(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents, disease-producing biological micro-organisms, or biological toxins, or for the procurement of any part or component of such delivery system.

"(c) None of the funds authorized to be appropriated by this or any other Act may be used for future deployment and storage of any lethal chemical agent or any disease-producing biological microorganism or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or microorganism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committeee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section the term 'United States' means the several States and the District of Columbia.

"(d)(1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions unless the Surgeon General of the Public Health Service has determined that such transportation will not present a hazard to the public health.

"(d)(2) The Secretary of Defense, except during a war declared by Congress or during a national emergency declared by Congress or the President after the enactment of this legislation, shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories, or possessions. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents be transported.

"(d)(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided for in subsection (e)(1) and (e)(2) of this section whenever it is practical to do so.

"(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

"(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents, disease-producing biological microorganisms, or biological toxins except upon a determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open air test is necessary for the national security, and then only after a separate determination by the Surgeon General, within thirty days of the determination of the President, that the test proposed will not present a hazard to the public health. The Secretary of Defense shall report his determination and that of the Surgeon General, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce and the Committee on Appropriations of the House of Representatives at least 30 days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents, microorganisms, or toxins to be tested, the time and place of any test, and the reasons therefor."

Mr. NELSON. Mr. President, as the Senator from New Hampshire has stated, this amendment consolidates several amendments introduced by several Senators and was worked out with the staff of Senator McINTYRE's subcommittee and the staffs of Senators who are authors of the various amendments.

The consolidated amendment, as I have stated, contains several amendments by other Senators. I would be happy to explain the three amendments that were introduced by the Senator from New York (Mr. GOODELL) and myself.

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

Mr. NELSON. I yield.

Mr. ALLOTT. I assume the Senator is speaking to me—at least he is looking at me.

Mr. NELSON. No, Senator GOODELL cosponsored three amendments that are now incorporated.

Mr. ALLOTT. I just want to say that I now have a copy of the amendment.

Mr. NELSON. Then, instead of reading the amendment, I might just summarize the three for which the Senator from New York and I were responsible. I assume that the other authors of the various parts of this consolidated amendment will in their remarks explain that aspect of the consolidated amendment which was introduced by them.

The first of the amendments jointly sponsored by the Senator from New York (Mr. GOODELL) and myself simply provides that none of the funds in this bill shall be used for the procurement of delivery systems to disseminate lethal chemical agents or disease-producing biological microorganisms.

The other amendment we jointly sponsored which is part of the consolidated amendment provides that none of the funds appropriated by this Act may be used for deployment or storage of any lethal chemical agent outside the United States—I am trying to consolidate this; I will not read all of it—without prior

notice to the country involved where it is stored, and unless prior notice is given to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Interior and Insular Affairs, and the Committee on Armed Services.

The third amendment sponsored by Senator GOODELL and myself, as part of the consolidated amendment, provides that none of the funds appropriated by this act shall be used for the open-air testing of lethal chemical agents, disease producing biological micro-organisms, or biological toxins except on determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open-air test is necessary for the national security; and then only after a separate determination by the Surgeon General, within 30 days of the determination of the President, that the test proposed will not present hazards to the public health. The Secretary of Defense shall report this determination and that of the Surgeon General to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate, and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least 30 days prior to any actual test. The Secretary of Defense, pursuant to this amendment, shall set forth in his report the name of the agents, micro-organisms, or toxins to be tested, the time and place of any test, and the reasons therefor.

Mr. MANSFIELD. Mr. President, is the Senator through with his explanation?

Mr. NELSON. Of the three amendments I have.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly, before the other cosponsors of these amendments speak?

Mr. NELSON. I yield.

Mr. MANSFIELD. Mr. President, the joint leadership has discussed the question of a vote tonight on the amendment which was offered by the distinguished Senator from New Hampshire, the chairman of the subcommittee dealing with this matter in the Committee on Armed Services, and one of the authors of the proposal now before the Senate. We think we have reached agreement. We will find out shortly.

I ask unanimous consent that the vote on the pending amendment take place at 12 o'clock noon on Monday next.

Mr. FULBRIGHT. Reserving the right to object, what time is the Senate to meet on Monday?

Mr. MANSFIELD. Ten a.m.

Mr. FULBRIGHT. Has permission been granted for a meeting of the committee? I ask that for this reason: We would like very much the opportunity to act upon particularly the Peace Corps matter which is pending. There was an amendment to it, and we could not act. We did not have a quorum. All I want is to have an opportunity to act if I can get a quorum. Is that permissible?

Mr. MANSFIELD. Yes.

Mr. STENNIS. Mr. President, will the Senator speak a little louder?

Mr. MANSFIELD. The Senator from Arkansas wanted to know about committees meeting on Monday morning. That will be all right.

Mr. FULBRIGHT. If we can get a quorum, we would like to act on a matter.

Mr. MANSFIELD. The joint leadership will have no objection.

The PRESIDING OFFICER. How is the time to be divided?

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. First, I ask unanimous consent that the vote on the pending amendment take place at 12 o'clock noon on Monday next.

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

Mr. MANSFIELD. I ask unanimous consent that the time be equally divided between the minority and majority leaders or whomever they may designate.

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

Mr. MANSFIELD. Mr. President, there will be a rollcall vote at 12 o'clock noon on Monday, if I did not state it.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 12 noon Monday, August 11, 1969, on the amendment offered by Senator MCINTYRE and others, relative to chemical and biological warfare (No. 131).

Provided further, That debate on the amendment, beginning at 11 o'clock be equally divided and controlled by the majority and minority leaders, or someone designated by them.

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

Mr. NELSON. I yield.

Mr. McINTYRE. Mr. President, I ask unanimous consent that various amendments, as originally introduced by the Senators I have referred to in my remarks, be placed in the RECORD at this time so there will be a comparison between these amendments and the amendment I introduced on behalf of all of them.

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

AMENDMENT 114

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 used for open air tests of lethal chemical agents or pathogenic biological micro-organisms or biological toxins."

AMENDMENT 115

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 used for the procurement of delivery systems designed to disseminate lethal chemical agents, pathogenic biological micro-organisms, or biological toxins, or for the procurement of any part or component of such delivery systems."

AMENDMENT 116

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 used for the storage or deployment of any lethal chemical agent or any pathogenic biological micro-organism or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or micro-organism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the House of Representatives. As used in this section the term 'United States' means the several States, and the District of Columbia."

AMENDMENT 117

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, or disposal of any chemical or biological weapon unless the Surgeon General of the Public Health Service determines that such testing, development, transportation, or disposal will not present a hazard to the public health."

AMENDMENT 118

At the end of the bill add a new section as follows:

"SEC. 402. The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts expended during the preceding six-month period for research, development, test, evaluation, and procurement of lethal chemical agents and for lethal biological agents, and amounts expended for such purposes during such six-month period on other major categories of chemical and biological agents of a nonlethal nature. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor."

AMENDMENT 120

At the end of the bill add a new section as follows:

"SEC. 402. (a) The Secretary of Defense shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare, and to the Chairman of the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of any lethal chemical or biological agent to or from any military installation.

"(b) The Secretary of Defense shall give all due consideration to the public health and safety in operations involving the transportation of any lethal chemical or biological agent to or from any military installation, shall maintain strict adherence to all Federal safety regulations in every case, and shall detoxify lethal chemical and biological agents before transportation for disposal when practicable to do so."

AMENDMENT 121

At the end of the bill add the following new section:

"SEC. 402. None of the funds authorized by this or any other Act shall be used for the

testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement."

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

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I wish to query the distinguished majority leader for a moment about the business of the Senate before the midsummer recess, and that means Monday, Tuesday, and Wednesday, because I believe we agreed that the recess starts at the end of business on Wednesday, August 13. Therefore, we have until that time.

The question is whether Senators will be on hand. There are invitations outstanding, such as invitations for the dinner for the astronauts in Los Angeles, and other affairs which could possibly take Senators away. I believe the leadership has to know. I would want to prevail on Senators to remain here under those circumstances if we are going to work right up to the end of that day. I would like to know if it is likely there will be rollcall votes.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is true that a number of Senators have received invitations to attend the state dinner for the astronauts in Los Angeles on the evening of Wednesday, August 13.

There will be votes on Monday, Tuesday, and very likely Wednesday. I would hope, though, that those who intend to go to Los Angeles or those who have accepted the invitation would not enter their declinations yet, but that they would, if at all possible, be prepared to go to honor these men and their achievements.

The joint leadership will do its best to try to enable an early departure. I suppose the last plane would leave about 2 o'clock, 3 o'clock, or 4 o'clock. We will come in early on Wednesday to get as much business as possible out of the way.

It does not appear at this moment, however, that we would be able to finish the bill by Wednesday. We will make every effort to do so, but in view of statements which have been made and comments which I have heard as to the length of time to be spent on some of these amendments—and I know of 10 amendments at the moment and there may be more—it seems to be only a very long shot that we could finish by Wednesday.

Therefore, the best advice I can give is that those who are going to Los Angeles go at the last minute, and if events indicate we could finish at the last minute they might have to change their minds.

It is not very good advice but it is the best we have. My present guess is that this measure will be the pending business when we return on September 3, after going into recess at the conclusion of business on August 13.

Mr. DIRKSEN. Mr. President, will the Senator from Wisconsin yield further?

Mr. NELSON. I yield.

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader one more question, and I assure him it is asked in the utmost of good faith and it is done only as a precaution that I think I always have to exercise in matters of this kind.

Is there, in the judgment of the majority leader, a likelihood that an amendment in the nature of the Cooper-Hart proposal, or a similar proposal, is likely to be offered, and would such a proposal be offered on Wednesday if we just let Members go to this astronaut dinner and they would not be here to vote?

Mr. MANSFIELD. There is no such proposal that I know of and I note that the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Michigan (Mr. HART) are nodding in agreement with me.

If anyone tried to do something like that on Wednesday, with Members not present, I would object most strenuously.

Mr. DIRKSEN. I am quite satisfied with the assurances of the majority leader on that point because if it were done it would complicate the vote, and there would have to be a rollcall vote, and we would have to let it go until we returned.

Mr. MANSFIELD. If it did happen, the Senator from Montana would be prepared to start reading the Bible from the beginning.

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

Mr. NELSON. I yield.

Mr. COTTON. Mr. President, in view of the fact that the Senator from New Hampshire made some remarks on the floor of the Senate this afternoon in the absence of both the majority leader and the minority leader, I feel that in fairness I should repeat those remarks.

I think my record after 15 years in the Senate bears out the statement that I have never presumed to tell the leadership of the Senate what to do or to offer them unsolicited advice. But I did say in the absence of both the majority leader and the minority leader, and, therefore, I feel in honor I should repeat it while they are present, that I am compelled to say that I feel it is a distinct mistake on the part of the Senate to start the recess until this bill is disposed of.

We all know that when a matter is put over until we come back, the arguments and the contests start all over again ad infinitum. We all know, I think, that full expression and discussion of these very vital questions, are not necessarily promoted by extending them over days and days, because we have all seen lengthy arguments with only five Senators in this Chamber, go on hour after hour for 2 or 3 days. I do not know how many Senators faithfully read all those arguments, but I have grave doubts that they do. Actually, full consideration of a vital matter is more likely to take place if it is condensed to 2 or 3 hours than if it continues over 2 or 3 days, because that means there is going to be a vote, and Senators are present to hear the arguments on both sides.

I am one who has made plans and I do want to get away, but I think the Senate or the leadership should determine that this very important bill, which is so vital to the defense of the United States, should be disposed of and should be disposed of even if we have to return on Thursday or Friday. I think everyone would be pleasantly surprised and amazed at how succinct and to the point arguments would become, and that this bill could be and would be disposed of before midnight on Wednesday.

I know it is presumptuous to make this suggestion, but I feel that I must register this sentiment, because I am convinced that the people of this country are not happy to see us go into recess with so much coming along, such as the tax bill and all the rest, without disposing of this matter.

Because I said all this earlier, I felt that I should say it now.

Mr. MANSFIELD. Mr. President, I appreciate the candor of the distinguished Senator from New Hampshire. As always, he is frank and straightforward. But a promise has been made to the membership and that promise will be kept.

Fortunately, there is not a great deal on the calendar at the present time. The Senate is reasonably current with its work. When we convene in September, I anticipate that the NASA authorization bill will be considered at the conclusion of the pending business.

At that time also, the appropriation bill on the Interior Department will be reported; and other measures will be passing out of committees. All committees, I might add, are working assiduously.

It is therefore my belief that this break will be a good thing for the Senate. It is my impression that the business of the Senate has become a 12-month operation. Unlike the judges of the Federal courts, including the Supreme Court, Senators do not have 3 or 4 months off. We have to go home to visit our constituents and take time off only when chance occurs. Especially it is the younger Members of the Senate who would like to spend a little time with their growing families during the year. Accordingly, I have no compunction at all—none at all—in stating that the promise made will be kept.

At the same time, I recognize the frankness and the feeling on the part of the distinguished Senator from New Hampshire. It would be my hope, and I think it would be a sound one, that practically all the amendments which will be offered to this bill are now at the desk, or will be submitted in the next day or so. So by the time we come back in September, this matter will have been pretty

thoroughly discussed. The country will have a good idea of what the Senate has done. And I am not at all sure that the people will be unappreciative of what has been done in this body, even if it has taken weeks where formerly it took only days.

Mr. DIRKSEN. Mr. President, to amplify and fortify what the distinguished majority leader has just said, he and I got together the last week in January and we agreed on the recess period. They were announced. Cards were printed and delivered to every Member. Accordingly, Members made their plans months and months ago as to what they would do during this 3-week period.

It would therefore be something of a breach of faith if we undertook now to undo those plans in the interest of the pending legislation.

Lacking the gift of prophecy, and not having the divine power of piercing the veil of the future, we could not tell last January what was going to happen in the course of the legislative session, or know that at this time we would be working on a matter for a period of 5 weeks.

I believe that the majority leader is so eminently correct, that we should go through with our plans in the interest of our families.

I speak particularly of the younger Members of the Senate, who have substantial families of school age, who are taken out in June and taken home, and will be brought back here in September. What an awkward situation for a Senator that he cannot have some time to go home and be with his children before they have to go back to school.

Thus, that is the whole story. That is the reason behind it. It is the fruit of nearly 4 or 5 years of constant effort in this field before it was consummated.

Mr. COTTON. Mr. President, I hope I do not need to say that the remarks of the Senator from New Hampshire are in no way in disrespect to the majority and minority leaders. No Senator in this body has a higher regard for, or has enjoyed more kindness from them than the Senator from New Hampshire. I accept their verdict. I certainly want to be obedient and a good soldier.

I will say, however, that my opinion is unchanged.

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.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. NELSON. Mr. President, in 1926, just 8 years after World War I, General of the Armies John J. Pershing sent a letter to the Senate Foreign Relations Committee to warn of the dangers of chemical warfare. Just 8 years before, he had led American troops in the first world war—the first war where deadly gases were extensively used. The effects of those gases so horrified him that the famous general was moved to warn the Senate:

> Chemical warfare should be abolished among nations as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants and demoralizes the better instincts of mankind.
>
> Scientific research may discover a gas so deadly that it will produce instant death—

I might say, as an aside, that that has been accomplished—

> To sanction the use of gas in any form would be to open the way for the use of the most deadly gases and the possible poisoning of whole populations of noncombatant men, women, and children. The contemplation of such a result is shocking to the senses.

And then to add emphasis, the general, who was the first and only general of the armies, who had seen years of combat and who was known for his toughness and valor, argued:

> It is unthinkable that civilization would deliberately embark upon such a course.

Pershing's letter came nearly a year after the nations of the world gathered to draw up the "1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases and of Bacteriological Methods of War."

The Geneva Conference had been called because there was worldwide revulsion over the use of poisonous gases during the First World War, during which gases, that caused 1.3 million casualties including 91,000 deaths on both sides, were used. At that Conference, the United States stood in the forefront in moving to outlaw such gases. Although the United States signed the treaty, the Senate refused to ratify it. Eventually 42 nations ratified the agreement. The United States was not among them. and is still not among them.

By the 1930's it became known that Russia, Japan, and Germany were actively researching and testing chemical and biological warfare devices. Even though there were accusations among the major powers that chemical warfare was being conducted, it was apparent that none of these agents was ever authorized for combat use during World War II.

In the closing days of the war, Hitler made a frightening decision to begin sending the newly developed nerve gases to his losing armies in the field as another in the line of last-ditch attempts to stop the Allied momentum.

In relating what happened after Hitler made that decision, Albert Speer, Hitler's Minister of Production, told a Nuremberg court in 1947 that rumors of the possible use of the gases reached the factories where the chemicals were being produced.

Speer testified:

> When rumors reached us that gas might be used, I stopped its production in November 1944. All sensible army people turned gas warfare down as being utterly insane, since, in view of (America's) superiority in the air, it would not be long before it would bring the most terrible catastrophe upon German cities.

In the previous year, 1943, President Franklin D. Roosevelt had come forward with a major decision as the Commander in Chief concerning chemical-biological warfare. In unequivocal words he had made a pledge that has carried to this day and has been described as making the United States de facto adherents of the Geneva Protocol. Roosevelt said:

> I have been loath to believe that any nation, even our present enemies, could or would be willing to loose upon mankind such terrible and inhumane weapons . . . Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them, and I hope we never will be compelled to use them.

And then as if further emphasis was needed, he added:

> I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

But the mere threat of other nations using chemical or biological agents on American troops or American cities pushed the United States to escalate its CBW activities so that by the end of World War II the United States was ahead of the Nazis in the development of germ warfare. From that time on, this country was on its way—escalating and experimenting with more and more horrible and more and more efficient chemicals and biologicals. All of this was hidden away in the most extreme secrecy from the American people and the Congress who approved the billions of dollars that went for the research, development and stockpiling over the years.

During all these years while Congress was routinely approving with little or no question military budget after military budget, the arsenals of chemical-biological weapons was growing into huge stockpiles and business, industry and many major educational institutions were doing research and taking their share of the budgeted monies.

To give some indication of billions that the United States has spent on chemical-biological programs, it might be well to give examples of the last 7 years. Figures supplied by the General Accounting Office, the Comptroller General of the United States, show a total of $1,719,600,000 over the years 1963 through 1969. These figures, however, do not reflect the huge cost involved in operating and maintaining our vast CBW research, development, testing, evaluation, and storage centers scattered throughout the Nation and the world.

I ask unanimous consent that the breakdown of CBW program costs be printed in the RECORD.

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

CBW PROGRAM COSTS

[In millions of dollars]

	Fiscal years						
	1963	1964	1965	1966	1967	1968	1969
BY SERVICE							
Procurement:							
Army	63.9	41.7	30.4	86.1	35.3	178.9	156.0
Navy	4.0	8.3	8.8	15.6	16.3	4.9	11.8
Air Force	2.5	3.9	2.4	32.7	95.7	64.3	73.5
Total	70.4	53.9	41.6	134.4	147.3	248.1	241.3
Research and development:							
Army	92.5	94.7	88.3	90.2	87.3	79.2	82.6
Navy	10.6	16.9	15.6	8.7	1.5	3.3	3.6
Air Force	18.6	17.6	15.6	15.0	12.1	4.7	4.1
Total	121.7	129.2	119.5	113.9	100.9	87.2	90.3
Operations and maintenance	[1]	[1]	[1]	[1]	[1]	[1]	20.0
Total	192.1	183.1	161.1	248.3	248.2	335.2	351.6

	Fiscal years						
	1963	1964	1965	1966	1967	1968	1969
BY COMMODITY							
Procurement:							
Lethal chemical	37.8	12.2	10.9	12.2	8.7	3.2	0
Smoke, flame and incendiary	[2] 14.9	[2] 20.0	[2] 8.7	[2] 65.7	70.9	122.0	138.1
Riot control	2.4	2.9	1.1	16.8	17.3	66.3	80.5
Herbicides	1.4	1.7	1.9	20.4	39.5	31.4	5.2
Defense equipment and miscellaneous	13.9	17.1	19.0	19.3	10.9	25.2	17.5
Total	70.4	53.9	41.6	134.4	147.3	248.1	241.3
Research and development:							
General basic	18.0	18.0	16.0	15.0	12.0	10.0	9.0
Offensive	57.8	57.2	51.1	49.8	43.8	35.6	31.0
Defensive	21.2	28.3	28.2	26.5	22.3	23.1	30.3
Test and evaluation	24.7	25.7	24.2	22.6	22.8	18.5	20.0
Total	121.7	129.2	119.5	113.9	100.9	87.2	90.3
Operations and maintenance (no commodity breakout)	[1]	[1]	[1]	[1]	[1]	[1]	20.0
Total	192.1	183.1	161.1	248.3	248.2	335.2	351.6

[1] Not available.

[2] Army only; Navy and Air Force not available.

Mr. NELSON. Mr. President, some of the money expended goes to major corporations with major investments in researching and developing chemical and biological agents, and a large chunk finds its way to more than 50 major universities, schools of medicine, and nonprofit institutions.

A partial list of educational institutions engaged in highly secret and dangerous chemical-biological research and the Defense Department contract numbers they work under includes:

Boston University: DA–18–108–61–G3.

Boston University School of Medicine: DA–18–108–405–CML–902.

Brooklyn College: DA–18–064–CML–2739.

University of Buffalo: DA–CML–18–064–61–G18.

University of California, Berkeley: DA–18–108–405–CML–188, DA–18–108–CML–5998.

Naval Biological Laboratory, operated by the Office of Naval Research at the University of California, Berkeley: MIPR No. R–56–6–CML–FD.

University of California at Los Angeles: DA–108–405–735.

UCLA Medical School: DA–18–108–405–CML–735, DA–04–495–AMC–791.

University of Chicago: DA–CML–18–108–61–G8.

Clarkson College of Technology: DA–18–108–405–CML–201.

Columbia University: DA–18–035–AMC–269(A).

University of Connecticut: DA–CML–18–108–61–G1, DA–18–108–AMC–42(A).

Cornell University: AF–08(635)–5400, DA–18–035–AMC–323(A), DA–18–108–CML–6628(A), DA–18–035–AMC–280(A).

University of Delaware: DA–18–035–AMC–278(A), DA–18–035–AMC–342(A), DA–18–108–405–CML–525, DA–18–108–405–CML–654.

George Peabody College for Teachers: Nonr–1257(01).

George Washington University: Not Available.

Georgia Institute of Technology: W–18–035–CWS–1313.

Hahnemann Medical College (of Philadelphia): Not Available.

Harvard University: DA–49–007–MD–864, DA–18–108–61–G–14, DA–18–108–AMC–148(A).

University of Illinois (Urbana): DA–18–064–404–CML–426, DA–CML–18–108–61–G–4, DA–CML–18–108–61–G–10, DA–18–108–AMC–183(A), DA–18–108–405–CML–517.

Illinois Institute of Technology: DA–18–064–404–CML–353; Armour Research Institute: DA–18–108–405–CML–928, DA–18–108–405–CML–777.

Illinois Institute of Technology: DA–18–035–AMC–372(A); Research Institute: AF 08 (635)–5057, DA–18–108–AMC–129(A), DA–18–064–AMC–49(A), DA–42–007–AMC–139.

Indiana University Foundation: DA–18–108–405–CML–738.

Iowa State University: DA–18–108–405–CML–269.

Johns Hopkins University: DA–18–064–404–CML–100, DA–18–064–AMC–104(A), DA–18–108–405–CML–120, DA–CML–18–108–61–G–15, DA–18–035–AMC–144A.

Kansas State University: DA–18–035–AMC–718(A).

University of Maryland: DA–49–007–MD–751.

University of Maryland School of Medicine: DA–18–108–CML–6562.

University of Maryland Dental School: DA–CML–18–108–61–G9.

University of Massachusetts: DA–18–108–405–CML–912.

Massachusetts Institute of Technology: DA–18–103–405–CML–942.

University of Michigan: DA–18–064–404–CML–470.

University of Minnesota: DA–18–064–404–CML–433.

New York University: DA–18–108–405–CML–788(A), DA–18–108–CML–6617(A).

University of North Calolina: Not available.

Ohio State University: FD–GR–61–12.

University of Oklahoma: DA–42–007–AMC–121, DA–42–007–AMC–208.

University of Oregon: DA–CML–18–108–61–G2.

University of Pennsylvania: DA–18–108–405–CML–630, DA–18–108–CML–6556, DA–18–064–AMC–2757(A), AF–08–(635)–3597, DA–18–064–CML–2757.

University of Pittsburgh: DA–49–186–AMC–214.

Polytechnic Institute of Brooklyn: DA–18–108–405–CML–302.

Rutgers University: Not Available.

St. Louis University: DA–18–108–CML–6601.

Stanford University: DA–42–007–403–CML–448.

Stanford Research Institute: DA–18–035–AMC–122(A), DA–18–108–405–CML–839, DA–18–108–405–CML–587, DA–18–108–405–CML–746.

Syracuse University: DA–18–108–405–CML–794.

University of Tennessee: DA–18–108–61–G23.

University of Texas, Austin: DA–18–035–AMC–391(A).

Agricultural & Mechanical College of Texas: DA–18–108–405–CML–858.

University of Utah: DA–42–007–403–CML–427.

Utah State University: Not Available.

Medical College of Virginia: DA–CML–18–108–61–G–21.

University of Washington: DA18–108–405–CML–666, DA–18–108–CML–6364, DA–18–035–AMC–384A.

Washington State University: DA–18–064–404–CML–462.

Western Reserve University: DA–18–108–405–CML–215.

College of William and Mary: DA–18–035–AMC–300(A).

University of Wisconsin: DA–CML–18–108–61–G–12, DA–18–035–AMC–368(A), DA–CML–18–108–61–G6, DA–18–035–AMC–115.

Yale University: Not Available.

The type of research universities have been doing in this area was best described by a researcher for the University of Oklahoma who explained what had happened to him in a letter to Seymour M. Hersh, author of the outstanding book, "Chemical and Biological Warfare." The text of that letter reads:

The crew of researchers normally were quartered at Fort Greeley or Fort Wainwright (a base near Fairbanks, Alaska, about eighty miles away). I was employed as a field biologist and I resigned in September, 1965, due to:

1. My having learned beyond all reasonable doubt that I was employed to contribute to the progress of studies connected with biological . . . warfare. The above had not been made known to me prior to my employment. My inquiries as to the full nature of my work . . . were not answered by my employers at the University of Oklahoma. The University of Oklahoma, the president (of the school), and Dr. Hopla refused to allow me to see a copy of the terms of my employment . . . I was informed the project was classified.

2. At Fort Greeley, I was instructed to make a survey of the vegetation in a plot about 100 acres large and surrounded by a seven-foot fence. This was only one of a number of plots. The Army was looking for significant changes in the composition of the ground cover since a previous survey. I was dressed in a protective suit, high rubber boots, and rubber gloves. I was instructed to touch nothing but the vegetation and even then to avoid doing this as much as possible. Inside the enclosure, there were no signs of recent animal life, such as droppings or runways (animal paths). However, I noticed the carcasses of foxes, squirrels, rabbits, mice, weasels, owls, ravens, jays and small

songbirds. . . . All that used to inhabit the enclosure was dead.

3. An officer of the U.S. Chemical Corps, which was very strongly represented at Fort Greeley and at the field site, once asked me if I felt that minute particles of some substances might be transported to Siberia on the feet of migrating geese. A U.S. Army M.D., in response to my inquiries . . . as to why my project was involved with mice and collecting blood from mice, informed me that the people at Greeley and Dugway were very interested in bubonic plague. The samples of the blood and tissue that we collected in the field were sent away, I do not know where, for analysis by other persons.

The third partner of the military-educational-industrial complex is some of this Nation's major corporations. Corporations like Litton Industries, General Mills, General Electric, General Dynamics, Space General, Booz-Allen, Hughes Aircraft Co., Palmo Victor Co., Honeywell, Inc., Shock Hydrodynamics, Inc., Meteorology, Inc., MB Associates, Aerojet-General Corp., GCA Corp., Goodyear Aerospace Corp., Baltimore Biological Laboratories, Charles Pfizer & Co., Malecki Laboratories, the Food Machinery Chemical Corp., and National Cash Register Co.

And what has all this secret research by the best universities and medical schools in the Nation and by some of the proudest and most successful corporations brought us? It has brought us science and medical research in reverse. Science and medical research for death rather than science and research for life.

The weapons of death that this Nation has developed are divided into two categories—chemical and biological.

A cursory reading of the list of chemicals and biologists that have been developed and are being tested can leave the sensitive reader limp at the implications of what these lethal agents can do to man. For example:

Typical blister agents such as mustard, nitrogen, and lewisite. These cumulative poisons not only blister but can cause blindness, attack internal organs such as the lungs, bloodstream, and digestive tract.

Choking gas, phosgene, is a cumulative poison which attacks the lungs, causing the victim to cough so extensively that he drowns in the liquid which accumulates in his lungs.

Blood gases such as hydrogen cyanide, cyanogen chloride, and arsine are not cumulative poisons, but they are very deadly when concentrated and severely affect the central nervous system.

Nerve gases are so potent that they afford some of the same possibilities for widespread effect from small-scale delivery as do nuclear weapons. These gases create casualties before their presence can be detected by human senses. Less than a minute of exposure is lethal. As gases they travel via the lungs, although a liquid droplet will penetrate the skin. The nerve signals to the muscles are disrupted. Symptoms begin with respiratory troubles, salivation and perspiration, vomiting, cramps, involuntary elimination, and lead to death through convulsions.

I ask unanimous consent that a table showing the chemical agents be printed in the RECORD.

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

TABLE 2.—PROPERTIES OF REPRESENTATIVE CHEMICAL WEAPONS

[From "Tomorrow's Weapons" by J. H. Rothschild, copyright (c) 1964 by J. H. Rothschild. McGraw-Hill Book Co. Used by permission]

Name of agent, U.S. symbol	Physical state at 68° F.	Disseminated form	Odor	Median lethal dosage on inhalation [1] mg.-min./m.³	Median incapacitating dosage on inhalation mg.-min./m.³	Eye and skin toxicity [2]
Phosgene, CG	Colorless gas	Gas	New-mown hay; green corn.	3,200	1,600	None.
Tabun, GA	Colorless to brown liquid	Aerosol, liquid or gas	Faintly fruity; none when pure.	400 (resting men); 100 (active men).	300 (resting men)	Eyes: Very high. Skin: 1⅓ grams liquid (30 drops).
Sarin, GB	Colorless liquid	Gas or liquid	Almost none when pure	70 (mild activity); 25 (active men).	35 (mild activity)	Eyes: Very high. Skin: 15,000 [1] lethal for gas. 2 grams liquid (40 drops) through ordinary clothing. 8,000 [2] incapacitating for gas.
VX	Colorless liquid (persistent).	Aerosol or liquid	None			Eyes: Very high. Skin: Very high.
Mustard, HD	Colorless to pale yellow liquid.	Gas or liquid	Garlic; very little if pure	1,500 (resting men); 400 (active men).		Eyes: 200 [2] incapacitating. Skin: 2,000 [2] incapacitating for gas.
CS	White crystalline solid	Aerosol	Pungent, peppery			Lethality low but incapacitating at 1–5 mg./m.³

Name of agent, U.S. symbol	Time of onset of symptoms	Physiological action	Protection required	Decontamination	Tactical use	First aid
Phosgene, CG	Immediate to 24 hours	Damages the lungs	Mask	None in open; aeration in closed spaces.	Lethal agent, delayed or immediate action.	If shortness of breath occurs, rest and keep warm.
Tabun, GA	Inhalation: Very rapid. Skin: ½ to 1 hour.	Anticholinesterase agent (nerve gas).	Mask and protective cloghing.	Bleach slurry; dilute alkaline solution; Hot soapy water; DS2.	Lethal agent; inhalation or spray.	Atropine; artificial respiration.
Sarin, GB	Inhalation: Very rapid. Skin: ½ to 1 hour.	Anticholinesterase agent (nerve gas).	Mask and protective clothing.	Same as for Tabun	Lethal agent. Inhalation or spray.	Do.
VX	Inhalation: Very rapid. Skin: ½-1 hour.	Anticholinesterase agent (nerve gas).	Mask and protective clothing.	Same as for Tabun	Lethal agent; inhalation or spray.	Atropine; artificial respiration.
Mustard, HD	Delayed. 4 to 6 hours	Injures eyes and lungs; blisters skin.	Mask and protective clothing; protective ointment.	Bleach, DS2	Incapacitating agent; inhalation, skin effects from gas, spray.	Protective ointment on exposed skin (within 5 minutes); if liquid present, blot off first.
CS	Instantaneous	Extreme burning and tearing of eyes; difficult breathing; stinging of skin, nausea.	Mask	None	Incapacitating agent on inhalation; Normally a riot agent, but may be used as a war agent.	Face wind in fresh air; do not rub eyes.

[1] Concentration times exposure (milligrams per cubic meter times minutes) to cause death in 50 percent of subjects. The numbers are directly comparable to indicate lethality of the agents.

[2] Same as above but to cause incapacitation in 50 percent of subjects.

Mr. NELSON. Mr. President, the biologicals are even more frightening. They have never been used on a large scale and no one can predict how they would work. Clearly there is sufficient reason to be even more fearful of these agents because they have the uncertainty of backfiring and infecting the forces using them. They can be employed in forms that are invisible and cannot be detected in any way. Since they cannot be detected at an early stage, by the time the infection has been accomplished and incubation completed, there could be epidemic spreading of diseases throughout the target area that could spread like a gale-swept fire.

One disease often mentioned in the biological warfare literature is anthrax. The disease is normally fatal within 18 to 48 hours. The preliminary symptoms are rather diverse and make diagnosis difficult. But they include high fever, difficult breathing, and fluid in the lungs. As the disease runs its course the patient normally falls into shock and coma. Death follows soon thereafter.

So persistent is anthrax that during World War II when the British field tested anthrax spores in Gruinard Island off the northwest coast of Scotland and returned in mid-1966, they found the island still infected. It is estimated it probably will remain that way for another 100 years.

The deadly biological arsenal is filled with other diseases that range from the plague black death of the middle ages and Venezuelan equine encephalitis, a virus disease that can cause crippling damage of the human nervous system. Others are Rocky Mountain spotted fever, Q fever, tularemia, and cholera.

A number of biological chemical agents is far greater than those listed here, but

then we have only begun to penetrate the highly secret world of the deadly weapons of chemical-biological warfare.

Few, if any, Members of this Congress can say they know what this country is doing in the experimentation, development, stockpiling, and disposal of these weapons or even thought of the magnitude of the threat these unreliable agents pose to the people of this Nation and the world.

Our attention was directed to the secret world of CBW which we so routinely financed with each military budget only when word began to get out about the fact that CBW accidents were occurring. In Dugway, Utah, some 6,400 sheep died when the wind carried nerve gas away from the test range. It is frightening to imagine what would have happened if the wind had blown the deadly gas toward Salt Lake City or any other nearby community. Farmers can be reimbursed for sheep, but you cannot reimburse a human life. Just recently an accident occurred at our military base on Okinawa and 24 persons were hospitalized.

Seymour Hersh also reported in his book that nearby Fort Detrick, the Army Biological Warfare Research Center in Maryland, some 3,300 accidents have been recorded between 1954 and 1962, half of these in laboratories involving the infection of more than 500 men including three deaths from anthrax. There was even one case of a worker who caught plague.

Not only is human and animal life exposed to unnecessary dangers, but irreparable damage has been done to our environment. In the desert proving grounds at Dugway, there is a plot of land that has been permanently contaminated by anthrax spores. It makes one pause to wonder what kind of memorial that leaves for future generations.

Congress must now discuss a chemical-biological warfare. Certainly we must not allow the development of these lethal agents to escape our scrutiny for another 50 years.

Senators GOODELL, YARBOROUGH, HARTKE, and PELL, along with the chairman of the Armed Services Research and Development Subcommittee, Senator THOMAS MCINTYRE, and I come before the Senate today with very modest and limited amendments. They are, nevertheless, important and meaningful steps—steps that must be taken by the Congress and resolved for the Nation.

These amendments only require the Defense Department to let us know what they are doing. For too long the Defense Department has developed, tested, transported, and disposed of these deadly agents without consulting the Congress or the other executive departments of the Government. Our proposals would now require them to do so—before they develop, test, transport, or dispose of CBW agents.

We want to know what the Defense Department is doing in this area.

These modest and very limited amendments do not reach the much more important issue as to whether we should be developing such a weapons system at all. There are grave practical, political, and moral questions that must be debated and resolved by the Congress and the people of this country. It is my own view that we are developing a chemical and biological monster that cannot be controlled. It will ultimately proliferate into the armaments race of all nations large and small and we will have made it possible because of our own research and development. Chemical and biological weapons are cheap to develop, and if they are allowed to proliferate it is not beyond the possibility that a small nation could use such weapons against another small nation and if the weapons are biological, the entire world could be endangered.

The questions we raise today cannot be left for settlement in the military arena; it is in the public forum where such issues must be weighed and resolved.

On the moral question—I cannot believe that the people of this Nation would ever sanction the use of deadly disease germs and lethal gases on defenseless civilian populations.

Certainly nothing could be more perverse than the consideration that this Nation would ever resort to using deadly germs and gases on any other nation, no matter what the provocation. That kind of warfare can only be judged as being demented, because it is the most hideous and debasing form of warfare.

Before closing, a statement was made in my office today by Dr. Joshua Lederberg, Nobel Prize winner and noted geneticist at Stanford University who, when asked if there was such a thing as a minor release of toxic materials into the atmosphere, said:

> We have experienced many examples of minor release of toxic materials into the atmosphere despite the most careful precautions in nuclear test experiments. The Skull Valley incident was an emphatic warning about serious accidents in field tests of chemical warfare agents. It showed how the security blanket prevents critical forethought about unexpected hazards to the public; it also illustrated how far a security-bound activity must go in covering up its mistakes after they happen, again hindering the full use of informed professional judgment in protecting the public.
>
> When we consider biological warfare agents we must remember that no release is a minor one. The characteristic of these agents is that they propogate so that a single particle unknowingly inhaled by a single person hundreds of miles from the point of release could start a devastating epidemic whose original source might never be provable. These agents can also infect wild animals with a long chain of infection in them and in their parasites before man is involved. As dormant spores, these agents can persist for years, perhaps even centuries, before being unwittingly revived and infecting man. Every open field test of a human pathogen is a global experiment; those who would conduct such experiments must answer to mankind for the consequences.

An eloquent statement, I think, by Dr. Joshua Lederberg on the question of testing lethal chemical and biological elements in the environment.

That concludes my remarks on the amendment that was submitted jointly by several Senators and which is pending before us.

Mr. GOODELL. Mr. President, I am glad that the Nelson amendment will be voted on, with the other amendments on chemical and biological warfare, on Monday next at 12 noon.

I shall withhold my comments at this point. I am not particularly happy with the compromise, but it is a compromise, and I will discuss that on Monday next, prior to the vote.

A REASONED APPROACH TO THE LIMITATION OF THE USE OF CBW AGENTS

Mr. YARBOROUGH. Mr. President, as I indicated on the floor of the Senate on Tuesday, August 5, 1969, I have long been gravely concerned about the indiscriminate testing, transportation, and development of chemical and biological weapons, commonly referred to as CBW agents. Recent events such as the accidental killing of a large number of sheep in Utah, the injury of several people on Okinawa, and revelation of open-air testing of CBW agents in the immediate vicinity of the Nation's Capital, have given rise to the gravest doubts on my part about the safety of developing, transporting, and testing CBW agents.

The amendment, Mr. President, that I have introduced, is a measure which would require the application of safety restrictions and precautions to the transportation, testing, and development of CBW agents adequate to protect our domestic population. My amendment would require the Surgeon General of the Public Health Service to certify that testing, developing, or transportation of any chemical or biological weapon would not present a hazard to the public health.

This amendment would require the Department of Defense to assure the safety of the domestic population before transporting, testing, and developing CBW agents. But I feel that this is one instance in which the public safety is the most important consideration, in the words of the ancient Roman maxim, "Salus Populi, Suprema Lex," the public safety is the highest law.

We cannot permit activities which present so clear a threat to the public safety, Mr. President, and no one can deny that the history of testing, transportation, and development of CBW agents has been riddled with examples of vast dangers to the public safety. In my statement of August 5, 1969, I mentioned several examples of slipshod application of the most elementary safety precautions. In the interest of saving time, I shall not reread this statement, but I ask unanimous consent that my statement and insertions of August 5 appear in the RECORD at this point.

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

STATEMENT BY MR. YARBOROUGH

Mr. President, the chemical and biological warfare program of the United States raises vital questions in the area of public health and safety. I believe I have a special responsibility to bring these questions to the attention of the Senate because I am chairman of the Labor and Public Welfare Committee and its Health Subcommittee.

The chemical and biological warfare program of the United States costs approximately $1 million per day. Yet to date, Congress has not devoted sufficient time to analyzing this weapons system and what it means to the domestic health and safety of the country.

The chemical and biological warfare pro-

gram has already caused great concern throughout the Nation because of the hazards to the public health and safety of our people and their environment, caused by the field testing and transport of CBW agents. In addition, we are concerned with its effect on our relations with other countries. Most recently, we have had to deal with the severe repercussions which resulted from the accidental release of nerve gas on Okinawa.

Pursuant to a request last year by the Special Subcommittee on Science—now the Special Subcommittee on the National Science Foundation—of the Committee on Labor and Public Welfare, the Legislative Reference Service of the Library of Congress prepared a background report on chemical and biological weapons. This background report is the source of much of the discussion which follows.

The U.S. Army defines chemical warfare as the tactics and techniques of conducting warfare by use of toxic chemical agents. Chemical weapons can be designed to cause, first, either death or disability in a man; second, destruction or damage to food, animals and crops; and third, depression or removal of other living things in accordance with a specific military tactic.

Types and effects of the principal chemical agents are as follows:

Nerve gases are the most lethal—or deadly—chemical weapons. Generally odorless and colorless, they cause asphyxiation by paralyzing the human nervous system. As little as one-fiftieth of a drop can kill a man.

Incapacitating agents can produce temporary paralysis, blindness, or deafness.

Harassing agents include mustard gas, which caused many casualties in World War I. Mustard gas causes severe burns to eyes and lungs and blisters the skin. Large amounts can kill.

Defoliants and herbicides are used against vegetation rather than humans; can be sprayed on forests and jungles to expose enemy hiding places, also effective in killing crops in enemy-held territory; may cause eye irritation, stomach upsets, or arsenic poisoning in humans.

Biological warfare is the deliberate introduction of disease-producing organisms into populations of people, animals or plants. The organisms are the same as those found in nature, but can be selected and cultured to be more virulent and resistant than those in nature. Some organisms, and especially bacteria, can be grown so as to be resistant to drugs and antibiotics.

It might also be possible to develop a kind of "super germ" or new strains of germs for which the body has not evolved antibodies and for which vaccines have not been developed. The Hong Kong flu is an example of a virus—evolved by nature—to which we had no seriological resistance and for which a vaccine could not be developed until the disease was discovered and the organism isolated.

There are diseases such as influenza which are basically incapacitating there are others which cripple or kill. Hundreds of pathogenic organisms are available in nature from which the scientist and military strategist can select those which will serve the planned effect. Among the most effective and most feared BW diseases are the following:

Anthrax is a bacterial disease usually found in animals. Symptoms include high fever, hard breathing, and physical collapse. It can cause death within 24 hours if it affects the lungs.

Brucellosis is a bacterial disease usually found in cattle, goats, and pigs. Also known as undulant fever. Not usually fatal to humans although can cause high fever and chills which may last for months.

Plague is a bacterial disease sometimes carried by rats. Usually fatal within a week. Pneumonic plague affects the lungs, may be transmitted by coughing.

Q-fever is a highly infectious disease usually carried by ticks. Rarely fatal, can cause fever lasting 3 months.

Because biologic agents are invisible, odorless, and tasteless, and usually produce no immediate physiologic damage, their early recognition is often impossible. Another reason for the delay in recognition of a biologic agent lies in the fact that physical detection from samples of air, food, and water might take days and even longer, especially if the organism were foreign to the affected population.

Protection against biologic agents is extremely difficult. For example, the "Emergency Manual Guide on Biological Warfare—1959" states:

"Decontamination of extensive areas is not considered practical. Rather, natural decay, assisted by sunlight, temperature and air movement must be relied on."

The population is better protected if it has been immunized actively or passively before biologic attack. Thus far it has been impossible to have available a multitude of vaccines capable of being dispersed and administered to a large population. Also, there are as yet no effective vaccines against certain diseases. It is likely that the young, the elderly and the infirm will be particularly susceptible victims.

Biological weapons systems have potential as a device for mass destruction. This is especially true of the combination of virulent agents and susceptible population, along with other conditions, are suitable to epidemic results. It is a self-replicating weapon—it proliferates itself, not only in the affected individuals, but also in the entire population.

Not all diseases are equally contagious, but in one way or another they may spread from those who receive the direct inoculum to those who do not.

Crops are vulnerable to biological attack. Some biological agents are persistent; that is, they have spore forms which resist destruction and may remain in the environment, especially the soil, for tens or even hundreds of years.

Increasing attention is being given by the media to recent accidents and potential for accidents in the testing, development, transportation, and disposal of chemical and biological weapons. The July 25 edition of Medical World News contains an article on this subject, entitled "Biological Warfare: Off Limits to Doctors." Most of the following information is from that excellent article, including this quote:

"Congressman's Question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

"Physician's Answer: I don't know.

"Congressman's Question: Were you aware that the Army's own maps show a permanent biocontaminated area about 17 miles outside Dugway?

"Physician's Answer: Not until I read about it in yesterday's papers.

"The dotcor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the United States Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. 'I have primary responsibility within the federal government for the protection of public health,' Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

"Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major bio-war center at Fort Detrick, Maryland, for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against an air crash train wreck, lab explosion or earthquake involving U.S. research or storage facilities."

I believe it is imperative that the Surgeon General be allowed to exercise primary responsibility within the Federal Government for the protection of public health of the citizens of the United States. Thus, I am offering an amendment to the military procurement authorization bill, S. 2546, so that the Surgeon General may be allowed to exercise his responsibility.

The amendment simply states that the Surgeon General of the Public Health Service must determine that any testing, development, transportation, or disposal of chemical and biological weapons will not present a hazard to the public health before any funds can be used for these purposes.

We must not have other incidents such as occurred at the Dugway Proving Ground in Utah. The wind that carried the poison gas which killed 6,000 sheep blew 35 miles to the northeast. But if it had gone 35 miles east to Tooele, or 35 miles north to Highway 40, Dr. Gubler, chief of staff of Tooele Hospital, believes the victims might have been humans as well as sheep.

A witness at committee hearings called by Congressman REUSS, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian, who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway. Asked by Congressman VANDER JAGT:

"Have you ever run into diseases that you have been unable to account for?"

Dr. Osguthorpe replied:

"I have run into a disease in newborn calves in the area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent."

Congressman RICHARD MCCARTHY has pointed out:

"Fort Detrick, the Army Biological Warfare Research Center, has one of the poorest records among major biological institutions for infections. There was 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in a laboratory, involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result."

Infections among workers at secret installations pose a threat to the entire neighboring community, MCCARTHY states. He has cited the instance of a worker who caught plague at Fort Detrick some years ago:

"He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger."

Fort Detrick, of course, is only minutes from Washington, D.C.

Recently, there was a furor over the proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped in the Atlantic Ocean.

Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an architect

befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

I think the time is right for the Senate to take action. It is my earnest hope that the Senate will pass my amendment. This amendment is not designed to prevent the testing and development of such agents if it can be done with safety to the civilian population. It is designed to protect the civilian population, not to hamper the Army and scientists. It is not meant to cripple our defenses; rather, it is meant to protect our people.

I ask unanimous consent to have printed at this point in the RECORD the article published in Medical World News of July 25, 1969, entitled: "Biological Warfare: Off Limits to Doctors," and the text of the amendment.

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

The amendment will be received and printed, and will lie on the table.

[From Medical World News, July 25, 1969]

BIOLOGICAL WARFARE: OFF LIMITS TO DOCTORS

Congressman's question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

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The doctor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the U.S. Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. "I have primary responsibility within the federal government for the protection of public health," Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major biowar center at Fort Detrick, Md., for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against any epidemic that might be set loose by an air crash, train wreck, lab explosion, or earthquake involving U.S. research or storage facilities.

Until recently, the Army's secrecy has kept biological weapons from arousing widespread alarm among physicians and the public at large. This year, however, the biowar program, along with many other Pentagon projects, has lost much of its former immunity. Its congressional opposition, sparked by Rep. Richard McCarthy, a Democratic from Buffalo, N.Y., has now expanded to include the usually hawkish Senate Armed Services Committee. President Nixon has ordered a sweeping review of U.S. policies on chemical and biological warfare. A UN committee with representatives from all 13 countries believed to have biowar programs has called for unconditional effective biological and chemical disarmament. And physicians who see biological warfare as off limits ethnically to anyone who has taken the Hippocratic oath, and who believes that the medical profession should take the lead in pressing all governments to rid themselves of these weapons, are getting a hearing in an increasing variety of medical organizations.

Only about 15% of biowar research is ever published in the open scientific literature. As a result, some significant data reach the light of day via such publications as the *Congressional Record* rather than the more traditional scientific journals.

If Dr. Stewart had looked in the *Record* a few days before his testimony, he would have found a statement by Dr. Matthew S. Meselson, professor of biology at Harvard, about nerve agent VX, "A tiny droplet on the skin will cause death," Dr. Meselson said, citing Swedish research.

Dr. Meselson lists some of the reasons why a sizable group of scientists and physicians is disturbed: "Important military personnel can be equipped and trained to use protective devices far more easily than civilians can. Civilians are the most natural and most vulnerable targets for chemical and biological attack. Field testing of live biological weapons and especially the outbreak of actual biological warfare would be a menace to the entire human species."

Much the same prediction is made in a UN report on chemical and bacteriological weapons completed by consultant experts from 14 countries and just released by Secretary General U Thant. The experts came from Canada, Czechoslovakia, Ethiopia, France, Great Britain, Hungary, India, Japan, Mexico, the Netherlands, Poland, and Sweden as well as the U.S. and USSR. Of these countries only Ethiopia is believed to have abstained so far from biowar research.

The UN report says the idea of biological weapons being used to spread disease "generates a sense of horror."

"And anyone who reads the report—as I urge all physicians to do—will see that there is a technical basis for this value judgment," says this country's consultant expert to the UN group, Dr. Ivan L. Bennett, New York University's vice president for medical affairs.

The UN report discusses various biological agents. From its appetizing menu an attacker could pick his weapon on the basis of precisely what he hoped to accomplish. For high mortality, anthrax, glanders, melioidosis, and plague (pneumonic) would be the disease of choice, especially if reinforced by artificial drug resistance as shown on page 23. For fast transmission to areas and individuals who missed out on the first dose, cholera, smallpox, and pneumonic plague would be the best bet. To incapacitate large numbers of people for several weeks or more, one might choose Chikungunya fever, tularemia, typhus, brucellosis, glanders, coccidioidomycosis, Rocky Mountain spotted fever, or an aerosol version of tick-borne encephalitis. And there is no guarantee that an aggressor would use one weapon at a time. Airborne anthrax, for example, would fell far more victims if it were combined with influenza. Both the U.S. and USSR are believed to be working on all, or nearly all, of the agents discussed in the UN report, and to have large stockpiles of the ones their biowar scientists consider the most useful.

Perhaps the most frightening characteristic of these weapons is their unpredictability. Bullets and bombs can be aimed; viruses and bacteria cannot. Bullets and bombs, once used, do not reproduce themselves in ever-increasing numbers; specially bred viruses and bacteria may. As the UN committee's experts point out: "Were these weapons ever to be used in a large-scale war, no one could predict how enduring the effect could be, and how they would affect the structure of the society in which we live. This overriding danger would apply as much to the country which had initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken."

Another danger comes from the low cost of these weapons. Just about any country that can find enough funds and know-how to operate a small vaccine laboratory or even a large brewery can initiate biowar research. Poor countries can pollute the world almost as easily as rich ones.

The weapons themselves may be cheap, but a lot of money can be spent on delivery systems. These systems include planes with spraying devices and missiles with various type of warheads. In this country, the Army alone spends at least $330 million per year for chemical and biological warfare activities. This official figure, given by Dr. K. C. Emerson, acting Deputy Assistant Secretary of the Army for Research and Development, has been challenged by congressmen as being too low. Some informed observers place the spending by the Army at roughly double that figure.

Delivery systems need not be elaborate, however. For most biological weapons the preferred form of dispersal is an aerosol. In one field trial cited by the UN report, 200 kg of zinc cadmium sulfide, a harmless powder, was distributed from a ship sailing 160 miles along a coastline while staying ten miles offshore. The resulting aerosol traveled more than 450 miles inland and covered an area of nearly 30,000 square miles.

Because biowar research is closest to medical research, it represents the most intense perversion of the humane aims of science, says Dr. Joshua Lederberg, 1958 recipient of the Nobel Prize in Medicine and now professor of genetics at Stanford.

Dr. Lederberg and his fellow critics argue that apart from enforceable treaties there can be no protection against a biological attack or accident. A less scholarly New York City internist puts the point tersely: "If the Public Health Service can't protect the nation against a flu epidemic with six months' advance warning, how in the hell could they ever protect us against an unknown organism that we have no vaccines against?"

One physician in a good position to speak to this question is Col. Dan Crozier, commanding officer of the U.S. Army Medical Unit at Fort Detrick. To Dr. Crozier, the most important aspect of medical defense is quick etiologic diagonosis. "Times considered acceptable in general medical practice would be totally unacceptable and possibly disastrous," he said in *JAMA* (Vol. 175, No. 1). His suggestion: a maximum elapsed time of six hours in the lab.

Despite the limited information available to doctors, biowar defense "is primarily a medical problem and is a responsibility of the medical community," Dr. Crozier said. "The civilian medical profession will bear the brunt of the load. It will not matter that one opposes war or is against the use of microbiological agents as weapons, the problem will be one that must be met. At the present time, definite answers do not exist to many of the problems that would be created by such an attack."

Last year at the American Public Health Association meeting in Detroit, Dr. Crozier added another dimension: "It is no secret that the military forces of the U.S. are interested in biological warfare from the offensive as well as the defensive standpoint." In his current book, *Chemical and Biological Warfare*, Seymour Hersh cites Pentagon papers and Army field manuals in documenting a shift, under the Eisenhower Administration, away from the Roosevelt no-first-use policy.

The Committee for Environmental Information, a group originating at Washington University in St. Louis, is concerned with hazards of uncontrolled testing and careless handling. Official secrecy "is a deadly serious matter," pathology instructor Gustave L. Davis says. "If Congress and the people are to make the vital decisions about the manufacture, testing, and use of these agents, they must have the facts. These decisions may determine the life or death of hundreds of thousands of our people."

This is precisely the point emphasized by a "Speaker's Kit" issued by the Federal Civil Defense Administration in the early 1950s. It lists some "Quotable Quotes on Biological Warfare." Among them is this one, attributed to Millard F. Caldwell, who was then Civil Defense Administrator: "One of our toughest problems is what we could call, for the want of a better term, the panic element. Panics can be most costly; they can cost us more than atomic bomb damage would. The only way to avoid panic is for the people to know the facts, and to have, in advance, the means of protecting themselves through knowledge of what to do."

A small taste of this panic element burst into the news during the recent furor over proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped into the Atlantic Ocean. Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an accident befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

Some of the other unanswered questions first came to Representative McCarthy from his slim, blonde, pony-tailed wife, who had watched an NBC–TV program dealing with chemical and biological warfare. Constituents in Buffalo also found the program disturbing.

Attempting to answer his wife and his electorate, Representative McCarthy found himself knocking on closed doors. Some of his questions: Why does this country need a biological and chemical warfare capability? What sort of capability do we have now? Under what circumstances would our government use these weapons? Assuming we don't intend to use them first, could biological weapons ever be a militarily useful response to a biological attack? How much do these activities cost us each year? What safety precautions are taken to protect the public against accident? Are our academic and private institutions being improperly involved in this type of research?

BIOLOGICAL WEAPONS AND POSSIBLE MEDICAL DEFENSES

Disease	Mortality	Infectivity	Antibiotic therapy	Vaccination
Bacteria:				
Anthrax (pulmonary)	Almost invariably fatal	Moderately high	Effective if given very early.	Available.
Brucellosis	Low (less than 5 percent)	High	Moderately effective	Under development.
Cholera	Usually high (up to 80 percent).	Low	do	Available.
Glanders	Almost invariably fatal	High	Little effect	None.
Melioidosis	Almost 100 percent fatal	do	Moderately effective	Do.
Plague (pneumonic)	do	do	Moderately effective if given early.	Available.
Typhoid fever	Moderately high	Moderately high	Moderately effective	Do.
Viruses:				
Chikungunya fever	Very low	Probably high	None	None.
Dengue fever	do	High	do	Do.
Tick-borne encephalitis.	Up to 30 percent	do	do	Under development.
Venezuelan equine encephalitis.	Low	do	do	Do.
Smallpox	Usually high	do	do	Available.
Yellow fever	High	do	do	Do.
Rickettsiae:				
Epidemic typhus	Usually high (up to 70 percent).	do	Effective	Do.
Psittacosis	Moderately high	do	do	None.
Q-fever	Low	do	do	Under development.
Rocky Mountain spotted fever.	Usually high (up to 80 percent).	do	do	Do.

Source: U.N. report, July 1969.

McCarthy got some of the brush-offs given to physicians and ordinary citizens. But as a congressman, he had some resources not available to others, and he used them. He asked the Army for a congressional briefing on the subject. The Army complied, but declared that the briefing was classified.

Since the congressman could hardly answer his constituents' questions with classified material, he tried another way to leap over the high wall of bureaucratic secrecy. He submitted some of his policy questions to the Secretary of Defense.

The Defense Department replied—five weeks later. Signing the reply was Dr. John S. Foster, Jr., a physicist. As director of defense research and engineering, Dr. Foster is the Pentagon's top scientist.

One paragraph of Dr. Foster's reply is of particular interest to physicians:

"The U.S. does not maintain large stockpiles of medical supplies such as antibiotics and vaccines against the possibility of biological attack. There is no specific antibiotic therapy available for most biological warfare agents. As for vaccines, there are more than 100 possible biological warfare agents and production and administration of 100 vaccines to the U.S. population is not practical. There is medical reason to believe that such a program would be generally injurious to health in addition to requiring prohibitive expenditures."

If there is no defense against an attack, what about the defense against accidental infection of our own population? Dr. Foster's letter stated that strict safety practices are enforced at laboratories conducting research on biological and chemical agents: "Elaborate systems of airtight hoods, air filtration, and waste decontamination are employed. These precautions and procedures are reviewed by the U.S. Public Health Service as well as by Department of Defense safety experts. The equipment and building designs developed at the U.S. Army Biological Laboratories, for example, have been generally accepted throughout the world as the ultimate in safety for the investigation of infectious diseases."

In making the reply public, Congressman McCarthy in effect called its author a liar—an experience which Pentagon officials are finding increasingly common on Capitol Hill this year. McCarthy particularly attacked the over-all biological safety record during the past two decades: "Fort Detrick, the Army's biological warfare research center, has one of the poorest records among major biological institutions for infections. There were 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in the laboratory involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result."

Infections among workers at secret installations pose a threat to the entire neighboring community, McCarthy charged. He cited the instance of a worker who caught plague at Fort Detrick some years ago: "He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger."

Soon other congressmen began to question the Army's veracity in dealing with one spectacular recent chemical warfare accident—the killing of 6,000 Utah sheep by Dugway's poison gas. The Conservation and Natural Resources Subcommittee began hearings on the dangers of open-air testing of persistent lethal chemicals.

Their unrelenting questioning of three Army officials, under oath, established these facts: The Army had first denied testing nerve gas on March 13, 1968, when in fact it had. Even after correcting this, the Army still denied—for 14 solid months—that the gas had anything to do with killing the sheep, even though it paid their owners $500,000 in reparations. This misstatement, too, was corrected, but only after the committee spent one entire morning of relentlessly pursuing evasions, hesitations, and disavowals by three Army representatives, including Dr. Mortimer A. Rothenberg, a biochemist who is Dugway's top scientist.

Last year, in reporting the Army's fib about the neurotoxin VX not causing the March sheep kill, MWN was the first to catch the brass in a second and more blatant lie—that Army precautions eliminated all peril to humans and indeed were so good that there had never been a single human casualty due to storage or testing of war chemicals at Dugway Proving Ground. Dr. Kelly Gubler, chief of staff at Tooele Hospital in the town of that name 35 miles east of the test site, said he had previously treated Dugway workers for anticholinesterase poisoning such as VX would produce. The wind March 13 blew to the northeast, but if it had gone east to Tooele or north to Highway 40—also 35 miles away—Dr. Gubler believed the victims might have been humans as well as sheep.

MWN's story (April 12, '68), read into the record by the same committee that later grilled Dr. Rothenberg, also trapped the Army in still a third lie—that its tests had gone according to plan on March 13. As Surgeon General Stewart got the Army to admit months later, an airplane had accidentally spewed out VX high above the desert where the winds could take it anywhere, after making a pass at a ground target to test dispersal techniques. The Army eventually promised Dr. Stewart that, in the future, airborne chemicals won't be released above 300 feet and won't cross heavily traveled Highway 40 for at least three hours.

At the hearing, Dr. Rothenberg said he feels secure about the new safety measures. Then Congressman Guy Vander Jagt, Republican of Michigan, asked in a mild voice, "If the Army was wrong about the danger to the sheep, could the Army be wrong about the danger to human beings?"

Vander Jagt did not press for an answer to his question, but committee chairman Henry S. Reuss, Democrat of Wisconsin, did insist on an answer to this one: "Is there Venezuelan equine encephalomyelitis virus in the Dugway storehouse?"

Dr. Rothenberg answered, "That is security information."

"Clear the hearing room," said the congressman, "and we will take your testimony in private."

Few scientists know precisely what is in the Dugway storehouse, but antibodies against VEE virus have been found in cattle in Utah. The only other states in which these antibodies have been found are Florida and Louisiana, where they would be more expected. This virus has been cited as being particularly suitable for biological warfare, because it is so easily spread to humans by inhalation, and because there is little immunity to it in temperate zone nations.

Another witness at the Reuss committee hearings, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway.

Asked by Vander Jagt, "Have you ever run into diseases that you have been unable to account for?" Dr. Osguthorpe replied: "I have run into a disease in newborn calves in this area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent."

All indications are that the debate on biowarfare will continue gathering heat in the months to come. Surveying the situation on both sides of the Atlantic, an editorial in *Nature* (Vol. 218, No. 6) comments wryly: "The point is rapidly arriving when it is as hazardous for a person to carry out research on some aspect of chemical or biological warfare as it is to be a president on a campus torn apart by student power."

There will probably be a substantial rumble at the next meeting of the American Society for Microbiology. "The ASM has long been tied to the biological warfare effort and to the official secrecy shrouding it," says Dr. Richard Novick, a physician who is research assistant professor of microbiology at New York University. "More ASM members are employed at Fort Detrick than at any other institution. Their secrecy is evidently due to a desire to avoid arousing public opinion."

Dr. Novick helped found the microbiologists' Committee on Chemical and Biological Warfare, which seeks U.S. ratification of the Geneva Protocol of 1925, outlawing the use of poison gas and biological agents. They also hope to enlist the aid of microbiologists in other countries—particularly the Soviet Union, England, and France—in outlawing biowarfare.

The American Public Health Association includes a growing list of members opposed to biological weapons. After Fort Detrick's Dr. Crozier reported on biological warfare at last year's APHA meeting, he was challenged to a debate by Dr. Steven Jonas, a physician from Brooklyn. "The session was hastily adjourned when Dr. Crozier indicated he was not prepared to discuss morality," says Dr. Jonas.

The Brooklyn physician then helped organize the Caucus for Peace and Human Rights, which circulated a petition opposing continued development of chemical and biological weapons. "About 200 members signed it, and we mailed it off to the chairman of the APHA executive board. Hopefully, we would like the entire APHA to endorse our position."

For at least two decades, the AMA has virtually ignored the issue. But during the past few months, there have been some stirrings. In *Chemical and Biological Warfare*, Seymour Hersh charges that *JAMA* in recent years has refused to print letters critical of the views presented in *JAMA* by Colonel Crozier and others. Dr. John H. Talbott, *JAMA* editor, says Hersh's charge is easy to make but difficult to prove. Dr. Talbott also says he does not recall rejecting a "thoughtful" letter on the subject, and that he gets a lot of crackpot mail.

As for the ethics of biological warfare, an AMA spokesman says the question has never come up before the Judicial Council. Of the physicians who believe participation is unethical, one of the most articulate is Victor W. Sidel, formerly chief of the community medicine unit at Massachusetts General Hospital and now professor of community health at the Albert Einstein College of Medicine in New York.

To stay ethical, Dr. Sidel says, a military physician must do nothing to contribute to the net increase in disease, disability, or untimely death. "He must also be free to make judgments about his own medical ethics. If the physician becomes a combatant, or unable to make his own ethical judgments, he has stopped functioning as a physician. He may be a good soldier, but he is an unethical doctor."

A civilian physician, Dr. Sidel says, has an "ethical imperative," stemming directly from the ethical traditions of medicine and from the concept of complicity developed at the Nuremberg Tribunal. "If the physician knows of any unethical activities of other physicians—for example, developing chemical-biological weapons or using medicine for psychological warfare—even if those activities are being performed under the aegis of his government, it is not only his right but his clear duty to make these activities as widely known as he can and to protest against them. In the long run, everyone will gain from this—his profession, his nation, and his species—even though in the short run, the physician himself may suffer from his protests."

Can biological warfare be made off limits to governments—our own and everybody else's—as well as to doctors and other private citizen's? A year ago it would have seemed unlikely, but perhaps times have changed.

At the disarmament talks in Geneva, Britain has just proposed a new treaty that would ban production and possession of biological weapons as well as their use. Nixon and Kosygin have voiced interest. And even without any Russian reciprocity, the Senate Armed Services Committee has voted to eliminate all funds for lethal and incapacitating chemical and biological weapons from the U.S. military budget. But cash outlay is one indication of national priorities, and the billions already spent on biological weapons are hardly outweighed by the investment in biological disarmament—which so far consists mainly of Ivan Bennett's plane fare to Geneva.

As a social institution, war is not yet quite ready to follow slavery and human sacrifice onto the list of discarded behavior patterns that no one can any longer regard as part of some unchanging "human nature." But physicians like Drs. Sidel, Novick, Jonas, and Bennett hope that this particular kind of war can be ruled out before it is tried. One Swedish suggestion: Internationalize the entire microbiological profession into an intelligence network with universal diplomatic immunity.

Says Dr. Bennett: "I think things will begin to move. The time is ripe to do something. The problem is to get biological weapons banned by all nations, not by just the U.S. But I do think we are one step further along the way to what we are all after—general disarmament in biological weapons."

AMENDMENT NO. 117

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, or disposal of any chemical or biological weapon unless the Surgeon General of the Public Health Service determines that such testing, development, transportation, or disposal will not present a hazard to the public health."

Mr. YARBOROUGH. Mr. President, this is one matter on which we should act now, this is one amendment to this bill which should be passed at the earliest possible opportunity. This is certainly one matter which concerns and frightens our people and this is one practice which should be stopped.

Mr. President, I have received a number of communications from my constituents on this subject and I should like to share some of them with the Senate.

In conclusion, let me reiterate, I support this amendment and urge its adoption by the Senate.

Mr. PELL. Mr. President, in connection with the amendment submitted by the Senator from Texas (Mr. YARBOROUGH), of which I am a cosponsor, I find myself most concerned about the public health danger presented by chemical and biological facilities located near such population centers as Baltimore, Denver, and Washington.

We all know the disaster which would have befallen this country had the winds that blew the nerve gas in Utah over nearby grazing grounds, moved in the direction of a major population center.

I am afraid to imagine what would happen if some of the deadly biological germs being experimented with in Fort Detrick, Md., were carried into Washington, D.C., by any unknowing employee of that facility.

Therefore, I believe it is of the utmost importance that the Surgeon General of the United States assure us that such CBW facilities, as I mentioned, do not present a danger to the public health.

Mr. President, first, I should like to comment on how courteous and fair I believe the Senator from Mississippi has been in the way he has handled the amendments those of us have had in connection with chemical and biological warfare. I believe it reflects the fine and generous spirit that is his.

Mr. President, one section of the combined amendment which we have before us is based upon an amendment which I have submitted earlier this week for the purpose of insuring proper consultation within the executive branch regarding our international obligations.

As I stated here last Tuesday, there have been a number of international incidents in which it appears the United States may have violated provisions of international agreements to which the United States has subscribed. The final act of the Nine Power Conference held in London, September 28 through October 3, 1954, requires the United States to notify NATO when it furnishes military aid to any of the continental members of the Western European Union. The Department of Defense has admitted that it did not notify NATO of its shipments of nerve gas to West Germany.

Article 25 of the Geneva Convention on the High Seas requires us to consult with the appropriate international organizations before we dump pollutants into the seas. The Defense Department has admitted in a hearing before the House Subcommittee on International Organizations and Movements that it did not follow the provisions of that treaty when it undertook 12 dumpings of chemicals and other pollutants into the ocean.

Those dumpings were not only apparent violations of the Geneva Convention on the High Seas but they represented

contradictions of a motion adopted by the U.N. General Assembly and cosponsored by the United States stating that "in the use of the deep ocean floor States shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical process and balances" and shall provide timely announcement of any marine activity that could harmfully interfere with the activities of any other State in the exploration and use of the deep ocean floor.

The Department of State has been delegated responsibility for interpreting our international agreements. Unfortunately, as was revealed in the hearings in the House of Representatives, the Department of State was not advised of the 12 previous dumpings and the 13th planned dumping in the Atlantic Ocean until 2 days before the House hearing was to take place.

My amendment is designed to insure that situations such as I have described, resulting from inadequate consideration of U.S. international obligations, do not occur. It would simply require the Department of Defense to consult with the Department of State before any chemical and biological weapons are moved outside of the United States.

Mr. President, it does not require the Secretary of State to adjudicate as to a potential violation by the United States of international law. The Secretary of State, as the Cabinet member responsible for U.S. international legal obligations, would only give a legal opinion regarding international law which would be binding upon other elements of the executive branch.

My amendment would further insure that there is a proper policy coordination within the executive branch with regard to chemical and biological weapons. There must be one CBW policy within the executive branch based upon existing international agreements and canons of international law.

My amendment would require that the Secretary of State's determinations be reported to the Committee on Foreign Relations in order that that committee would be assured that the United States is fulfilling its international obligations regarding chemical and biological weapons. I would also like to say regarding this point that I believe it would be more desirable for the Foreign Relations Committee to be receiving that information on a confidential basis from the executive branch than it would be if the committee was receiving such information as it has in the past as a result of exposés by the communication media.

My amendment would also require the Secretary of State to notify the appropriate international organizations regarding disposals and provisions of nerve gas to other countries only as present U.S. agreements require such notification.

This would not involve any release of national security information. In the case of West Germany, it would simply require the United States to notify the North Atlantic Treaty Organization. In the case of the ocean dumpings, notification would have to be furnished to such international organs as the U.N. Inter-Governmental Maritime Consultative Organization and the U.N. Oceanographic Commission.

I believe it is time that the Department of State and the Department of Defense assume and fulfill their appropriate and separate responsibilities. I believe the passage of the moderate amendment I propose is necessary if there is to be proper consideration of our international responsibilities within the executive branch.

REMOVING THE MYSTERIES FROM CHEMICAL AND BIOLOGICAL WARFARE

Mr. HARTKE. Mr. President, today the Senate will consider a composite amendment containing several of the concerns of various Senators about our chemical and biological warfare activities. I will discuss my contributions only briefly, as they are simple in concept and easy to understand. I wish, however, to thank Senators PELL, GOODELL, NELSON, and YARBOROUGH for their fine work and leadership in this area, and the members of the Armed Services Committee for their thoughtful consideration of our suggestions.

The mysteries which surround our chemical and biological warfare program have served to compound and to amplify public doubts and fears about CBW. In the belief that better public information will prevent chemical and biological warfare from developing into a dangerous emotional issue, I introduced three amendments designed to provide a more complete disclosure of the scope and purposes of our CBW program.

My first amendment would require the Secretary of Defense to submit semiannual reports setting forth the purposes of amounts spent for research, development, testing, evaluation, and procurement of lethal and nonlethal chemical and biological agents. This amendment is similar to one that was offered by Senator Joseph Clark and was accepted by the Senate last year. Unfortunately, the amendment was deleted in conference. Such an amendment was recommended in a May 1969 Labor and Public Welfare Committee report. The committee viewed it as one way of reducing the threat and danger of chemical and biological warfare. The Labor and Public Welfare report states:

> What used to be largely a picture of research has turned to development, and development has turned to manufacturing, and stockpiling. The subject is shrouded in secrecy and it is the secrecy which seems to provide the nonstop momentum to realize the full potential of these types of weapons.

I believe that the Senate should support the amendment again.

Unnecessary secrecy is probably the biggest single problem in achieving a responsible approach to chemical and biological warfare. Secrecy adds to undefined fears and in no way enhances our national security. A July 25, 1969, Medical World News article states that not even the Surgeon General of the United States was aware of the dangers of the nerve gas tests that were going on at Dugway Proving Ground in Utah, where more than 6,000 sheep were killed in an accident last year. Without better information, the Congress cannot be expected to take a responsible attitude toward chemical and biological warfare.

I have a second amendment which is not being considered at this time but which I wish to discuss. This amendment will explicitly prohibit back-door spending. Informed private estimates point to an expenditure of funds for chemical and biological warfare far in excess of official statements from the Defense Department. Mr. Seymour M. Hersh, author of a well-documented book on chemical and biological warfare, estimates that the total yearly cost of the program is more than $600 million, nearly double the official figures. Official figures for chemical and biological warfare expenditures are suspiciously low. For example, we are told that the Army has spent only $5 million for herbicides in fiscal year 1969, although the previous yearly expenditures were in the $70 to $100 million range.

Also, a McGraw-Hill investment newsletter states that the fiscal year 1969 budget for Edgewood Arsenal, just one of our many chemical and biological warfare installations, was approximately $41 million. This figure alone exceeds the total program figure of $350 million that we received from the Pentagon.

We are all too familiar with the technique of hiding unpopular program expenditures in the unnoticed budgets of unsuspected agencies—a $1.2 billion authorization request for ABM warhead development was hidden in the AEC budget for a while this spring. Similar practices may characterize our chemical and biological program as well. The Public Health Service, ironically enough, has a record of close cooperation with the Army's chemical warfare program. The Surgeon General may not be well informed about CBW tests, but in 1960, the Public Health Service received more than $380,000 in Army funds to bolster ongoing projects in fields in which it has an independent interest. According to a Public Health spokesman, the annual transfer of funds measures only a fraction of the real cooperation between the two agencies. A special relationship also appears to have existed between chemical and biological warfare and the Department of Agriculture. An Agriculture Department official admitted in 1963 that a certain variety of wheat rust was being tested at Rocky Mountain Arsenal, one of the Army's major chemical and biological warfare installations. We do not want their questionable association to involve a transfer of funds in the opposite direction. This second amendment would insure that the total scope of our chemical and biological warfare program is reflected in a single agency authorization, and it would allow us to evaluate that program with greater confidence.

My third amendment was drafted in response to growing public fears about rail shipment of lethal chemical and biological weapons. As chairman of the Surface Transportation Subcommittee of the Commerce Committee, I have become acutely aware of the need to provide

maximum safety precautions in the shipment of hazardous materials. My amendment will give the Congress and the civilian agencies advance notice of such shipments, will require strict adherence to established safety standards, and will require detoxification of lethal chemical and biological agents prior to shipment for disposal whenever practicable. The need for advance notice and publicity of these shipments is indicated in the testimony of Mr. Al Chesser, chairman of the Committee on Safety of the Railway Labor Executive Association. Mr. Chesser states that not even the railroad workers accompanying the nerve gas shipments were aware that the train was to carry deadly nerve and mustard gas. In addition to the need for more adequate disclosures with regard to chemical and biological warfare, this amendment deals with the substantive problems of safety.

Since January 1969, nine major rail accidents involving hazardous materials have occurred.

They include: Gary, Ind., January 5; Battelle, Ala., January 15; Springville, Ala., January 16; Crete, Nebr., February 18; Pringle, Tex., March 4; Allentown, Wis., April 15; East Germantown, Ind., April 25; Livingston, Ill., May 1; and Noel, Mo., August 3.

John H. Reed, Chairman of the National Transportation Safety Board, has recognized this growing danger and has said:

> It is obvious that in railroad transportation, we are facing a new dimension in accident exposure. Before the advent of the many new hazardous materials now being transported in large quantities, derailments, even within the geographic limits of a town, did not create a holocaust of fire and explosion; or release suffocating chemical fumes over large areas; or cause the mass evacuation of a town. We must begin now to develop ways and means to prevent such attacks on our environment and on our very lives.

It is not clear that the Army is doing all that it can to assure safety. Earlier this year, a reporter for KBT–TV/KBTR in Denver found that gondola cars carrying large tanks of nerve gas had no sand under them, were on a siding in the center of Denver for most of the night, and no guard was in sight. In addition, the Defense Department has admitted that the special precautions planned in the most recent nerve gas disposal plan were not taken during three earlier rail shipments. Special speed limits had never been imposed, supposedly because these earlier shipments managed to escape publicity. Whenever possible, lethal gas should be detoxified before shipment.

The Army has professed that safety, not efficiency, is uppermost in its mind.

The Army has stated that "within our realm of capability, we are attempting to do as much as we can to insure the optimum safety.

"But if we can come up with something that will allow us to improve things with regard to safety, we would be delighted to do something about it."

If safety is indeed uppermost in the Army's mind, it might heed the recommendations of the National Academy of Sciences report of June 25, which it had commissioned itself.

The NAS concludes from extensive study, that "whenever possible the gases should be detoxified."

Even the Chief Engineer at Edgewood Arsenal, Louis Garono, has said that nerve gas can be removed from bombs and detoxified "relatively easily" at storage points.

Mr. President, I believe that the evidence is clear, the need is great, and the time is right for closer congressional supervision of our chemical and biological warfare program, and for a restatement of the need for safety in the handling of chemical and biological agents. My three amendments deal primarily with information—they are modest in appearance. But at a time when misinformation about chemical and biological warfare has become a serious problem, these amendments can be far reaching in their consequences.

FOREIGN POLICY—PRIVILEGES AND PREROGATIVES OF THE SENATE

Mr. FULBRIGHT. Mr. President, I wanted the attention, if I might have it, of the Senator from Vermont (Mr. AIKEN), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Kentucky (Mr. COOPER) in making a brief statement about a matter which I think is of considerable importance to the Senate.

Mr. President, I desire to call the attention of the Senate to a very serious matter which involves the privileges and prerogatives of the Senate and which goes to the root of the Senate's ability to perform its constitutional functions.

I refer to the continued refusal of the Departments of State and Defense to make available to the Senate, through the Committee on Foreign Relations, documents which are essential if the Senate is to arrive at an independent judgment on far-reaching questions of foreign policy.

The Foreign Relations Committee has several times asked the Secretary of State, and in his absence the Acting Secretary, for a copy of the agreement between the United States and Thailand providing for the action to be taken in certain circumstances of aggression, or threatened aggression, against Thailand. This agreement is designated a "contingency plan" by the executive. The plan is formally known as COMUSTAF Plan 1/64. I ask unanimous consent that my most recent exchange of correspondence with Acting Secretary Richardson may be inserted in the RECORD at this point.

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

DEPARTMENT OF STATE,
Washington, August 4, 1969.

HON. J. WILLIAM FULBRIGHT,
Chairman,
Senate Foreign Relations Committee.

DEAR MR. CHAIRMAN: I have discussed with Secretary Laird the letter you handed me on July 29, 1969, regarding military contingency plans for Thailand, developed in connection with the SEATO Treaty.

In this case—as in the case of any contingency plan—the Department of Defense is extremely reluctant to allow the full text to get out of its own hands. Secretary Laird would, however, be happy to provide the Committee with an extensive briefing on these plans by officers from the Joint Staff at whatever time is convenient to the Committee. He has stressed to me that this is the same arrangement worked out with Senator Stennis and the Armed Services Committee.

I hope that this arrangement will be satisfactory to you and your colleagues on the Foreign Relations Committee.

With warm regards.

Sincerely,

ELLIOT L. RICHARDSON,
Acting Secretary.

JULY 29, 1969.

HON. ELLIOT L. RICHARDSON,
Acting Secretary,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: During an executive session of the Committee on Foreign Relations this morning, discussion turned to the nature of America's commitments to Thailand, and it was recalled that on July 14, 1969, Secretary Rogers told the Committee that he would make available to it the agreement of 1964–65 relating to plans for U.S.-Thai cooperation in the event of aggression.

This subject was discussed in Secretary Rogers' letter to me of July 21, 1969, but the agreement under reference was not included in that letter.

Upon motion, the Committee unanimously instructed me to renew in writing the request that the agreement identified as COMUSTAF Plan 1/64 be delivered to it for its examination.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

Mr. FULBRIGHT. Mr. President, it will be noted that in his letter to me of August 4, Acting Secretary Richardson relays an offer by the Secretary of Defense "to provide the committee with an extensive briefing on these plans by officers from the Joint Staff."

This is not acceptable.

A briefing is no substitute for supplying the document in question. Every lawyer knows that a description or a summary of a document does not suffice as evidence in place of the document itself. It is not a question of trusting or distrusting the briefing officers. It is a question of sound procedure.

Not without some effort, the Foreign Relations Committee has already been able to learn a good deal of the provisions of the so-called contingency plan. It was signed on behalf of Thailand by the Prime Minister of that country in his capacity as a commander in chief of the Thai armed forces. It was signed on behalf of the United States by the commander of the U.S. Military Assistance Advisory Group and was subsequently approved by the Joint Chiefs of Staff. Out of respect for its top secret classification, I shall not go further, at this time, into its main provisions except to say that it provides, in certan circumstances, for the commitment of substantial numbers of American troops to Thailand.

The Secretary of State argues that this plan does not represent any commitment to Thailand beyond that contained in the SEATO treaty. From what I have been able to learn of the plan, I believe it does go beyond the SEATO commitment. But the best evidence on this issue would be the plan itself, if we

could examine it in its totality. That is why the Foreign Relations Committee asked for it.

On July 14, the Secretary of State, in open session and in unequivocal terms, told the committee he would make the plan available. Now he has apparently been overruled by the Department of Defense—another example of the trend toward Defense Department domination of foreign policy. Indeed, I have some reason to believe that the Department of State itself is not allowed to have a copy of the plan, despite the fact that the plan could very well involve us in another Vietnam-type war.

Nor is this so-called United States-Thai contingency plan the first example of executive branch refusal to furnish to the Senate documents bearing on very serious and far-reaching U.S. commitments to foreign nations. The Foreign Relations Committee has repeatedly asked, without success, for a copy of the letter from our Ambassador to Korea to the Korean Government detailing U.S. commitments to Korea in return for the furnishing of Korean troops in South Vietnam.

We have repeatedly asked, without success, for a copy of a study by the Institute of Defense Analysis of the functioning of command and control procedures during the Gulf of Tonkin incident.

These refusals are clearly contemptuous of the Senate, in a substantive, if not in a strictly legal sense. They can only be based on the assumption that the Senate is not to be trusted with questions which may involve war or peace or that these questions are none of the Senate's business—a very curious assumption indeed in view of the plain provisions of the Constitution.

I raise this matter at this time, Mr. President, so that the Senate and the country at large may be put on notice of a fundamental constitutional issue. Indeed, with a new administration—one not responsible for any of the documents the committee seeks—the issues can be judged on its constitutional merits. It is not too late for the executive branch to reconsider its position. I hope very much that it will do so. If it does not, the Foreign Relations Committee and the Senate as a whole will have to give further consideration to the matter.

Mr. President, in connection therewith I ask unanimous consent to have printed in the RECORD an editorial in today's Washington News expressing its view on this same subject.

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

WHY ALL THE SECRECY?

Why can't Sen. J. W. Fulbright (D., Ark.), see the text of that "non-secret" military agreement the United States made with Thailand?

The State and Defense Departments say the 1965 paper is not secret but only a "military contingency plan" which simply sets forth what the United States would do to help defend Thailand against invasion. The United States has "many" such contingency plans with countries around the globe, the two departments say.

They insist the Thailand plan does not extend the United States commitment to Thailand's defense beyond what is committed already in the 1954 Southeast Asia Treaty (SEATO).

Well, then, if everything is as they say, and all is above-board and out in the open, what's wrong with letting Sen. Fulbright see it?

The Senator suspects the document does in fact go beyond the SEATO commitment, and as chairman of the Senate Foreign Relations Committee—which traditionally advises the Administration on foreign policy—he asked to see a copy.

State ducked the request, passing the buck to Defense Secretary Melvin R. Laird. Mr. Laird said he wouldn't let Sen. Fulbright see the plan but would send somebody to tell the Senator and the committee what's in it.

That kind of shiftiness leaves the impression there really might be something to hide.

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

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Mr. President, the chairman of the Foreign Relations Committee has called to our attention a very important matter, which ought to be resolved without further delay, since resolution of this matter will be vital to our form of government.

The most immediate issue which he has raised concerns an agreement of some sort entered into between the Prime Minister of Thailand and a general of the U.S. Armed Forces. We ought to know what authority the general had or who gave him permission or direction to enter into such an agreement with the Prime Minister of a foreign country.

The provisions of this agreement, or treaty, or whatever it is, are not known to members of our Foreign Relations Committee because we have not been permitted to see it. We do not know whether it involves the sending of our troops to Thailand, but we do know that there is such a document, and it very likely will be of concern to the Senate and particularly to the Foreign Relations Committee.

I will say that I think the Government of Thailand is probably in the clear. Thailand is one of the stronger countries in Asia because it is one of the most powerful military countries in Asia, and I believe is a nation friendly to the United States.

Nevertheless, whether or not we should help Thailand is not the question before us. The question is whether the Defense Department can enter into and conclude agreements, which are like treaties in character, if not by name. The agreements commit the use of military personnel of the United States, without approval of the Senate. I think it is high time we found out about this situation, and I might point out that the ABM controversy which has taken place on the Senate floor for the last 30 days is primarily due to questions like this. Until now we have never questioned a request, at least in recent years, of the Defense Department.

We should get this information without delay, in the interest of good government in the United States. If we are becoming a military government, and the military is superseding the State Department, or even Congress, then it is high time we found out about it.

Mr. FULBRIGHT. I thank the Senator from Vermont. Of course, what he says is eminently wise and correct, and I hope that the administration will take due heed of what he has said.

Mr. AIKEN. May I add, I do not know whether the reports we have heard about this agreement are true. They may not be. It may be a perfectly good agreement, in our own interest. But as long as we are not permitted to know what is in that agreement, and never permitted to see it, it is only natural that the worst is feared.

Mr. FULBRIGHT. The Senator is correct. I am not saying that I know that this agreement should not have been made. I think, however, I am safe in saying that it should not have been made in this manner.

Mr. AIKEN. That is right.

Mr. FULBRIGHT. And it should be available to the Senate.

Mr. AIKEN. It is entirely possible that our committee would unanimously approve the agreement, if we knew what it was.

Mr. FULBRIGHT. That is quite possible. But it is pretty difficult if, as the Acting Secretary of State says, this agreement is in the custody of the Department of Defense and they are reluctant to make it available. That leaves the impression that even the State Department does not have a copy.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I am interested in this colloquy between the distinguished chairman of the Committee on Foreign Relations and the ranking member of that committee. Recently, as I was leaving the Foreign Relations Committee to go to a meeting of the Armed Services Committee, the chairman of the former committee said he hoped I would stay for something coming up. I mentioned that the Chairman of the Joint Chiefs was going to report in executive session to the Armed Services Committee with respect to his recent trip to Vietnam.

The chairman of the Committee on Foreign Relations then asked if I, in turn, would ask General Wheeler to expedite this Thai agreement. I delivered that message.

At that time one of the members of the Armed Services Committee on the other side of the aisle said he thought the Armed Services Committee should also see the document, and suggested that committee also request it; I concurred.

It is my understanding, therefore, that the Armed Services Committee is also requesting said document. I think, inasmuch as it was reportedly signed, by a general in the U.S. Army, it would be entirely proper for the Armed Services Committee to look at the agreement.

But especially in that we are not at war with our Thai friends, and because it is an agreement between the Thai Government and representatives of this Government I agree with the distinguished chairman that it is a document which should be made known to the Foreign Relations Committee. I cannot understand, based on the constitutional position of the Senate with respect to agreements and treaties, how anyone could

deny the presentation of said agreement in executive session.

The very fact there seems to be some hesitation about a document understood to have been signed years ago, and one, therefore, for which this administration has no responsibility makes one wonder what it really does contain.

I thank the Senator.

Mr. FULBRIGHT. I thank the Senator from Missouri.

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

Mr. FULBRIGHT. I yield to the Senator from Rhode Island.

Mr. PELL. I rise to strongly endorse the remarks of the chairman of the Committee on Foreign Relations, and to state that the necessity for our seeing this document is made doubly strong, in my view, by the fact that when President Nixon was in Bangkok, he said:

> The United States will stand proudly with Thailand against those who might threaten it from abroad or from within.

In making that remark, he raised a question in my mind as to whether we have any secret commitment to Thailand. I have been told by the executive branch that there is no secret obligation here. But I do think that, because this remark was made in such a public forum, and by our President, it is all the more reason why the executive branch of our Government should be willing, not to just brief us, but to show us this famous document.

Mr. FULBRIGHT. I thank the Senator from Rhode Island.

Mr. President, I think obviously the members of the Foreign Relations Committee feel that this is a very important matter, and we cannot accept as final this decision that we are not to see the document. Therefore, I hope the administration will reconsider the position taken in the letter which I have placed in the RECORD.

Now, Mr. President, I wish to address a very brief observation to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi.

Earlier today, the Senator very kindly gave me a very brief message which he had received by telephone in response to my inquiry of yesterday afternoon about the number of U.S. troops in Vietnam.

In order to set the record straight today—because a number of people have asked, "What reply have you gotten?"—I hope the Senator from Mississippi will correct me if I do not state it correctly. I understand that by telephone today the Senator was told that, as of July 1, there were 539,000 American troops in Vietnam, and that they hoped—it is written here "by 9–30"; does that mean September 30?

Mr. STENNIS. By September 30.

Mr. FULBRIGHT. By September 30 it will be reduced to 515,000?

Mr. STENNIS. That is correct.

Mr. FULBRIGHT. Now, subsequent to my being given this note by the Senator from Mississippi, the Senator from Arizona (Mr. GOLDWATER) approached me just a short time ago. I had hoped to be able to raise this question before he left, but that colloquy with regard to adjournment intervened, and I was unable to obtain the floor.

I understood the Senator from Arizona to say that he had been assured today by telephone that the administration intended to reduce the number to 515,000 by the end of August. I am quite sure he told me that.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. The Senator stated that he hoped to get a more precise, formal statement at a later date.

Mr. STENNIS. Yes; they have not gotten that yet.

Mr. FULBRIGHT. That would be proper, and I do not complain at all about that. I appreciate very much the cooperative attitude of the Senator from Mississippi.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I wish to say also, if I may be permitted, that the attitude of the Senator from Missouri toward other amendments to the pending bill, I think, has been most constructive, and I think he is, from my point of view, doing a great service to the Senate in cooperating with those of us who have felt that we have not done our duty in the past with regard to authorizations for the Department of Defense.

The Senator from Mississippi is showing a fine attitude toward the way Senators have been displaying their interest in the measure pending before the Senate.

Mr. STENNIS. I thank the Senator from Arkansas. Of course, we will raise the point when we have to make decisions, and I may require a lot of voting. I hope we can get on with it, make decisions, and get the bill moving.

Just one more word about the troops the Senator has mentioned. According to the oral information, the Department said that on September 30 there would be 515,000, as the Senator said, left over there, and in round numbers that is near the 25,000 reduction.

But, as I understand, new men will have moved by the end of August. But there was very little overriding into September, and the Department could not calculate the number accurately. So they just said it would be September 30. I have not received a formal response.

Here is another part of the picture showing why the numbers can vary so much in the meantime. At the present rate, 40,000 men are on the way to Vietnam, and 40,000 men are on the way back each month. They are somewhere in the pipeline in the 30-day period. In other words, new men are going out all the time, and those who have been there are coming back. In the course of 30 days, 40,000 troops move each way. So it is hard to say just when they are moving and what the number is. A certain number are there, and a certain number are not there.

Mr. FULBRIGHT. If the same number are going out as are coming back, how is the reduction of 25,000 reached? That is the point.

Mr. STENNIS. No; that is the normal course of replacements.

Mr. FULBRIGHT. That has been the normal course. But what did the President mean when he said the number would be reduced by 25,000? It seems to me that fewer ought to be going out to Vietnam.

Mr. STENNIS. I think the President meant exactly what he said. I suppose that was the rate. These are round numbers, too. This was the rate at the time the reductions started. They show the fluctuation.

Mr. FULBRIGHT. I understand; but when the Senator from Mississippi says that 40,000 are going out and 40,000 are coming back, that does not seem to me to be any reduction at all. Surely there must be some variation from that schedule.

Mr. STENNIS. That was the first figure. The other figure is the second one. In spite of the egress and ingress, there is this reduction. That is the report.

As I recall, the Senator from Arizona made a formal statement on this subject. It will be in the RECORD tomorrow morning. He made a formal statement.

Mr. FULBRIGHT. He came to me. I did not happen to be in the Chamber, if he read it, but he told me verbally what I have told the Senator from Mississippi. He said he has been asured that 515,000 would be in Vietnam at the end of August; and he also said something to the effect that if a reduction was not made, "I am going to be just as put out about it as you are." That is about what he said.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I appreciate what the Senator from Mississippi has said. I certainly do not criticize him. He did not make the statement about reductions. But so much has been said in the newspapers about reductions, and said so often, that it has aroused hopes in the minds of the people who have relatives and friends in Vietnam.

With my responsibility as chairman of the Committee on Foreign Relations, this is significant, because of its relation to our future policy in Vietnam. If that policy is not going to result in a reduction in troops, we shall have to reevaluate our own attitude toward the situation.

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

Mr. FULBRIGHT. I yield.

Mr. HART. I was present yesterday afternoon when the Senator from Arkansas raised the question. I followed the exchange he had with the Senator from Texas and the Senator from Arizona. He was joined by the Senator from Tennessee (Mr. GORE). I shared the same views, at the end of that exchange, that the Senator from Arkansas indicates again tonight, and which he labors under.

We are agreed, are we not, that the understanding developed by the people of the country, when the President says that 25,000 men will be withdrawn from Vietnam, is that thereafter 25,000 fewer Americans will be in uniform in Vietnam than before he went on the air to tell us that?

Mr. FULBRIGHT. The Senator is correct.

Mr. HART. No arithmetic that has yet been developed in the RECORD reflects 25,000 fewer Americans in uniform tonight than when the President went on the air to tell us that.

Mr. FULBRIGHT. That is correct.

Mr. HART. That certainly is not the impression that was developed by the people of the country nor, so far as I am concerned, the impression that was intended to be developed in the country. The impression was that 25,000 fewer American boys would be in uniform in Vietnam.

Mr. FULBRIGHT. The Senator is correct. Let me remind him also that in the first press conference in which this subject was discussed by the President, on television, I think it was, he had been asked about the article by former Secretary of Defense Clark Clifford. Mr. Clifford had recommended that 100,000 men be withdrawn this year, and all of them by the end of next year, which would mean that more than 400,000 would be withdrawn by next year.

The President at that time said he hoped to do better than that, which to me means that he hopes to bring all of them back before the end of next year. I would also assume that he meant that would be more than 100,000 this year.

So he left with me, and I think with the American people, the impression that he was going to move quickly or rapidly to bring home all those troops. His statement also had, it seems to me, the necessary implication that he was going to move to settle the war, to get, I hope, a ceasefire, and to stop the killing of our men in Vietnam, and to stop the terrible drain upon our country. That seemed to me to be a part and parcel of what he said at that press conference. That is why it is of great importance to the Committee on Foreign Relations.

Mr. HART. I should like to add one point that occurred to me as I listened to the exchange of yesterday.

Some Senator—it may have been the Senator from Texas (Mr. TOWER)—was explaining that as we de-Americanize the war, which, as I understand it, means substituting a South Vietnamese soldier on the line in contact, in combat, for an American soldier, we have to increase our logistical presence. If I am incorrect in that understanding, I should like to be corrected. I got the strong impression that one of the reasons advanced for the increase rather than the decrease of American personnel in Vietnam was that we were in the process of sending Vietnamese troops into combat areas and were withdrawing American troops from combat areas, but that when we did that we would have to expect an increase of American support troops. The thought occurred to me that the more we de-Americanize, the more American troops we will have to have in Vietnam. Certainly that is not what we want to understand.

Mr. FULBRIGHT. That was not my conclusion from the President's remarks, but it was difficult, particularly with regard to the comments of the Senator from Texas (Mr. TOWER), to say whether the Senator's conclusion could not have been fairly drawn.

Mr. HART. I appreciate the persistence of the Senator from Arkansas in this matter. In my book, there is no concern greater across the country than the anticipation that soon we will have these men out of there, and the numbers ought to be given consistently.

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

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Perhaps I did not make clear enough what is meant by the 40,000 men moving each way. I think that was the average flow every month before an adjustment started. But that does not mean a proportionate number each day. Perhaps at the first of the month 30,000 would be moving, and 10,000 in the last part of the month. The next month it might be reversed. It is the shifting of the regiments, the battalions, and assignments over there. It is irregular.

Mr. FULBRIGHT. They move by air from here.

Mr. STENNIS. Yes, largely by air from here. But moving them around over there, too—after they leave, it varies, and the assignments vary. I think that is what is meant. That is why the figures vary, and cannot be exact from day to day. As to the supply troops, as I understand, there would be a greater percentage of the troops we have over there in supply or logistic assignments, because they would be stepped up, assigned for supply to the South Vietnamese troops. But it does not mean that there must be more troops of ours—just a greater percentage engaged in supply.

Mr. FULBRIGHT. May I ask the Senator another question?

I think I saw in a newspaper the other day, after one of the meetings, the Senator quoted as saying something to the effect that he thought it would be—I do not want to put words in his mouth—a number of years or quite a long time before our troops came out of there. Is it correct to say that he does not believe that the President can withdraw all the troops by the end of next year?

Mr. STENNIS. Well, we would not debate that here.

Mr. FULBRIGHT. I thought he was quoted as saying that.

Mr. STENNIS. I said that it would take years, plural—showing that I did not say "year."

But I think that if Hanoi keeps up its present pressure— and I do not take the lull as being an average pressure—if it keeps up the present pressure over all, it will take at least 2 years and perhaps more to train those South Vietnamese, supply them, and get them to where they could hold the line. If Hanoi lessens the pressure, of course, that would work out better. But I do not expect any quick remedy in that way, frankly.

Mr. FULBRIGHT. Do I correctly take this to mean that until we are quite assured that South Vietnam can hold the line, so to speak, until that day is reached, there is no prospect of our being able to withdraw? Is that a final——

Mr. STENNIS. I do not know what policy will finally evolve there. I was just giving a gratuitous military estimate of the strength there as I see it.

Mr. FULBRIGHT. I wonder whether the Senator has better knowledge of what the administration's policy is than I have.

Mr. STENNIS. No.

Mr. FULBRIGHT. Is that his own view, not the administrations policy?

Mr. STENNIS. I was passing on the situation that is generally known, as I see it. I am not as rosy about getting them built up as some might be, frankly.

Mr. FULBRIGHT. I had not known, and I do not know yet, whether it is the policy of this administration to have the conviction, without any question, about the capacity of the South Vietnamese army to hold firm before we would ever bring our troops home. If that is so, it may be—I would agree with the Senator—quite a long time.

I did not understand, and do not yet understand, one way or the other. I mean, I am uncertain as to what the President's policy is on that point. This is one of the things that some of the comments recently made in Vietnam did not clarify. It still left me uncertain, and I am extremely concerned about it.

I agree with the Senator from Michigan. I think that, because of the intervention of the Apollo moon shot and the ABM debate and a few other things, the attention of the Senate and certainly the country has been distracted and we seem to have forgotten about the war in Vietnam. Yet, it goes on. The killing continues, and the casualties—I put them in the RECORD yesterday—are enormous. The casualties since this administration took office are over 50,000. There are over 7,000 deaths among those, and there are more than 20,000 seriously wounded, seriously enough to be hospitalized, and the remainder wounded, but not so seriously. This is a very tragic war.

I wish to take this occasion, once again, to urge this administration—I do not quite know how to put it—to be more aggressive in finding a way to settle this war and not to put all its eggs in the basket represented by the Thieu-Ky government.

I cannot quite bring myself to say that I think Mr. Thieu is one of the greatest political leaders about whom I am informed. What I have read about him does not lead me to that opinion—particularly General Ky. They are both generals, and I have nothing against generals. But they are not noted in history as being the greatest political leaders.

I think this matter is so important to the United States that I feel compelled to complain about the delay in bringing this war to a close. It strikes me that we have such a stake in this war. It is standing in the way of many other things this country should be doing domestically as well as in the foreign area. However much we desire it and however much we feel obligated or the President feels obligated, if he does, to the present government in Vietnam, we should not allow that to stand in the way of a settlement in Paris, or privately, or anywhere else he can get a settlement. This is a matter which has been under long consideration and I, for one, am becoming very impatient about the delay; because I think it is causing dissatisfaction, it is causing the great tragedy of the loss of lives and casualties, and it is causing a disruption in our domestic affairs. I think it is the principal contributing factor to inflation and to the economic distress that is developing in this country.

So I take this occasion again to urge the President, as strongly as I can, not to forget the war and not to become so bemused by the Apollo moon shot or other things as to forget that the settlement of the war in Vietnam, in my view, is the No. 1 priority of this Government.

Mr. HART. Mr. President, the Senator from Arkansas has been voicing this concern for several years. Some of us remained silent—perhaps too long. It was no fault of his that the Senate in the eyes of history may be found to have been remiss. The degree to which he now finds support for the opinions just expressed is a measure of his own courage and persistence. I welcome an opportunity to thank him for it.

Mr. FULBRIGHT. I thank the Senator for his comments.

Mr. PELL. Mr. President, I rise, also, to again associate myself with the views of the Senator from Arkansas. We all saw the light at different times. He was one of those who saw it earliest, and we have seen the very telling way in which the country has changed its thinking within the last couple of years. I think a great deal of credit for the change in American viewpoint goes to the courageous and sensible words and actions of the Senator from Arkansas and the hearings which he conducted.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills and resolutions on the general orders calendar, beginning with Calendar No. 341, and continuing through Calendar Nos. 343, 344, 345, 347, 348, 352, 353, 354, and 356.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the measures on the calendar, beginning with Calendar No. 341.

AMENDMENT OF THE FEDERAL SEED ACT

The Senate proceeded to consider the bill (S. 1836) to amend the Federal Seed Act (53 Stat. 1275), as amended, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 6, after the word "State," strike out "territory" and insert "Territory"; at the beginning of line 9, insert "(after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties)"; on page 2, in line 9, after the word "is" strike out "a class of"; in the same line, after the word "seed" insert "or any class thereof"; and at the beginning of line 16, strike out "stating that the seed is a class of certified seed" and insert "certifying that the seed is of a specified class and a specified kind or variety"; so as to make the bill read:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a)(25) of the Federal Seed Act is amended to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

SEC. 2. Section 102 of such Act is amended to read as follows:

"SEC. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind or variety."

The amendments were agreed to.

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

VALLEY OF FIRE STATE PARK

The bill (S. 1108) 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 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acreage limitations on conveyances in any one calendar year set forth in section 1(b) of the Act of June 14, 1926, as amended (43 U.S.C. 869(b)) shall not apply to or be affected by any conveyances of lands for inclusion in the Valley of Fire State Park made under that Act to the State of Nevada.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–348), explaining the purposes of the bill.

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

The purpose of S. 1108, introduced by Senator Bible for himself and Senator Cannon, is to permit the State of Nevada to purchase under the provisions of the Recreation and Public Purposes Act, 26,160 acres of public domain lands necessary to complete the Valley of Fire State Park in Clark County, Nev.

Section 1(b) of the Recreation and Public Purposes Act, as amended, restricts conveyance of public lands to States for recreational purposes to not more than 6,400 acres in any one calendar year. It permits the States to acquire additional acreages needed for small roadside parks and rest sites of not more than 10 acres each. S. 1108 would remove the 6,400-acre restriction in that act with respect to public lands conveyed to the State of Nevada for inclusion in the Valley of Fire State Park. It would then permit the State to acquire at one time the 26,160 acres of public lands it wishes to add to the park.

The Valley of Fire is Nevada's third most active State park. It is outranked in visitor use only by two parks on Lake Tahoe which are readily accessible and more attractive to summer users. Valley of Fire State Park receives most of its use during the cooler months. The main attraction of the park is the spectacular scenery which includes brilliant red and white sandstone formations, evidence of prehistoric Indian habitation—pictographs and petroglyphs—water eroded, conglomerate rock formations, and sand dune areas. Prehistoric campsites, pictographs, and petroglyphs are quite common within the proposed and existing park boundaries. The rock writings are often well preserved.

The State park system has been acquiring land and developing the park for about 11 years. About eight separate sites have been developed with facilities for camping, picnicking, historic and geologic interpretation, parking, water and sanitation. The State has acquired over 26,000 acres of land (mostly Federal) for this park. Applications for an additional 1,440 acres have been filed with the Bureau of Land Management and are awaiting resolution of conflicts (there are some silica claims in the area). State plans call for a park of approximately 52,500 acres. Most of the lands sought are public domain. The total area sought includes the most spectacular areas, together with overlook areas which will be developed for the public, and areas where access routes can be developed.

Plans for the Valley of Fire State Park have existed since the 1930's. The total area desired for the State park appears to make a logical, efficient unit. The State appears to be thoroughly committed to an adequate program for the lands. It seems logical to us for the State to assume full jurisdiction over the area now.

The committee recommends the bill be enacted.

SENATE HEARINGS ON RIOTS, CIVIL AND CRIMINAL DISORDERS, PART 19

The Senate proceeded to consider the resolution (S. Res. 216) authorizing the printing of additional copies of part 19 of Senate hearings on "Riots, Civil and Criminal Disorders" which had been reported from the Committee on Rules and Administration with an amendment in line 2, after the word "Operations" strike out "two thousand" and insert "one thousand one hundred", so as to make the resolution read:

Resolved, That there be printed for the use of the Committee on Government Operations one thousand one hundred additional copies of part 19 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders".

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–349), explaining the purposes of the resolution.

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

Senate Resolution 216 as referred would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 19 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The Committee on Rules and Administration has amended Senate Resolution 216 by

reducing the quantity of additional copies to be printed from 2,000 to 1,100. This action was required to bring the cost of the proposal within the statutory $1,200 limitation for simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,100 additional copies..... $1,197

SENATE HEARINGS ON RIOTS, CIVIL AND CRIMINAL DISORDERS, PART 20

The Senate proceeded to consider the resolution (S. Res. 217) authorizing the printing of additional copies of part 20 of Senate hearings on "Riots, Civil and Criminal Disorders" which had been reported from the Committee on Rules and Administration, with an amendment in line 2, after the word "Operations" strike out "two thousand" and insert "one thousand eight hundred"; so as to make the resolution read:

S. RES. 217

Resolved, That there be printed for the use of the Committee on Government Operations one thousand eight hundred additional copies of part 20 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–350), explaining the purposes of the resolution.

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

Senate Resolution 217 as referred would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 20 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The Committee on Rules and Administration has amended Senate Resolution 217 by reducing the quantity of additional copies to be printed from 2,000 to 1,800. This action was required to bring the cost of the proposal within the statutory $1,200 limitation for simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,800 additional copies..... $1,200

MICHEL M. GOUTMANN

The bill (S. 1934) for the relief of Michel M. Goutmann was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Michel M. Goutmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 7, 1956.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–353) explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturallization.

MRS. VITA CUSUMANO

The bill (H.R. 1462) for the relief of Mrs. Vita Cusumano was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–354), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to preserve for Mrs. Vita Cusumano, a fifth-preference registrant on the quota waiting list, the priority date of August 25, 1954, which she enjoyed prior to the death of her U.S. citizen father.

CAPT. JOHN W. BOOTH III

The bill (H.R. 1808) for the relief of Capt. John W. Booth III was considered, ordered to a third reading, read the third time, and passed.

ROBERT W. BARRIE AND MARGUERITE J. BARRIE

The bill (H.R. 2037) for the relief of Robert W. Barrie and Marguerite J. Barrie was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–358), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Robert W. Barrie of San Diego, Calif., of liability in the amount of $973.01, and to relieve Marguerite J. Barrie of San Diego, Calif., of liability in the amount of $748.80, each amount representing expenses incurred in the shipment of household goods after each of them retired from active duty in the U.S. Navy.

STATEMENT

The proposed legislation passed the House of Represenatives June 17, 1969. The facts of the case as stated in the accompanying House Report No. 91–293 are as follows:

Mr. Barrie was detached from active duty at the Naval Air Station, North Island, San Diego, Calif., on June 30, 1963, and was subsequently transferred to the retired list. An endorsement on Mr. Barrie's orders indicates that he intended to delay decision in selecting a permanent place of residence at the time of his retirement. A second endorsement reflects that Mr. Barrie was advised that he had a period of 1 year to select permanent residence and to have his household goods and personal effects moved to that location at Government expense.

Mr. Barrie in June of 1964 shipped 4,680 pounds of household goods from Chula Vista, Calif., to Hartford, Conn. In making application for this shipment, Mr. Barrie executed a certificate on June 18, 1964, in which he certified that Hartford, Conn., was the place selected by him as his retirement address and that he received a travel allowance to Hartford, Conn. Mr. Barrie on September 17, 1964, requested additional temporary storage for his household effects at Hartford stating that illness in the family had delayed the selling of his home in Chula Vista, Calif.

Lt. Cmdr. Marguerite J. Barrie (NC), U.S. Navy, wife of Mr. Barrie, transferred to the retired list on July 1, 1964. An endorsement to Mrs. Barrie's orders shows that she likewise chose to delay in selecting a permanent residence upon retirement at which time she received the same advice as had her husband with respect to the 1-year time period. Mrs. Barrie on September 17, 1964, filed an application for the shipment of 4,870 pounds of household goods to be shipped from Chula Vista, Calif., to storage in San Diego on October 1, 1964, and to be delivered March 1, 1965, to 1667 Los Altos, San Diego, Calif. The household goods were stored and delivered as requested.

Subsequently, Mrs. Barrie had shipped, in connection with her retirement orders, from Hartford, Conn., to California the household goods which her husband had previously shipped to Connecticut pursuant to his retirement orders. Shipment on the household goods from Hartford, Conn., was made on February 1, 1965. In the application for the shipment from Hartford, Conn., to San Diego, Mrs. Barrie stated that Mr. Barrie was unable to remain on active duty until her retirement and was unable to obtain an extension beyond the 1-year limit for shipping household goods after his retirement, at which time it was decided to ship the 4,680 pounds of effects to Hartford, Conn. She further stated that after her retirement and a trip to the New England States she and her husband then decided to locate in San Diego.

By letter dated September 21, 1966, from the Navy Finance Center, Mrs. Barrie was informed that she was not entitled to the shipment of the household goods at Government expense from Hartford, Conn., to San Diego, Calif., under her retirement orders since these good had previously been shipped to Hartford, Conn., under Mr. Barrie's retirement orders.

The report of the Comptroller General on this bill refers to the applicable statutes and regulations governing the rights of service members to travel and transportation allowances at the time of retirement. That report further points out that under the particular circumstances of this case the result is that both Mr. and Mrs. Barrie were barred of payment—in Mr. Barrie's case for moving the household effects to Hartford, Conn., and then from having them sent from Hartford, Conn., to San Diego. The problem was that in the year that elapsed between the husband's retirement and the wife's retirement, the couple decided to make San Diego their retirement home. Since Lt. Comdr. Robert W. Barrie did not ultimately make the move to Connecticut, he could not be paid for moving, and since Lt. Comdr. Marguerite J. Barrie selected San Diego, her last duty station, as her place of retirement, moving allowances were only permitted for the move within that city. Obviously the circumstances under which the effects had actually been sent in accordance with prior plans did not square with the interpretation of the law as explained by the Comptroller General.

Both the report of the Department of the Navy and the Comptroller General refer to the fact that the Barries were given erroneous advice by Government personnel in this situation. Both reports, of course, note that as a matter of law the amounts stated

in the bill are owed to the United States. Clearly this is why the Barries have appealed to Congress for relief. However, the committee agrees that there are equitable considerations which justify relief in this instance. The Navy noted that the Barries acted upon the advice they received in good faith and they had no reason to anticipate the ultimate disallowance which forms the basis of the indebtedness stated in the bill. In this connection the Navy stated:

"While it appears that the Barries, as a matter of law, were indebted to the U.S. Government, it also appears from records of the Navy Finance Center, Washington, D.C., that the Barries sought and obtained technical advice from appropriate sources at the Naval Supply Center in San Diego, that they acted upon that advice in good faith and in the belief that the shipments as made were proper and that they had no reason to question the soundness of the advice received or to anticipate the unfortunate consequences of their acting upon that advice. For the foregoing reasons, the Department of Navy interposes no objection to H.R. 19179."

In view of the recommendation of the Department of the Navy and the unusual circumstances of the case, it is recommended that the bill, amended to include the language suggested by the Comptroller General, be considered favorably.

BERNARD A. HEGEMANN

The bill (H.R. 6581) for the relief of Bernard A. Hegemann was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–359), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to direct the Secretary of the Treasury to pay the legal guardian of Bernard A. Hegemann the amount certified by the Administrator of Veterans' Affairs as the amount that would have been paid in the period prior to September 11, 1967, if a timely application had been filed within 1 year of May 19, 1965.

STATEMENT

The proposed legislation was passed by the House of Representatives on May 20, 1969. The facts of the case as stated in the accompanying House Report 91–202 are as follows:

As has been noted, this bill would authorize payment of an amount to the legal guardian of an individual based on his established rights to benefits under the veterans' laws. The problem is that a timely application was not filed for a retroactive payment from the first day of the month in which the individual's father, a veteran, died. The beneficiary named in the bill is the incompetent son of a deceased veteran, Bernard Anthony Hegemann, Sr.

The veteran, who served honorably in World War I, died on May 19, 1965, in Omaha, Nebr., of a non-service-connected cause. His nephew, John A. Edney, made the necessary funeral arrangements, and on May 26, 1965, he was informed of the funeral benefits, payable and furnished a form to be used by the undertaker. Subsequently, the allowable benefit was paid to the undertaker.

Nothing further was heard from Mr. Edney until September 11, 1967, when he filed a application for death benefits as guardian of Bernard A. Hegemann, Jr., incompetent. Letters of guardianship were received on the same day showing he had been appointed guardian of the veteran's child on May 24, 1967.

An award of non-service-connected death pension in the amount of $38 monthly as made to the guardian, in behalf of the veteran's son, effective from September 11, 1967, the date of application was received. The monthly payments were increased to $40, effective October 1, 1967, by reason of enactment of Public Law 90–77, and are continuing in that amount.

The Veterans' Administration report noted that there is no limitation on the time in which application may be made for death pension. The law provides a limitation, however, regarding payment of the benefit for a period prior to the date of application. Retroactive payment is authorized, from the first day of the month in which the veteran died, if application is made within 1 year from the date of death. Otherwise, the benefit is payable only from the date of receipt of the application (38 U.S.C. 3010 (a) and (d)).

The problem in this case is that since the application in this case was not filed within a year after the veteran's death, the guardian's request for retroactive payment of death pension in behalf of the veteran's child was necessarily denied by the Veterans' Administration. The committee recognizes that the incompetent son had to rely on others to take steps to protect his rights. The delay in the appointment of a guardian and the application for benefits has prejudiced the very individual the laws were intended to benefit. As is recognized in the Veterans' Administration report, this is clearly a situation which merits legislative relief.

The Veterans' Administration in its report noted that the bill is intended to authorize payment of death pension from the date an award would have been effective under controlling law if the application in this case had been filed within 1 year after the veteran's death. The effective date would have been May 1, 1965. In the 90th Congress the Veterans' Administration noted that the bill then pending before the committee required amendment to bring out the intent of the bill. The language suggested by the Veterans' Administration is now included in H.R. 6581. The son is to be paid the amount which would have been paid "for said son of the veteran as death pension for the period prior to September 11, 1967, if application therefor had been filed within 1 year from May 19, 1965." Enactment of the bill would cost $1,076.66, at the rate of $38 per month from May 1, 1965, to September 11, 1967.

The Veterans' Administration, in its report, recommended favorable consideration of the amended bill and stated:

"The current law is such that the responsible Veterans' Administration employees had no choice but doing what they did in assigning the effective date of the death pension award. We feel that the law is too rigid in cases such as this. We plan to study the desirability of legislation that would allow more equitable determinations under these and similar circumstances. I accordingly recommend favorable consideration of the bill with the suggested clarifying amendment."

In view of the particular circumstances of this case, it is felt that this is a proper subject for legislative relief. It is clear from the facts outlined above that the incompetent son of the deceased veteran was dependent upon other persons to assert his rights and it is also obvious that he was prejudiced by not having a timely application filed in his behalf. The Veterans' Administration has specifically noted the unfairness of this situation and the inflexibility of applicable laws in such circumstances.

CLIFFORD L. PETTY

The bill (H.R. 9088) for the relief of Clifford L. Petty was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–361), explaining the purpose of the bill.

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

PURPOSE

The proposed legislation would relieve Clifford L. Petty, of Seattle, Wash., a former member of the U.S. Navy, of liability in the amount of $588.50 paid him as extra-hazardous-diving pay at the rate of $5.50 per hour for 1969 as the member of a Navy underwater demolition team for a series of special dives near Wake Island.

STATEMENT

The proposed legislation passed the House of Representatives on May 20, 1969. The facts of the case as stated in the accompanying House Report 91–205 are as follows:

The bill, H.R. 9088, was introduced in accordance with the recommendations of the Comptroller General of the United States in a report made to the Congress under the meritorious-claims provisions of section 236 of title 31 of the United States Code. In his report to the Congress, the Comptroller General stated that by orders dated July 13, 1959, Underwater Demolition Team 11, U.S. Naval Amphibious Base, Coronado, Calif., Mr. Petty and others were ordered on temporary duty to Wake Island for duty involving diving and demolition of explosives in connection with MilsPac project. Mr. Petty was paid a total of $588.50 as special diving pay for dives performed during August, September, and October 1959. The special diving pay was paid to him and other members of the crew pursuant to the provisions of section 205(b) of the Career Compensation Act of 1949, as amended, 37 U.S.C. 236(b) (1958 edition), in effect during the period involved.

Section 205(b) provided that members of the uniformed services entitled to receive basic pay and employed as divers in actual salvage or repair operations in depths of over 90 feet, on in depths of less than 90 feet when the officer in charge of the salvage or repair operation shall find, in accordance with regulations prescribed by the Secretary concerned, that extraordinary hazardous conditions exist, shall, in addition to basic pay, be entitled to receive the sum of $5.50 per hour for each hour or fraction thereof while so employed.

The information transmitted by the Comptroller General shows that the question as to pay in this case was not based on the fact that the dives failed to satisfy the requirements of the law concerning hazardous diving, rather the determination by the Navy that that payments were erroneous were based on the fact that the dives were performed in connection with a construction project rather than in connection with salvage or repair operations. The statute was found to authorize payment only in connection with the latter operation.

The Comptroller General has determined that Mr. Petty was in no way at fault and accepted the payments of the special diving pay in good faith. The Comptroller General noted as a consequence of the fact that the statute did not authorize a payment under these particular circumstances he must be regarded as having been overpaid and was legally liable for the indebtedness. It was further pointed out that there is no present legal authority which would make it possible for the General Accounting Office to relieve him of his indebtedness or to refund the

amounts he has repaid to the Government in reduction of that amount.

The communication of the Comptroller General directed the attention of the Congress to the fact that relief has been extended to an individual in a parallel case by private law. Private Law 88–263, approved on August 1, 1964, relieved another member of the same underwater demolition team of liability for repayment of special diving pay in the amount of $649 earned in the same series of dives. Further, all other members of the diving duty crew continued their enlistments in the Navy and they were relieved of their indebtedness by administrative action by the Navy. The problem here is that the relevant provisions of section 6161 of title 10, United States Code, only apply to Navy personnel prior to discharge.

The Comptroller General stated that the General Accounting Office has concluded that Mr. Petty should be given equal treatment to the other members of the underwater demolition team who have been relieved and further stated that his claim contains such elements of equity as to justify reporting it as a meritorious claim with a recommendation that the indebtedness be canceled. It is further recommended that the authorization include a provision that Mr. Petty be paid an amount equal to the aggregate of the amounts he has paid in reduction of the indebtedness.

In agreement with the Comptroller General of the United States and the House of Representatives, the committee recommends that the bill be considered favorably.

ADJOURNMENT UNTIL MONDAY, AUGUST 11, 1969, AT 10 A.M.

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 10 a.m. on Monday next.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.), the Senate adjourned until Monday, August 11, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, August 8, 1969:

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law:

Robertson, Nathaniel R.
O'Sullivan, Michael J., Jr.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Cook, Charles A., Jr.
Deaton, James P.
DuBois, Michael L.
Dur, Philip A.
Hart, Robert H.
Kinlaw, Howard M.
Lansford, Martin C.
Lee, Jimmy M.
Motes, David R.
Perkins, Allen D.
Stout, Richard G.
Wilkins, Hubert C.

SUPPLY CORPS

Mayes, Robert D.
Sweazey, George E., Jr.

NURSE CORPS

Spring, Pollyann.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line, subject to qualification therefor as provided by law:

Deaton, James P.
Fellows, Richard H.
Nygard, Howard T.

Lt. Melville C. Murray, Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Supply Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W–2, subject to qualification therefor as provided by law:

Adams, James L.
Allbert, Eugene L.
Babington, David C.
Bailey, Robert C.
Baity, "A" Thomas
Baker, Clyde E.
Banks, John W.
Barber, James W.
Beabout, Robert F.
Black, Roy W.
Bland, Richard D.
Blank, Vincent E.
Bliss, Albert M.
Board, George R.
Boorom, Robert F.
Booth, Robert W.
Bramblett, Jack
Bryden, Kenneth C.
Carlson, Robert S.
Cartwright, William F.
Chavez, Angelo
Chernegie, Michael A.
Cunningham, Lawrence M.
Daggett, Linwood A.
Davis, Edward L.
Dennis, Jackie L.
Devries, James F.
Dexter, Donald N.
Dix, Richard J.
Duchesneau, Robert E.
Duke, Clinton H., Jr.
Englebretson, Ronald E.
Ensminger, Gerald D.
Escajeda, Ruben
Fawcett, Peter F.
Frank, Bernard C.
Garrett, Charles E.
Gelsominto, Michael J.
Gillespie, Lindsay M.
Goodman, Sheldon
Greenberger, David
Greer, James N.
Grinnell, Raymond J., Jr.
Haaf, Joseph B.
Hagenbruch, Robert H.
Hamilton, Jerry A.
Hardin, Larry K.
Harper, James E.
Harville, Robert A.
Henderson, Robert D.
Hodges, George L., Jr.
Hogan, Richard H., Jr.
Hogg, Royal T., Jr.
Holden, Hugh F., Jr.
Horton, William G.
Hubert, David L.
Hudson, Carl E.
Jantz, Michael W.
Johnston, Richard E.
Joines, James J.
Jones, Richard L.
Jorgenson, Richard C.
Kannegiesea, Andrew A.
Keaton, William G.
Keith, Donald R.
Krawchuk, Peter
Kressel, Herbert J.
Lafleur, Jean R.
Larock, Francis J.
Lawron, Richard W.
Lenz, Jack C.
Linsley, William F.
Lipinski, John B.
Lowe, Michael B.
Madden, John E.
Maiden, Jesse J.
Malmborg, Charles L.
Marenbach, Harry A.
Martin, Howard E., III
Mathis, Larry T.
Maupin, William E., Jr.
McCarthy, John J., Jr.
McCarthy, Joseph E.
McCowan, Kenneth E.
McGee, Carl E.
McGee, James M.
McMaster, Timothy R.
McNutt, Jerry W.
Mehrtens, Frank J.
Meuchel, Frank T.
Middlebrooks, Robert D.
Miller, Kenneth R.
Miller, Robert D.
Miller, Ronald L.
Miller, Walter E.
Mingo, Louis E.
Moore, Owen E.
Mora, Jimmy A.
Morris, Phillip G.
Mueller, William J.
Mulligan, Robert D.
Mundy, William E.
Neal, Paul G.
Northrop, Robert S.
Nyman, Keith O.
Nunley, Jack B.
O'Brian, Alfred R. W.
Ohm, Robert L.
O'Neal, Floyd W.
Overman, William R.
Owen, Harold
Owens, James C., Jr.
Owens, Richard L.
Parkhurst, Lyman E.
Perkins, Earl E., Jr.
Pinkerton, Everett D.
Polk, Deward W.
Porter, Joel
Powers, Richard G.
Proffitt, Bobby W.
Shields, Joseph C.
Shumpert, Harold C.
Sickler, Burton H.
Skipworth, William H.
Smith, Floyd H.
Smitheman, James C.
Speed, William H., Jr.
Spencer, Sidney T.
Sprey, Douglas
Stone, Frederick C.
Stosel, Stanley L.
Sullivan, Joseph E.
Tellman, Donald F.
Tinnon, Lloyd D.
Tourigny, Leonard R.
Velsor, Herbert F.
Warren, William L.
Watson, Tannis R.
Wells, Eugene A.
Welsh, Edward L.
Wilson, Robert T.
Wiltzius, Lawrence N.
Wisdom, Hayden R.
Wray, Donald M.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W–3, subject to qualification therefor as provided by law:

Aldrich, Marvin M.
Allen, Raymond S.
Bishop, John F.
Booth, Thomas G.
Briody, John H.
Brown, Albert L., Jr.
Bull, Charles H.
Butler, Kelly, Jr.
Cady, Howard P.
Carl, Charles L., Jr.
Carr, Robert G.
Casey, Henry F., Jr.
Chandler, Neil B.
Chastain, Edward C.
Durland, Ray M.
Edwards, Charles R.
Ellis, John W., Jr.
Epoch, Paul
Ferguson, John R.
Fickett, Lawrence E.
Ganey, Walter F.
Glaab, George W.
Haldeman, Leonard D.
Hathcock, Milton T.
Hill, Francis E.
Hyatt, Gerald C.
Isebrands, Arthur B.
Jacobs, Meredith D.
Jensen, Dana C.
Johnson, Roland L.
Katterer, Frank R.
Kremsner, Carl J.
Lamb, Gerald M.
Melvin, Van
Meyer, Harry W.
Murphy, William J.
Neely, Benjamin C.
Neil, Richard C.
Nelson, Warren H.
Nelson, Warren K.
Oates, Bob, Jr.
Orr, Charles P.
Parris, Eddie R.
Peters, Randolph
Player, Charles E.
Proctor, Marlow
Soler, Carlos R.
Steadman, Joseph D.
Stowers, Bernard L.
Tarkington, Dewey A.
Turetz, Richard
Turner, Jack D.
Wagner, Charles P., Jr.
Wilkes, Roy W.
Yarbrough, Lawrence B.
Youngdahl, Robert J.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W–4, subject to qualification therefor as provided by law:

Baldasari, Nilo J.
Bowman, Glenn P.
Bridenstine, Harold L.
Campbell, William H.
Canfield, Glenn R.
Chadwick, William R.
Crawford, Warren H.
Daniels, William J.
Dignon, Donald H.
Doss, Edward H.
Faini, Orlando R.
Gay, William C.
Hutchison, Frank
Mitchell, Leonard T.
Shrum, Wayne A.
White, Charles R.
Whitt, William F.

The following-named Naval Reserve Officers Training Corps candidates to be permanent ensigns in the Line of Staff Corps of the Navy, subject to the qualifications therefor as provided by law:

Robert M. Baxter
Gary J. Caswell
John H. Smith

William M. Phillips (Naval Reserve officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

David L. Jackson (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Robert E. Carson
Lawrence M. Cibula
Nicholas J. Colosi
Robert P. B. Hayes
Stephen Heisler
Richard A. Nelson
Jeffrey H. Scavron
Larry V. Staker
Loys E. Williams

Richard P. Whitlock (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Richard S. Wood (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

William H. Anderson	Joseph P. Nowak
John W. Bailey	Harold E. Stone
Charles B. Horton	William W. Sullivan
Donald L. Mitchell	Harvard J. VanBeIois

John C. Marshall, U.S. Navy, retired, to be reappointed from the temporary disability retired list as lieutenant in the Line of the Navy, subject to the qualifications therefor as provided by law.

William J. Wagner (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named chief warrant officers to be ensigns in the Navy, limited duty only, for temporary service in the classification indicated and as permanent warrants and/or permanent and temporary warrants subject to the qualifications therefor as provided by law.

PHOTOGRAPHY

Robert Nolin

AVIATION MAINTENANCE

Donald J. Northrup

ENGINEERING

James J. Carrabba

MEDICAL CORPS

The following-named (Naval Reserve Officers) to be permanent Lieutenants and temporary Lieutenant Commanders in the Medical Corps of the Navy subject to the qualifications therefor as provided by law:

Ralph D. D'Amore
Donald F. Hagen

The following-named (Naval Reserve Officers) to be permanent Lieutenants (junior grade) and temporary Lieutenants in the Medical Corps of the Navy subject to the qualifications therefor as provided by law:

Regg V. Antle	James O. Houghton
Harry A. Bigley, Jr.	Robert S. Knapp
John W. Carlisle, Jr.	William C. Seal
Gary R. Donshik	George A. Ulch
William J. Gallagher	

CONFIRMATIONS

Executive nominations confirmed by the Senate August 8, 1969:

DIRECTOR OF THE MINT

Mary Brooks, of Idaho, to be Director of the Mint for a term of 5 years.

DISTRICT COURT OF THE VIRGIN ISLANDS

Almeric L. Christian, of the Virgin Islands, to be judge of the District Court of the Virgin Islands for a term of 8 years.

U.S. DISTRICT JUDGE

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama.

U.S. ATTORNEYS

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years.

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York for the term of 4 years.

Nathan G. Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

C. Nelson Day, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years.

David A. Brock, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years.

U.S. MARSHALS

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota for the term of 4 years.

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years.

Donald M. Horn, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

DIRECTOR OF THE CENSUS

George Hay Brown, of Michigan, to be Director of the Census.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

Walworth Barbour, of Massachusetts.
Winthrop G. Brown, of the District of Columbia.
C. Burke Elbrick, of Kentucky.
Edwin M. Martin, of Ohio.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

W. Tapley Bennett, Jr., of Georgia.
Clarence A. Boonstra, of Michigan.
William C. Burdett, of Georgia.
William I. Cargo, of Florida.
John Hugh Crimmins, of Maryland.
Roger P. Davies, of California.
William O. Hall, of Oregon.
Robinson McIlvaine, of Pennsylvania.
C. Robert Moore, of Washington.
David D. Newsom, of California.
David H. Popper, of New York.
Stuart W. Rockwell, of Pennsylvania.
Claude G. Ross, of California.
Miss Margaret Joy Tibbetts, of Maine.
Horace G. Torbert, Jr., of Massachusetts.

The following-named Foreign Service information officers for promotion from class 1 to the class of career minister for information:

Hewson A. Ryan, of Massachusetts.
William H. Weathersby, of California.

The nominations beginning William B. Kelly, to be a consular officer of the United States of America, and ending Walter A. Weber, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on July 10, 1969.

ATOMIC ENERGY COMMISSION

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1974.

EXTENSIONS OF REMARKS

PROF. RAYMOND MOLEY'S SERIES OF SYNDICATED COLUMNS ON SEAPOWER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. THURMOND. Mr. President, I wish to bring to the attention of the Senate of the United States a warning sounded by Prof. Raymond Moley in the last of his syndicated columns, which he released July 12, 1969, after 36 years as an active journalist. Professor Moley's warning is of such seriousness for this Nation that we ignore it at our peril. For this very reason, before I pass Mr. Moley's warning on to you, I would like to pause for a moment to consider the nature and stature of the man who uttered it.

Raymond Moley surely needs no introduction in Washington, D.C. In his own lifetime, and while still a widely read columnist, he has become a legend. Nevertheless, the span of his experience is great; and a brief review is in order as a reminder:

Moley was born in Berea, Ohio, September 27, 1886. He earned a Ph. B., a Ph. D., and an LL.D., as well as a number of honorary degrees. He taught school and in 1923–28 he was professor of government at Columbia University; 1928–54, professor of public law. He is the author of some 17 books including "Lessons in American Citizenship," published in 1917—10 editions; "Lessons in Democracy," 1919; "After Seven Years," 1939; "How To Keep Our Liberty," 1952; "The Republican Opportunity," 1962, 1964; and "The First New Deal," 1966.

There is little doubt that posterity will remember Moley principally as the creator and head of President Roosevelt's famous "brain trust." Indeed, during the first 100 days, Moley's influence was so great, and he was so sought after, that the word went around: "If you want to get to Moley, see Roosevelt." In addition to his White House duties, he was appointed by Roosevelt as Assistant Secretary of State; however, he felt that the President was gathering too much power into Federal hands and resigned from the Roosevelt administration to become editor of a new weekly magazine Today. Today became Newsweek and Moley devoted himself to journalism—the top-spot column in Newsweek, and three syndicated newspaper columns a week—ever thereafter.

Mr. President, Professor Moley in a very real sense answered his own rhetorical question when in four pieces immediately preceding his last, he stressed the Soviet Union's challenge at sea. The cost of building up our sea power—an invincible navy, and a strong modern merchant marine—would be far less than the ultimate cost of our delusions: the loss of our liberty, perhaps even our lives. I salute Raymond Moley for his many contributions to his and our country.

Mr. President, I ask unanimous consent for Mr. Moley's farewell column and his four columns on sea power to be printed in the Extensions of Remarks.

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

[From the Los Angeles (Calif.) Times, July 12, 1969]

THE RAYMOND MOLEY COLUMN

(NOTE.—Following is an extract of Mr. Moley's last column after 36 years as a journalist.)

"With the filing of this piece I terminate my years as a journalist . . .

"I have been at liberty to comment on the events of a momentous period, and no publisher or editor has ever told me what to write, what not to write, nor criticized my choice of opinions . . .

"These brief chronicles of the times have concerned themselves with a change in our national life and public policies greater than in any period since colonial days. And per-