federally assisted urban renewal and neighborhood development programs in Evansville; to the Committee on Banking and Currency.

By Mr. FOREMAN:

H.J. Res 874. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools, and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

By Mr. McDONALD of Michigan:

H.J. Res. 875. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 876. Joint resolution proposing an amendment to the Constitution of the United States to add the words "so help me God" to the Presidential oath of office; to the Committee on the Judiciary.

H.J. Res. 877. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself, Mr. BURTON of California, Mr. CHAPPELL, Mr. CARTER, Mr. FOUNTAIN, Mr. FULTON of Pennsylvania, Mr. GAYDOS, Mr. GARMATZ, Mr. GIAIMO, Mr. HALPERN, Mr. KOCH, Mr. MELCHER, Mr. POWELL, Mr. SCHADEBERG, Mr. TIERNAN, and Mr. WHITEHURST):

H.J. Res. 878. Joint resolution authorizing the President to proclaim "Moon Day" and providing for the striking of medals and for the issuance of a commemorative postage stamp in honor of Apollo 11; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 879. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H. Con. Res. 319. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BRASCO (for himself, Mr. BLANTON, Mr. CAREY, Mr. CELLER, Mr. DELANEY, Mr. DULSKI, Mr. EDWARDS of Louisiana, Mr. FRIEDEL, Mr. GALLAGHER, Mr. KYROS, Mr. MCCARTHY, Mr. MURPHY of New York, Mr. NIX, Mr. PODELL, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. STOKES, Mr. STRATTON, Mr. SYMINGTON, and Mr. TIERNAN):

H. Con. Res. 320. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H. Con. Res. 321. Concurrent resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CAHILL:

H. Con. Res. 322. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. COHELAN (for himself, Mr. MINISH, Mr. DULKSI, and Mr. WALDIE):

H. Res. 522. Resolution seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COHELAN:

H.R. 13513. A bill for the relief of Mrs. Revelyn G. Cayabyab and her two children, Nobilyn Cayabyab and Nodilito Cayabyab; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 13514. A bill for the relief of Demetre Porhas; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 13515. A bill for the relief of the heirs of Harmon Wallace Jones; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 13516. A bill for the relief of Charles Colbath; to the Committee on the Judiciary.

PETITIONS, ETC.

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

213. By the SPEAKER: Petition of the City Council, Philadelphia, Pa., relative to collective bargaining for farmworkers; to the Committee on Education and Labor.

214. Also, petition of Allan Feinblum, New York, N.Y., relative to a day of national prayer; to the Committee on Foreign Affairs.

SENATE—*Tuesday, August 12, 1969*

The Senate met at 10 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:

O Lord of our life, come upon us to brace and reinforce us for the strenuous hours ahead of us. If we should forget Thee, do not forget us. Spare us from the sin of ignoring Thee, or from contriving to hide from Thee and from hurting another person. Shield us from anything which would tarnish character, blemish self-respect or efface the divine image Thou hast put upon us.

In these days of confusion and uncertainty when the problems seem almost insoluble and the burdens unbearable, be to us in this place the supreme source of wisdom and strength that we may be faithful to every trust committed to us by the people. So let the round of duties be sanctified into sacraments of service and may all our labor be lifted up as a tribute of our love for Thee.

Through Jesus Christ, our Lord. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of William H. Quealy, of Virginia, to be a judge of the tax court of the United States, which was referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDENT pro tempore. There is no pending business; but, under the unanimous-consent agreement heretofore entered, after the approval of the Journal, the Chair will lay down and the Senate will proceed to the consideration of S. 2721, to amend the Higher Education Act of 1965.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 11, 1969, be dispensed with.

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

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The PRESIDENT pro tempore. Under the order of yesterday, the Chair lays before the Senate the pending business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2721) 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.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Emergency Insured Student Loan Act of 1969".

INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

SEC. 2. (a)(1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89-329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) an incentive allowance to be paid by the

Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be determined as of the close of such period unless a different method for determining such balance is set forth in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes an incentive allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

(4) The incentive allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act.

(5) Each regulation or amendment, prescribed under this Act, which establishes an incentive allowance with respect to a three-month period specified in the regulation or amendment may, notwithstanding section 505 of the Higher Education Amendments of 1968, be made effective on the first day of the first full calendar month which begins on or after the date of publication of such regulation or amendment in the Federal Register, except that the first such regulation may be made effective as soon after the enactment of this Act as the Secretary determines.

(6) The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

(7) As used in this Act, the term "eligible loan" means a loan made after the date of enactment of this Act and prior to July 1, 1970, which is insured under title IV–B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, an incentive allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

(c)(1) There are hereby authorized to be appropriated for incentive allowances as authorized by this section such sums not in excess of $15,000,000 for the fiscal year ending June 30, 1970, as may be necessary.

(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for the fiscal year ending June 30, 1970, for payment of incentive allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out "$275,000,000 for the fiscal year ending June 30, 1970, and $300,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out "$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for the fiscal year ending June 30, 1971".

Mr. MANSFIELD. Mr. President, I yield myself 1 minute under the bill.

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 consideration of executive business.

The PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

DEPARTMENT OF JUSTICE

The bill 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.

DEPARTMENT OF THE INTERIOR

The bill clerk read the nomination of Louis R. Bruce, of New York, to be Commissioner of Indian Affairs.

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

U.S. TARIFF COMMISSION

The bill clerk read the nomination of George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission.

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

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 consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The Senate resumed consideration of the bill (S. 2721) 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.

Mr. MANSFIELD. Mr. President, on time under the bill, equally divided, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, there will be no further proceedings under the quorum call.

The Chair recognizes the distinguished Senator from Rhode Island.

PRIVILEGE OF THE FLOOR

Mr. PELL. Mr. President, I ask unanimous consent that members of the staff of the Committee on Labor and Public Welfare who are needed by members of the committee during the course of debate on this bill be permitted to be on the floor.

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

Mr. PELL. Mr. President, we have before us a measure, S. 2721, Emergency Insured Student Loan Act of 1969, unanimously ordered reported to the Senate by the Committee on Labor and Public Welfare Friday morning. This bill attempts to deal with the difficulties being experienced in full implementation of the insured student loan program, seemingly due to the rising interest rate and the understandable reluctance of banks to earmark funds for this program at the present guaranteed 7-percent level of return.

Mr. President, last Thursday morning the Subcommittee on Education met to hear testimony about the problems being faced by students who wish to finance their education through utilization of the insured student loan program. James

E. Allen, Commissioner of Education, succinctly pointed out to us the view of the Office of Education and the Department of Health, Education, and Welfare that the previous high participation in this program by lenders is being curtailed. The Department expects a very difficult period within the next 4 to 6 weeks, for this is not only the time that students are returning to school, but are actively seeking ways of financing their education.

The subcommittee then received testimony from representatives of the American Bankers Association, the National Council of Student Financial Aid Officers, and the National Council of Higher Education Loan Programs. The witness from the American Bankers Association discussed the dilemma faced by banks, for while they are committed to this program of tuition assistance, the high cost of money makes it difficult for them to maintain the present level of participation under existing loan programs. Representatives of college-aid offices generally stated the problem. Mr. Lee Noel, president, National Council of Higher Education Loan Programs, estimated that between 150,000 and 200,000 students may not be granted loans due to this difficulty.

During the hearing, the subcommittee realized that expeditious action would have to be taken and agreed to have an informal meeting later in the day. At that time we discussed the need of some type of incentive to increase the lenders participation in the student loan program. Unanimous agreement was reached on the form the bill would take and we were graciously granted permission to have a short subcommittee executive session to order the bill to the full committee.

On Friday morning the full committee met and unanimously reported the bill and ordered it reported to the Senate. I ask that the full text of the bill and an excerpt from the committee report be printed in the RECORD at this point.

There being no objection, the text of the bill as reported and the excerpt from the committee report (No. 91–368) were ordered to be printed in the RECORD, as follows:

S. 2721

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 "Emergency Insured Student Loan Act of 1969".

INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

SEC. 2. (a)(1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) an incentive allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be determined as of the close of such period unless a different method for determining such balance is set forth in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas of classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes an incentive allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

(4) The incentive allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act.

(5) Each regulation or amendment, prescribed under this Act, which establishes an incentive allowance with respect to a three-month period specified in the regulation or amendment may, notwithstanding section 505 of the Higher Education Amendments of 1968, be made effective on the first day of the first full calendar month which begins on or after the date of publication of such regulation or amendment in the Federal Register, except that the first such regulation may be made effective as soon after the enactment of this Act as the Secretary determines.

(6) The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

(7) As used in this Act, the term "eligible loan" means a loan made after the date of enactment of this Act and prior to July 1, 1970, which is insured under title IV–B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, an incentive allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

(c)(1) There are hereby authorized to be appropriated for incentive allowances as authorized by this section such sums not in excess of $15,000,000 for the fiscal year ending June 30, 1970, as may be necessary.

(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for the fiscal year ending June 30, 1970, for payment of incentive allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out "$275,000,000 for the fiscal year ending June 30, 1970, and, $300,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out "$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for the fiscal year ending June 30, 1971".

Amend the title so as to read: "A bill to increase funds for college student loans by increasing the authorization of appropriations for the National Defense Student Loan Program, and by providing for an incentive allowance for insured loans under title IV–B of the Higher Education Act of 1965 on a temporary basis, and for other purposes."

PURPOSE AND SUMMARY

The purpose of the bill is to make increased funds available for Federal programs of college student assistance by increasing the authorization of appropriations for the national defense student loan program and by authorizing emergency incentive payments to eligible lenders under the insured loan program (title IV–B of the Higher Education Act of 1965). Such emergency payments are to be temporary in nature.

The bill would authorize the Commissioner of Education to make incentive allowances to eligible lenders under the insured loan program in order to encourage such lenders to make loans to students. These payments could be made whenever the Secretary of Health, Education, and Welfare determines that the maximum applicable interest (under present law 7 percent per annum) on insured loans, or any other applicable conditions impede or threaten to impede the carrying out of the purposes of the insured loan program. If the Secretary finds that such conditions do indeed threaten the insured loan program in the light of current economic conditions and the particular relevant money market, he may, by regulation, prescribe for a 3-month period an incentive allowance to be paid by the Commissioner of Education to holders of insured student loans. Lenders would be eligible for incentive payments only for loans made and disbursed after the enactment of the act and prior to July 1, 1970. In no event could the incentive allowance to any holder be in excess of 3 precent of the average unpaid balance of principal of all eligible loans held by the holder at the close of the period in question.

The Secretary of Health, Education, and Welfare would have flexible authority to set differing incentive allowance rates for different regions or diffrent classifications of lenders. The Secretary's authority must be

carried out by regulation. The bill exempts regulations affecting the implementation of the incentive allowance program from a general requirement of the Office of Education which delays the effective date of regulations for 30 days after the publication in the Federal Register. The bill permits regulations to have effect upon their promulgation and, in the case of initial regulations, it permits an effective date upon enactment of the bill.

Paragraph (6) of section 2(a) provides that the Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to the act do not, as a condition precedent or subsequent to making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan. This section was adopted after careful consideration of the entire question of banks making preferred loans.

An outright prohibition against payments to lenders who require business activities other than those related to the loan was considered. It was decided that rather than risk involving lenders in possible court suits growing out of a strict interpretation of such a prohibition a requirement on the part of the Secretary to regulate this question would be more appropriate. The committee expects the Secretary and the Commissioner to carry out this requirement to the greatest extent possible under law. The committee takes note of the fact that subsection (b) of section 2 requires lenders to provide the Secretary and the Commissioner with such information as may be required to carry out the purpose of the act. With this requirement those in charge of administering the insured loan program should have sufficient information with respect to lending practices under the program to prohibit preferences under the insured loan program in favor of the lender's preferred customers.

The bill would authorize to be appropriated for incentive allowances $15 million for fiscal year 1970. However, provision was made for immediate utilization of unused reserve funds of the insured loan program to pay the incentive allowance.

The bill amends title II of the National Defense Education Act of 1958 (the national defense student loan program) by increasing the authorization of appropriations for fiscal year 1970 from $275 million to $325 million and by increasing the authorization for fiscal year 1971 from $300 million to $375 million.

RELATIONSHIP BETWEEN THE INSURED LOAN PROGRAM AND THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

When the Congress approved the insured loan program under title IV–B of the Higher Education Act of 1965, it did so with the understanding that the insured loan program would complement the national defense student loan program but in no way supplant it. Nevertheless, budget requests have recommended decreasing amounts of appropriations for the national defense student loan program. The explanation was offered that the insured loan program decreased the need for the direct Federal loan program. In 1966, the Congress rejected this reasoning by continuing the direct Federal program and increasing both the authorization and appropriation.

The revised budget request for fiscal year 1970 contained a recommendation that funds for direct loans be reduced from $190 million to $155 million. This reduction in the budget request evidently caused many colleges to recommend to students, who were eligible for NDEA loans, that they seek insured loans from private lenders. During the summer of 1969, during a period of a high prime interest rate, increased numbers of students sought insured loans.

On July 29, 1969, the administration proposed that incentive allowances be paid to banks in order to encourage lenders to make loans to college students. This recommendation, in substance, was, with some reluctance, accepted by the committee in order to permit students to go to college this fall. At the same time the committee expressed its concern about the future of the national defense student loan program and reaffirmed its belief in such an approach by authorizing $125 million more over the next 2 fiscal years.

The committee has received from the Department of HEW the following letter by which the administration affirms its support of the committee position:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D. C., August 8, 1969.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the Department's testimony before your subcommittee this morning, a question was raised about our position on the national defense student loan program and the relationship between that program and the guaranteed student loan program.

I am pleased to confirm Dr. Allen's statement that the Department holds the view that the guaranteed student loan program is complementary and supplementary to the national defense student loan program and is not designed to replace or supplant it. We understand that this was the intention of the Congress when the guaranteed loan program was originally enacted as part B of title IV of the Higher Education Act of 1965. We agree with this intention and cannot foresee it being altered. I believe that our testimony outlining the different groups served by the two programs, as well as the differences in breadth of coverage, further confirms the view that both programs are vital and can be fully utilized.

Sincerely,

ROBERT H. FINCH, *Secretary.*

S. 2721 reflects these concerns of the committee in the following respects:

(1) The authorization for incentive payments is not an amendment to part B of title IV of the Higher Education Act of 1965. This authorization is provided by separate legislation. The incentive allowance concept does not become a part of the basic framework of the insured loan program. Its separateness is intended to denote the emergency situation we are experiencing and to provide for separate consideration of the incentive allowance concept from consideration of the insured loan program.

(2) The authorization for incentive allowances is temporary and will terminate with the close of fiscal year 1970, thus assuring a review next year, in line with the administration's promise to file a report on higher education assistance by the end of 1969.

(3) The bill increases the authorization for appropriations for the national defense student loan program. This increase in authorization is intended to balance the Federal approach to the current crisis by providing for an increased direct loan program, as well as an amended insured loan program, and by providing, at this time, an opportunity for increasing appropriations for fiscal years 1970 and 1971 is also given.

BACKGROUND AND THE NEED FOR LEGISLATION

Since its establishment in the fall of 1965, the guaranteed loan program has become an important component of the student aid program supported by the Federal Government. In fiscal year 1966, as the program was being established, the total volume of loans reached $77 million. In fiscal year 1967, it reached $248 million; in fiscal 1968, $435 million; and in fiscal year 1969, $670 million.

Witnesses indicated that we are now confronted with the probability of an immediate drastic reduction in the number and volume of loans to be made for the school year beginning in September. Basically the problems are that the cost of money has rapidly increased in the last 8 months so that now it greatly exceeds the 7-percent ceiling permitted by the 1968 amendment extending higher education student assistance programs, and that threatened reductions in the NDEA loan program have forced many students who would be eligible for NDEA loans to seek insured loans. Since the establishment of the program the prime rate—that is, the rate of interest charged by money lenders to their most important customers—has increased five times as follows:

	Percent
Dec. 4, 1968	6.50
Dec. 16, 1968	6.75
Jan. 8, 1969	7.00
Apr. 17, 1969	7.50
June 9, 1969	8.50

At the inception of the program late in 1965, lenders were receiving 6 percent simple interest, or 1½ percent above the then-existing prime rate of 4.5 percent. Today lenders would receive 7 percent, or 1½ percent below the prime rate.

Witnesses estimated that between 30 and 40 percent of the students who seek a loan for the first time this fall will be denied help. In numbers, about 150,000 to 200,000 students will not obtain an insured loan.

The simplest way to make the program again attractive to the lender would be to increase the permitted interest rate, as was proposed in S. 2422 and as was done in the similar situation in 1968. Difficulties arise from that course of action. These include—

1. Frozen interest rate level: The present high interest rate should be regarded as temporary. As the rate drops, however, the borrower would still be carrying a loan at the high rate of interest.

2. Problems associated with Federal preemption: Many State laws set usury rates at 7 percent. If a Federal rate is set higher it would have to preempt the subject for Federal action. This is undesirable in a cooperative program in which 70 percent of the loans made since enactment of the Higher Education Act of 1965 are guaranteed by States and by private nonprofit agencies operating under State law.

3. High interest rate borne by student: There is concern about requiring the student borrower to bear the burden of paying more than 7 percent.

These difficulties are avoided by employing an incentive allowance technique:

1. The incentive allowance is immediately related to the money market and will fluctuate with it on quarterly intervals,

2. Federal law preemption problems are avoided, and

3. The Federal Government rather than the student from the lower or middle income family will bear the loan costs in excess of 7 percent.

INCREASED AUTHORIZATIONS FOR THE EDUCATIONAL OPPORTUNITY GRANT AND COLLEGE WORK-STUDY PROGRAMS

The bill increases the authorizations for two other student assistance programs. The authorization of appropriations for the educational opportunity grant program would be increased by $50 million in fiscal year 1970 and $60 million in fiscal year 1971. The authorization for the college work-study program would be increased by $25 million in fiscal year 1970 and $35 million in fiscal year 1971.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.—This section provides that the act may be cited as the "Emergency Insured Student Loan Act of 1969."

Section 2. Incentive payments on insured student loans.—This section authorizes the Commissioner of Education to pay incentive allowances to lenders under the insured loan

program authorized by part B of title IV of the Higher Education Act of 1965.

Paragraph (1) of subsection (a) provides that the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans insured by the Commissioner of Education or under a State or nonprofit private insurance program covered under section 428(b) of such act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B, is authorized, by regulation applicable to a 3-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) an incentive allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of principal (not including interest added to principal) of all eligible loans held by such holder, which balance shall be determined as of the close of such period unless a different method for determining such balance is set forth in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

Paragraph (2) of subsection (a) authorizes determinations under paragraph (1) to be made on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limits of the maximum rate set forth in paragraph (1).

Paragraph (3) of subsection (a) specifies that, for each 3-month period with respect to which the Secretary of Health, Education, and Welfare prescribes an incentive allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

Paragraph (4) of subsection (a) provides that the incentive allowance established for any such 3-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under the act.

Paragraph (5) of subsection (a) provides that each regulation or amendment, prescribed under the act, which establishes an incentive allowance with respect to a 3-month period specified in the regulation or amendment may, notwithstanding section 505 of Public Law 90–575, be made effective on the first day of the first full calendar month which begins on or after the date of publication of such regulation or amendment in the Federal Register, except that the first such regulation may be made effective as of the date of enactment of the act.

Paragraph (6) of subsection (a) requires that the Secretary of Health, Education, and Welfare prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this act do not as a condition precedent or subsequent for making any such loan require a student or any member of the student's family to carry out any business activity with the lender other than an activity directly related to the administration and repayment of such loan.

Paragraph (7) of subsection (a) provides that the term "eligible loan" means a loan insured under section 428 of Public Law 89–329, made after the date of enactment of the act and prior to July 1, 1970, by an eligible lender (as defined by subsection (g) of section 435 of Public Law 89–329) to whom a regulation under this act applies to the extent that such loan has been disbursed.

Subsection (b) provides that the Commissioner shall pay to the holder of an eligible loan at such time or times as are specified in regulations an incentive allowance prescribed pursuant to subsection (a) subject to the condition such holder shall submit to the Commissioner at such time or times and in such manner as he may deem proper such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their function, under the act and to carry out the purposes of the act.

Subsection (c) authorizes to be appropriated for incentive allowances as authorized by this section such sums not in excess of $15 million for the fiscal year ending June 30, 1970, as may be required therefore.

Paragraph (2) of subsection (c) provides that sums available for expenditurees pursuant to appropriations made for the fiscal year ending June 30, 1969, under clauses (2), (3), and (4) of section 421(b) of the Higher Education Act of 1965 shall be available for the fiscal year ending June 30, 1970, for payment of incentive allowances under the act. The authorization in paragraph (1) of subsection (c) is reduced by the amount made available under paragraph (2) of such subsection.

Section 3. Increased authorization for the national defense student loan program.—This section amends section 201 of the National Defense Education Act of 1958 to increase the authorization of appropriations for the national defense student loan program from $275 million in fiscal year 1970 and $300 million in fiscal year 1971 to $325 million in fiscal year 1970 and $375 million in fiscal year 1971.

Section 4. Increase in authorization for the educational opportunity grant program.—This section increases the authorization of appropriations for part A of title IV of the Higher Education Act of 1965 from $100 million in fiscal year 1970 to $150 million for such year and from $140 million for fiscal year 1971 to $200 million for such fiscal year.

Section 5. Increase in authorization for the college work-study program.—This section increases the authorization of appropriations for part C of title IV of the Higher Education Act of 1965 from $250 million for fiscal year 1970 to $257 million for such year and from $285 million for fiscal year 1971 to $320 million for such fiscal year.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL DEFENSE EDUCATION ACT OF 1958

(P.L. 85–864)

An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "National Defense Education Act of 1958".

TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

APPROPRIATIONS AUTHORIZED

SEC. 201. For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $47,500,000 for the fiscal year ending June 30, 1959, $75,000,000 for the fiscal year ending June 30, 1960, $82,500,000 for the fiscal year ending June 30, 1961, $90,000,000 each for the fiscal year ending June 30, 1962, and the next fiscal year, $125,000,000 for the fiscal year ending June 30, 1964, $163,300,000 for the fiscal year ending June 30, 1965, $179,300,000 for the fiscal year ending June 30, 1966, $190,000,000 for the fiscal year ending June 30, 1967, $225,000,000 for the fiscal year ending June 30, 1968, $210,000,000 for the fiscal year ending June 30, 1969, [$275,000,000 for the fiscal year ending June 30, 1970, and $300,000,000 for the fiscal year ending June 30, 1971,] *$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for each of the suceeding fiscal years ending June 30, 1971,* and there are further authorized to be appropriated such sums for the fiscal year ending June 30, 1972, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1971, to continue or complete their education. Sums appropriated under this section for any fiscal year shall be available, in accordance with agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of student loan funds.

[HISTORY OF LEGISLATION]

(20 U.S.C. 421) Enacted Sept. 2, 1958, P.L. 85–864, Title II, sec. 201, 72 Stat. 1583; amended Oct. 3, 1961, P.L. 87–344, Title II, sec. 201(a), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88–210, sec. 22(a), 77 Stat. 415; amended Oct. 16, 1964, P.L. 88–665, 78 Stat. 1100; amended Nov. 3, 1966, P.L. 89–752, sec. 15, 80 Stat. 1245; amended Oct. 16, 1968, P.L. 90–575, Title I, sec. 171, 82 Stat. 1034; *Proposed to be amended, S. 2721, sec. 3.*

HIGHER EDUCATION ACT OF 1965

(P.L. 89–329)

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 "Higher Education Act of 1965".

* * * * *

Title IV—Student Assistance

PART A—EDUCATIONAL OPPORTUNITY GRANTS

STATEMENT OF PURPOSE AND APPROPRIATIONS AUTHORIZED

SEC. 401. (a) It is the purpose of this part to provide, through institutions of higher education, educational opportunity grants to assist in making available the benefits of higher education to qualified high school graduates of exceptional financial need, who for lack of financial means of their own or of their families would be unable to obtain such benefits without such aid.

(b) There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1966, and for each of the three succeeding years, [$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971] *$150,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971 to enable* the Commissioner to make payments to institutions of higher education that have agreements with him entered into under section 407, for use by such institutions for payments to undergraduate students for the initial academic year of educational opportunity grants awarded to them under this part. There are further authorized to be appropriated such sums as may be necessary for payment to such institutions for

use by them for making educational opportunity grants under this part to undergraduate students for academic years other than the initial year of their educational opportunity grants; but no appropriation may be made pursuant to this sentence for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under the first sentence. Sums appropriated pursuant to this subsection for any fiscal year shall be available for payment to institutions until the close of the fiscal year succeeding the fiscal year for which they were appropriated. For the purposes of this subsection, payment for the first year of an educational opportunity grant shall not be considered as an initial-year payment if the educational opportunity grant was awarded for the continuing education of a student who had been previously awarded an educational opportunity grant under this part (whether by another institution or otherwise) and had received payment for any year of that educational opportunity grant.

(20 U.S.C. 1061) Enacted Nov. 8, 1965, P.L. 89-329, Title IV, sec. 401, 79 Stat. 1231; amended Oct. 16, 1968, P.L. 90-575, Title I, sec. 101, 82 Stat. 1017. *Proposed to be amended, S. 2721, sec. 4.*

* * * * *

PART C—WORK-STUDY PROGRAMS

STATEMENT OF PURPOSE; APPROPRIATION AUTHORIZED

SEC. 441. (a) The purpose of this part is to stimulate and promote the part-time employment of students, particularly students from low-income families, in eligible institutions who are in need of the earnings from such employment to pursue courses of study at such institutions.

(b) There are authorized to be appropriated $225,000,000 for the fiscal year ending June 30, 1969, [$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971,] *$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for fiscal year ending June 30, 1971,* to carry out this part.

(42 U.S.C. 2751) Enacted Aug. 20, 1964, P.L. 88-452, Title I, sec. 121, 78 Stat. 515; amended Nov. 8, 1965, P.L. 89-329, Title IV, sec. 441(2), 79 Stat. 1249; amended Oct. 16, 1968, P.L. 90-575, Title I, sec. 131, 132, 133, 82 Stat. 1028-1029. *Proposed to be amended, S. 2721, sec. 5.*

Mr. PELL. Mr. President, this bill has two basic thrusts. Our initial approach to the problem of adequate student financing establishes a program of incentive allowances. Under this provision the interest rate to the student under the insured loan program would continue at 7 percent. However, the Secretary of the Department of Health, Education, and Welfare would have an option to take into consideration the existing fiscal picture and if he found it necessary he would pay to participating lenders a sum equal to 3 percent of the outstanding loans made to students in a set 3-month period. This formula would meet the problem of the high cost of money. The second and very important thrust of the pending measure which benefits the students from middle-income families and students from the lower end of the income spectrum, would increase the authorization for the national defense student loan program from the present $275 million to $325 million for fiscal year 1970 and from the present $300 million to $375 million for fiscal year 1971. The bill would also increase the authorization for the educational opportunity grant program in fiscal 1970, from $100 million to $150 million and, in fiscal 1971, from $140 million to $200 million. The college work-study program would be increased from $250 million to $275 million in fiscal 1970 and from $285 million to $320 million in fiscal 1971. We propose this type of authorization increase, so as to maintain a balance among the various Federal programs of student assistance.

Mr. President, I think that it can be honestly stated that members of the committee from both sides of the aisle were reluctant to bring this bill to the Senate for a variety of reasons. However, our concern about students waiting for loans is greater still and this vehicle would appear to meet the need. I urge the Senate to act favorably on this measure as reported by the committee.

Mr. JAVITS. Mr. President, I yield myself 3 minutes under the bill.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, this is an administration bill. I introduced it together with 11 cosponsors, in a bipartisan spirit, with administration support. It is an emergency matter.

There are two matters I wish to impress upon the Senate. In the other body, the Education and Labor Committee has reported a bill very much like our own bill with the principal exception of the two controverted issues which will be raised here by way of an amendment by the Senator from Colorado (Mr. DOMINICK). These two issues are, first, a restriction written in here regarding the right of a bank to receive its incentive allowance based on whether or not it makes as a condition of loans the doing of business with the borrower's family or the borrower himself. The second is the effort to raise the ceiling on three student aid programs, the National Defense Education Act loans, the work-study programs, and the educational opportunity grants. None of these is up for renewal this year.

There are ceilings now on all three programs. There are budgeted amounts and appropriations already approved by the House of Representatives. The only question which arises here, for which we use this bill as the vehicle, is to up these ceilings. It is a simple and naked question.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows the fiscal year 1969 appropriation, the authorization, the budget-stipulated figure, and the amount appropriated by the other body.

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

STUDENT AID PROGRAM FUNDING

[All figures in millions]

	Fiscal year 1969 appropriation	Fiscal year 1970		Estimated number of participants	Passed by House
		Authorization	Budget		
NDEA loans (direct loans at 3 percent)	$193.4	[1] $275	$161.9	0.398	$229.0
Work-study	139.9	255	154.0	.375	154.0
Education opportunity grants (up to $1,000)	124.6	(2)	175.6	.280	159.6

[1] General authorizations also included.
[2] $100 for new awards plus continuation cost.

Mr. JAVITS. Mr. President, I believe one must speak frankly to these matters. I yield to no one, not to the Senator from Massachusetts (Mr. KENNEDY), not to the Senator from Rhode Island (Mr. PELL), nor anyone else, in my devotion to these three programs for which the ceilings are raised. I am very much in favor of raising the ceiling. I have fought in the past and will continue to fight very hard to raise the ceiling.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. The question, however, is whether we will go for the form or the substance. I do not believe a Senator must vote for a given measure whenever it is up, whether timely or not timely, because he does not want the public record to show he voted "nay" on a given occasion. That is why we are here, because we are supposed to have enough character to do that, when we think that is the right course.

That is what I had to do in committee. It went deeply against the grain to do so. I am extremely unhappy about it. But many more Senators have stood in this Chamber long before me and have been just as unhappy but have done their duty by the Nation. That is how I feel about this situation.

I cannot criticize anyone who wishes to press it. I can only say what the situation is. We will not give relief to 150,000 to 200,000 or more college students who need these loans unless we act now, and act free of extraneous issues. It is as simple as that. If we do not do it, the whole thing can well go down the drain.

I do not say that it will not do any good for our young people, because it will do some good; but it will not do any good if we are not going to do anything about it now, when the young people of this country need the loans, in view of the financial interest situation, because of the high interest rates, when they have to be given their opportunity to get into universities and colleges of their choice. That is the issue. It will be raised by appropriate amendments, I am sure——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Sen-

ator from New York is recognized for 1 additional minute.

Mr. JAVITS. I regret terribly that Members are embarrassed. I am embarrassed, but we cannot do anything about it. This is fact, not theory.

Mr. DIRKSEN. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. DIRKSEN. Mr. President, I share the discomfort of spirit displayed by the Senator from New York, mainly because of the $275 million in increased authorization in the bill.

The reason I am unhappy about it is that before the presidential party departed for California, they read to me a statement from the White House with respect to expenditures; that the President will remain within the ceiling which has been imposed upon him by Congress.

If money is authorized and then appropriated in excess of that ceiling, there was a statement—and a very explicit one—to the effect that it would not be spent, but it would be reserved, it would be impounded.

What makes me even unhappier is that, first of all, we placed a ceiling upon expenditures to be made by the Executive, and then we undertake to kick off that ceiling which we imposed in the first place. It was done legislatively.

Why do we turn around and remove the ceiling or nullify it by adding the additional authorizations, knowing that the money will not be expended? That is what I object to. Frankly, I want to see this thing go to a record vote. If that is what we are going to do, then, of course, ignore that expenditure ceiling from here on out and have done with it, because in my book it is a kind of breach of faith; because the ceiling was imposed at our instance and not at the instance of the President of the United States.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute to reply to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. By way of facts, I should like to say to my minority leader that there is $7,900,000 that is within the ceiling in already appropriated money. It was unused in fiscal year 1969 for the purpose for which it was appropriated. The provision in this bill makes it available for this purpose. What his criticism does apply to is the difference between this $7,900,000 and the $15 million appropriation which was authorized. So that the difference is some $7,100,000 that would have to be appropriated. Therefore, the Appropriations Committee, I might say to the Senator from Illinois, will be able to determine whether that can or cannot be implemented within the ceiling.

I should like to tell the Senator from Illinois further, that we did take into account the situation to which he refers. I have described the way in which we hope to deal with it.

Mr. DIRKSEN. I am dealing essentially with the authorization in the bill. There are three categories.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. DIRKSEN. Mr. President, I learned from the House that if we complicate this bill and it goes to conference, there will be no bill until October. We had better make up our minds. Are we going to have a bill or are we going to clutter it and then have a new bill at a time, as the Senator from New York has so well stated, when it will do the most good?

Mr. JAVITS. I thank my colleague from Illinois. I am very grateful to the majority and minority leaders for their support in this matter. We would not be here this morning without the unusual efforts to persuade other Members and to put this in ahead of the military construction bill, if the Senator from Illinois (Mr. DIRKSEN) and the Senator from Montana (Mr. MANSFIELD) had not set their minds to it.

Mr. PROUTY. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. PROUTY. Mr. President, I wish, first, to associate myself with the remarks which have been made by the distinguished Senator from New York. All of us who are members of the committee support and subscribe to the objectives in the bill now before the Senate.

But we know that if some amendments which were offered and approved by a majority of the members of the committee are kept in the bill, we will not have legislation until well into the fall.

I think it can be taken for granted that the other body will not approve the bill in its present form. Those of us on the committee who feel that that is true did our utmost to persuade our colleagues that the amendments should not be included.

However, we failed in that endeavor. Thus, I hope very much that we will support one amendment, particularly, which I think will be offered by the Senator from Colorado, and that we will approve the bill and send it to the other body so that 150,000 to 200,000 young Americans will be able to enter college this fall.

If we fail now, their plight will be a serious one, indeed.

Mr. JAVITS. I thank my colleague from Vermont very much indeed.

Mr. PELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, it will be remembered that we are presently considering no single amendment but the bill as a whole. Notwithstanding the effect of passage of the bill in the other body, we have our job to do.

I think the views of the Senator from New York are his opinions, but not necessarily facts. If we go to conference, and I do not see how we can avoid a conference, we may well find the outcome of the bill, as is so often the case, to be a compromise, a result of different views.

It should also be borne in mind that not too long ago the Senate voted to continue the exemption of education funds from the budget cuts. The will of the Senate as read in that vote, would appear to be that education should not come within the budget cut.

Finally, while recognizing that the bill can be simpler without the additions to it, the additions give balance to the bill, so that it does not look exclusively like a monetary bill, nor a middle-class relief bill, but provides a balanced approach. For that reason, as chairman of the subcommittee, I will support the bill as reported.

Mr. JAVITS. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Let me say to the Senator from Rhode Island and to his colleagues, whoever they may be who are offering amendments, that I find no fault with them. I do not criticize them.

The Senator from Rhode Island is absolutely right about the fact that this is my opinion regarding what may happen to this bill after it receives Senate approval.

On the contrary, the Senator from Rhode Island is entitled to the thanks of the whole Senate and the country for the expertise and skill he has brought to this matter in the bill at the present moment.

I stated what I thought were my views as to what was the best thing to do in a given emergency situation. Of course, the Senate will work its will. I pledge myself, as the ranking minority member—and I will undoubtedly be a conferee if we must go to a conference—diligently to pursue whatever the Senate may decide and to do my utmost to bring it into law.

Thus, I honestly feel that if we pass the bill without these additions, it is very likely to be accepted, and a conference on it would be really pro forma, very much, let us say, on a 50–50 basis.

This is only my personal opinion, but as a Senator it is my duty to state this opinion to the Senate in order to influence my colleagues to do what I think will do the most good for the purposes of the bill.

Mr. PELL. Mr. President, is there any amendment to be offered to the bill?

The PRESIDING OFFICER. No amendment has yet been offered.

Mr. DOMINICK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The BILL CLERK. The Senator from Colorado (Mr. DOMINICK) proposes an amendment, on page 7, to delete lines 11

through 17 and renumber succeeding sections——

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

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

The language proposed to be stricken is as follows:

(6) The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

Mr. DOMINICK. Mr. President, we have an hour of divided time on the amendment. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. I am a cosponsor of the basic bill S. 2721. The amendment I now offer would strike subsection 6 on page 7, a provision which was introduced by Senator KENNEDY in the full committee executive session and added to the bill by a rollcall in the committee of 10 to 6.

Mr. President, I think it is only proper for me to point out that I have been serving on the Education Subcommittee for 5 years. I have enjoyed it. I have helped to develop and have supported many proposals on behalf of aid to students in order to give them a better opportunity for education. I intend to continue. It is for that very reason that I am offering this motion today.

Mr. President, the subcommittee held a public hearing last week on our bill, S. 2721, the Emergency Student Loan Act of 1969. At that hearing we had testimony from the Senator from Indiana (Mr. BAYH) and the Senator from Vermont (Mr. PROUTY); Mr. Allen, Commissioner of Education, who was accompanied by the Chief of the Insured Loans Branch of DE, the Assistant Commissioner for Legislation, and a representative of the Bureau of Higher Education.

We heard testimony from Mr. Alexander, president of the American Bankers Association.

We heard Mr. Purdy, President of the National Student Financial Aid Council, accompanied by Mr. Wohlreich, director of admissions and financial aid, Community College of Philadelphia, Pa.

We heard from Mr. Noel, president of the National Council of Higher Education Loan Programs, Deerfield, Ill. Mr. Noel was accompanied by Mr. Broadway, executive secretary of the North Carolina State Education Assistance Authority, Mr. Payton, executive director of the Georgia Higher Education Assistance Corporation, and Mr. Petrie, executive director of the Louisiana Higher Education Assistance Commission, Baton Rouge, La.

Every one of these witnesses supported our basic bill, S. 2721. They supported the need for prompt action, pointing out that at this period of time—August, September—the students turn to banks and other lenders for loans to finance their education.

Unless we take action to correct the financial situation in the current market, students will continue to have great difficulty in getting loans. Therefore, I had hoped our original bill, devoted exclusively to the emergency situation for insured loans and unencumbered by amendments dealing with other subjects could be passed as expeditiously as possible.

The need for our bill has been brought home to almost every Senator in this body, by letters or telephone calls from people in their home States. Students are reporting how difficult it is to get money under the present situation, when the ceiling under the guarantee loan fund is 7 percent and when the going market rate throughout the country is higher than that, ranging from 8½ percent on up.

Financial institutions, with a minimum of free capital for lending purposes, find themselves in a position of having to allocate their resources among proposed borrowers. This is a perfectly normal business reaction. No one likes the high interest rates and tight money. As a matter of fact, our financial institutions are borrowing "Euro" dollars at 10 percent in order to have funds available to lend in this country. This situation exists now.

What the Senator from New York, the Senator from Vermont, I, and other Senators are trying to do with our bill is to provide an incentive to banks and other lenders so they will go ahead with the student loan program. It is a carefully worded provision. It permits the Secretary of HEW and the Commissioner or Education to make incentive allowances, determined on a quarterly basis, to cover the difference between the 7 percent ceiling and the market rate. The Secretary's authority would be flexible so he could set different rates for various regions or classifications of lenders, but the incentive could not exceed 3 percent.

During the subcommittee hearing, not one word was said about the Kennedy amendment which is now in the form of subsection 6. His proposed restriction was not offered or even mentioned until after the hearing was over. It was first raised later at the subcommittee markup. That proposal was subsequently withdrawn and the subcommittee approved the proposal of the Senator from New York (Mr. JAVITS) which dealt with the issue by adding a preamble to the bill.

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

Mr. DOMINICK. I will yield if the Senator will just let me finish this point. The Javits preamble read as follows:

STATEMENT OF POLICY

SEC. 2. It is the sense of the Congress in enacting this Act that lenders making loans eligible for an allowance pursuant to this Act should not, as a condition for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender other than an activity directly related to such loan.

The Education Subcommittee approved this as a statement of policy. Then, all of a sudden, we were faced with the Kennedy statutory restriction in the full committee. I was present for the entire hearing and I am not aware of any discussion of proposals to change the law in this respect.

Now I am happy to yield to the Senator from Missouri.

Mr. EAGLETON. I would like to put this question to the Senator from Colorado, directing attention to the printed hearing dated August 7, 1969, page 23, the testimony of Commissioner Allen, next to the last full paragraph on that page:

We have been advised by many lenders who participated heavily in the 1968–69 program that their activity at the 7 percent rate must either be halted entirely or restricted to children of favored customers, on the grounds that they are unable to "break even" in the current market.

I repeat—"restricted to children of favored customers."

Second, I call the Senator's attention to page 39 of the same hearing, the statement by the Senator from Texas (Mr. YARBOROUGH). I shall not bother to read it all, it consumes about half of page 39, but the Senator talks about calls, letters, different communications he has had from people back in the State of Texas relating to the fact that in order to avail themselves of the provisions of this act——

Mr. DOMINICK. Mr. President, does the Senator ask to have additional time? I yielded for a question.

Mr. EAGLETON. I ask my question: Is not that testimony some indication in the printed record that there is a problem here?

Mr. DOMINICK. Absolutely, there is a problem here. No one denies it. The purpose of our bill is to get at that problem. When students apply for loans under a program with a ceiling of 7 percent and the market rate is higher than that, lenders are going to allocate resources among customers. That is obvious. That is the reason for the incentive in our bill, to relieve the economic pressure for such allocations. I have no doubt as to what Commissioner Allen said or what the Senator from Texas (Mr. YARBOROUGH) said or what the Senator from Missouri said. This does not alter the fact that no proposal to change the law had been offered or mentiond, nor was there any testimony on the effect of such a change. The first substantive comment on it from a witness appears in the letter from the American Bankers Association, a copy of which is on each Senator's desk at the present time.

The point I am making is that if we are united in trying to provide opportunities for more students to get more loans from more lenders, it makes no sense to put restrictions on the lenders so that they will not participate. It is a purely voluntary program, and if lenders will not participate, the students are not going to get the loans.

What happens in this particular situation? No lender knows what the amount of its incentive will be until after it has gone through a quarter of a year. Then the Secretary decides, on the total portfolio of any lender, what incentive should be granted to equalize between the 7 percent and the going rate.

If the restriction remains, it casts doubt on any loan that a lender may make to any student. The lender may suddenly find himself, after making these loans, getting no incentive; and, although he is trying to go along with the

program, find himself penalized in comparison with others.

What is the lender likely to do when confronted with such a problem? He will say, "This is too much. We have plenty of other problems, without getting into the uncertainties involved in this program. We will not participate." This, of course, makes it even more difficult to have money available for the students.

I ask unanimous consent to have printed in the RECORD a letter to me from the American Bankers Association, dated August 11, 1969, signed by Willis W. Alexander, president. Copies of that letter have been placed on Senators' desks, and I hope that Senators will look at it.

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

THE AMERICAN BANKERS ASSOCIATION,
New York, August 11, 1969.

Hon. PETER H. DOMINICK,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: I am writing you with reference to S. 2721 and the Committee amendment adopted in Sec. 2 (a) (6).

The students who need loans to enter college next month are not served by creating further delays on program modifications. During the past several months banks have found it necessary to ration all credit—in the student loan area as well as in other areas of banking. Past banking relationships provide a normal and understandable basis for such judgments by many banks and their customers. I am aware of no case in which future business relationships have been made a condition precedent to such loans.

The purpose of S. 2721 is to provide an indication that Congress recognizes that these loans need some flexibility in rate to provide a breakeven position under varying money cost conditions. The bill contains no assurances beyond the first quarter of any specific market adjustment allowance. Acceptance of this assurance by a bank in making the loan is an act of faith. To complicate this environment by the amendment will not, in my judgment, encourage expansion of the guaranteed student loan program which is a voluntary commitment on the part of each bank or other lending institution.

Sincerely,

WILLIS W. ALEXANDER.

Mr. DOMINICK. In referring to the rider added to the bill in committee, Mr. Alexander concludes:

To complicate this environment by the amendment will not, in my judgment, encourage expansion of the guaranteed student loan program which is a voluntary commitment on the part of each bank or other lending institution.

Mr. President, in the hope that I can persuade some of my colleagues on the point I am making, I shall read at this point a few paragraphs from the hearing record. Mr. Alexander, the president of the American Bankers Association, who signed the letter to which I have just referred, testified as follows:

The appeal of the guaranteed student loan program arises from the multiplier effect achieved through a guarantee and interest subsidy approach as opposed to direct Government aid. Many more students may be benefited through this partnership with the private sector than can be assisted with an appropriation of the same amount through the direct programs such as National Defense loans, Economic Opportunity grants and Work-Study grants.

On that same point, the Commissioner of Education, Mr. Allen, said:

But looking to the National Defense Student Loan Program to provide loans for these students is not appropriate for two major reasons—cost to the government and availability to students. First of all, the cost to the government for NDEA loans is substantially greater. At a 90 percent contribution ratio, $200 million in NDEA loans would cost $180 million. On the other hand, $200 million loaned under the Guaranteed Loan Program would cost $6.5 million for the 7 percent interest subsidy and an extra $2.6 million if a market adjustment allowance of 2 percent were paid for the year. Thus, to loan $200 million to students, the comparative cost to the government in Fiscal Year 1970 would be $180 million for NDEA and $9.1 million for the Guaranteed Loan Program.

We must also remember that many students who could obtain guaranteed loans do not meet the needs test for National Defense loans. Those who would qualify might be ineligible because their school did not participate. While approximately 2,000 schools participate in the National Defense Student Loan Program, more than 7,000 schools are eligible under the Guaranteed Loan Program. This 7,000 includes more than 3,000 vocational schools and more than 400 foreign schools.

So, Mr. President, we are talking about not only 4-year higher educational institutions, but junior colleges, vocational schools, and foreign schools.

In the booklet published by the Office of Education entitled "Financial Aid for Higher Education," there appears on page 28 the following statement describing the guaranteed loan program:

In all cases, your key to obtaining a guaranteed loan lies in your finding a bank or other lender willing to make the loan.

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

Mr. DOMINICK. I yield myself 4 additional minutes.

The statement continues:

You then apply directly to the lender, and the subsequent approval by the appropriate guarantee agency should be no problem. Since the lender has no contractual obligation to make a loan to you, however, you may have to try several sources. Visit the lenders in your area personally if at all possible. If you continue to have difficulty in obtaining a loan, the guarantee agency listed for your State may be able to advise you.

"Advise you," not "get you a loan," because this is a purely voluntary program.

So, to the extent that we restrict the ability of banks or other lenders to make these loans, or cast doubts on the question of whether they would get the benefit of the incentive—which is the only thing that would bring them up to the market rate—to that extent we are restricting the availability of funds for students who want to further their education; and it seems to me that for that reason we should strike the rider to the bill.

Granted none of us are happy with all of the things that go on in the process of the student trying to get a loan.

But in examining the urgency of the situation, and the difficulty in getting approval by the House of Representatives before Congress goes into recess, I think it is extremely unfortunate that this rider and others have been added to the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the manager of the bill yield me 10 minutes?

Mr. PELL. I yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts for 10 minutes.

Mr. KENNEDY. Mr. President, there are certain facts which I think ought to be established at the outset of this debate, and that is the procedure which has been initially followed by the Education Subcommittee.

I do not think any of us disputes the fact that there is a situation of urgency about this legislation. The committee has acted in an urgent way. I do not find any fault with that, but I think that it is a misinterpretation, or at least is unjustified, to suggest that we had a great period of time to consider either this legislation or any potential amendments. As a matter of fact, on this bill hearings were held on the morning of one day, we had an executive session of the subcommittee that afternoon, and the matter was considered by the full committee the following morning. So what we are really talking about is a period of approximately 36 hours, which was the total time available to members of the subcommittee and of the full committee to take whatever action they felt was necessary to adjust and perfect the legislation.

All of us as members of that committee were acting under a sense of urgency.

Second, Mr. President, in the committee-prepared draft there was language—and I have the committee draft that was available to all other members of the subcommittee—which brought up this whole subject which we are debating this morning. Although that language which was stated in the draft worked out by majority and minority staff—and all of us recognize it as a staff report—it was a good deal harsher, less explicit, and more punitive than later suggestions. I felt, therefore, that it failed to reach the legitimate aims of those of us on the committee who were attempting to meet what I think is an important need. These objections were raised by the distinguished senior Senator from New York (Mr. JAVITS), and it was in this exchange and discussion that we were hopeful that language could be prepared which would be sufficiently agreeable to those who were concerned about this problem and to our friends on the other side of the aisle. We sought suggestions which could be adopted in the full committee. And we asked and instructed our staffs to try to arrange this and make recommendations to the full committee in the morning.

I for one certainly reserved my right to raise any language in the full body of the legislation. I think the record will show it. Certainly the members of the committee that were present would understand it. And even if I had not, that right would be reserved to any Member of this body.

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

Mr. KENNEDY. I yield.

Mr. PELL. Mr. President, I would like to corroborate that statement. I remember that the senior Senator from Massachusetts was quite unhappy with the language we were working on. He grumbled and said that he would reserve his right to, and quite likely would, raise it later.

Mr. KENNEDY. Mr. President, as important or as unimportant as the procedures in which we find ourselves today, I think it is significant to know that this problem has been raised and is raised again before the Senate today. The Members of the Senate can look through the series of letters which are printed in the full report and see this question being raised by students and by deans and by financial officers alike.

I refer to a letter from Laurence Arnold, who is a student in Colorado, to the Department of HEW—and I am just quoting one line as the letters themselves will be printed in the RECORD—he states:

> In two instances, I was told that there was some money left—

Referring to this provision—

> but it was only available to established customers of the bank.

I refer to a letter by Pierre Meyer, who is a dean of students at the University of Minnesota. He said:

> At the present time, banks are only accepting loans for students who have been long-term customers.

That is a part of the record.

I refer to Thomas Burch, who is the vice president of the United Student Aid Funds, who said:

> In many institutions and areas, service is limited to customers, and in some, to no loans at all.

I refer as well to the exchange that was mentioned earlier by the distinguished Senator from Missouri between the Chairman of the full committee, the Senator from TEXAS (Mr. YARBOROUGH), and Mr. Simmons. Mr. Simmons is the chief of the insured loans branch. Senator Yarborough said—and I read now from page 39 of the hearing record:

> If banks play a role in providing students assistance, shouldn't they offer that assistance across the board? These are guaranteed loans by the Federal Government to all comers who qualify and not just children of preferred customers or children of somebody that they know.

Mr. Simmons replied:

> We had so many of the banks, including your State and others throughout the country, taking pretty much not everybody that walked in the bank but they are taking that student who had ties to that bank.
>
> I think in the past year, and particularly since January, more and more of what you say, this creeping in of the requirements that they be a customer, they be a good customer, they be a senior or a junior, at least they have a contract relationship for up to 5 years.

Mr. President, I think that in the limited time the committee was able to consider the whole broad spectrum of the guaranteed loan—which I support—there was a demonstrated need to try to remedy this kind of a problem. Therefore, the committee tried in its initial language—which, as the distinguished Senator from New York pointed out, was inadequate and, I think, failed to do the job and was punitive in so many ways—to develop three or four different kinds of alternative language to meet that need.

Those alternatives were discussed at some length in the full committee, and eventually we came to the language which was included in the bill now which says:

> The Secretary shall prescribe procedures—

And when it was initially proposed, it said:

> to assure that the lenders making loans eligible for an allowance pursuant to this Act do not—

And we changed that at the advice of the distinguished Senator from New York (Mr. JAVITS) to say:

> The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

Mr. President, we fully realize that it is going to be a question of discretion as to what a bank is going to do when providing a loan to a student. We know that there is nothing which we can proceed to do in legislation to require that a particular bank will give a loan to a certain student. Wide latitude and wide discretion would be available. What we have tried to do here, Mr. President, is just provide that the Secretary of Health, Education, and Welfare—and he has broad latitude in this area, broad flexibility, and broad discretion—will be able to prescribe recommendations and procedures to give that kind of assurance so that these students will not be denied the opportunities to participate in this program just because their families are not doing business with those banks.

We think that that is a worthy aim in providing this legislation. We think that it is sufficiently important that it should not be just included in a policy statement in the preamble of the legislation, but should carry the importance of substantive language in the bill. That is why that requirement is in the legislation. We feel that it provides a flexibility and a discretion. There is nothing in this language in and of itself, Mr. President, that will provide for a mandatory cutoff or that should discourage any bank from being willing to participate in this program. We think that it does obviously meet the need which has been established in this record from the testimony and the statements of others.

Finally, Mr. President, we feel that the loan program, as important and as significant as it is in helping and assisting the children of middle-income America, should not be barred from providing help and assistance to those from lower incomes who, because of a family limitation, might not be doing business with the bank. For those reasons this amendment was introduced.

Mr. President, I reserve the remainder of my time.

Mr. PELL. What the Senator from Massachusetts was endeavoring to do was to not let an account be a precedent for the granting of a loan.

Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, there is no question that the guaranteed or insured student loan program is a much needed and exceedingly successful program, and I urge the Senate's immediate and favorable consideration of the Insured Student Loan Emergency Amendments of 1969 as reported by the Committee on Labor and Public Welfare. These amendments are urgently needed to provide college opportunities to some 200,000 students who are presently unable to obtain loans.

As we know, the prime interest rate is now 8½ percent, with installment loan interest rates scaled upward from the prime rate. The problem for students and their families seeking guaranteed student loans from lenders, normally commercial banks, thus is very easily stated: the student loan is now limited by statute to 7 percent simple interest rate and is therefore not competitive with the other kinds of loans that these lenders can make.

The committee reported bill would allow the Secretary of Health, Education, and Welfare to prescribe an incentive allowance or subsidy to be paid to the lenders based upon current market conditions, and would provide that lenders could not discriminate among loan applicants for this program on the basis of whether or not they or their parents had savings accounts with them. The advantage of this procedure is threefold: it would allow the student to continue borrowing from the insured student loan program at a fixed rate of 7 percent while at the same time provide the Government with a flexible program, avoiding locking either the Government or the student into exorbitant high interest rates. It would prohibit continuation of a discriminatory policy being used by some lenders which required an applicant to be a preferred customer—someone with a savings account or mortgage—in order to qualify for an insured student loan. Most important, of course, is the fact that it would "reopen" the program for students who have been unable to receive loans to attend colleges, universities, and post-secondary vocational schools this fall.

This program, authorized by the Higher Education Act of 1965, has developed from a $77 million program in fiscal year 1966 to a $672 million program in fiscal year 1969. Planned as a financial aid program for students primarily from middle-income families, the program had approximately 730,000 students on loans this past fiscal year alone.

I believe, Mr. President, that this program should be made immediately available to the more than 200,000 students

who are now in desperate need of these loans. In addition, I want to state my full support of the amendments to the bill which would authorize increased authorizations—totalling $125 million this year—for the educational opportunity grant program, the college work-study program, and the national defense student loan program. These programs—particularly the educational opportunity grant program—provided vitally needed assistance to low-income students, who, without this aid, would be unable to receive postsecondary education.

I ask unanimous consent that representative correspondence from my State concerning the insured student loan program be printed at this point in the RECORD.

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

BRAINERD, MINN.,
June 19, 1969.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: We have a son who is in his third year of a pre-med course in college. Karl has had better than a 3.75 average for three years—two at the Brainerd Junior College, and one year at Miami University at Oxford, Ohio. My husband is an elementary teacher in the Brainerd School system, and on his salary, we just are not able to help Karl very much with his college expenses. In the past, Karl has earned most of his college expenses at the Minnesota Conservation Department, working summers. This summer he is attending the University of Minnesota summer school and is unable to earn money for next year's expenses.

The First National Bank of Brainerd is the local bank designated to grant federally assured loans. Karl talked to the banker about securing this type of loan and was told that because we were not customers, he could not be granted the loan.

The only banking that we do is to have a personal checking account, since we have no mortgages, loans, or savings account. When I told the banker this, he told me the bank doesn't make any money on a checking account, and therefore he doubted if the bank directors would grant the loan.

I would appreciate any help or information you could give me on how to secure a loan of this type for our son.

Most sincerely,
Mrs. CLARENCE E. MOLSTAD.

TECHNICAL EDUCATION CENTER,
Anoka, Minn., August 5, 1969.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We are quite concerned about what is happening to the Guaranteed Loans for students entering post-high programs, especially here at Anoka Area Vocational Technical Center.

We would appreciate anything you could possibly do to alleviate this condition. Most students that would like to go on to further their training are finding it very, very difficult to borrow funds.

Also we would appreciate any help on your part in supporting any educational programs and funds for students, programs, and faculty. We also understand funds and reimbursement for vocational programs and for vocational counselors will be cut. We feel we are providing training and help to many students that are not college-bound or students who leave college because of disappointment but still they all need training. There are a lot of employment skills not provided by college but are still in great demand. It is estimated that only 1 out of 5 high school students go on to college, the others need training to have saleable skills to gain worthwhile and productive jobs.

We again would appreciate any and all help you can give.

PAUL BUZAY,
Counselor.

TECHNICAL EDUCATION CENTER,
Anoka, Minn., July 28, 1969.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.:

This letter is intended to get your support for the Guaranteed Student Loan program. It seems that all money for this program is being withheld by lending institutions because of the lower interest rates on these loans.

We at the Anoka Technical Education Center certainly are puzzled by the attitude of Congress and the Administration in not providing some alternatives for students seeking these loans. Something needs to be done immediately for many of our students who are seeking financial aid for the coming school term.

We are very interested in your views on this matter. It seems that you have been a strong advocate of educational assistance in the past and we hope you can provide leadership in solving this vital problem.

JOHN HEIDGERKEN,
Counselor.

MANKATO, MINN.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SIR: My husband is a married student. We have three childen ages being 15, 14, 8. The enclosed article may cause my husband to have to quit school, even though he is close to graduation.

He applied for a student loan a month or so ago at Northwestern National Bank of Mankato. He was told that they no longer have student loans. There was no money in it for them. Naturally this forced him to borrow at a much higher rate of interest. If we must continue to do this until next March (when he plans to get his B.S. Degree in Chem. and Bio), I hate to think how long it will be before we can get on our feet again. Men the age of Wilfred (40) need a lot more than courage and guts to drop everything and go back to school full time, especially with the responsibilities of supporting a family of this size.

Perhaps you wonder why we are in this great but difficult undertaking. . . .

Wilfred was born and raised on a farm near Blue Earth. It was an expected fact that he would farm like his dad and his dad's Dad. After H.S. graduation he wanted to go to school but did stay home a year. Then he went to a Jr. college in Mankato for 3 years. His father needed help so he went home again and there he started a farming career which lasted until 3 years ago.

In the Summer of 1963 he had a mild coronary. This meant, according to his Dr., doing something with less emotional stress and trying to get into work that he really could enjoy. He kept farming on a smaller scale, but took a job as ass't mgr. of a mfg. firm at the town we were living at the time. (Gaylord) He enjoyed it to a point, but could not see himself in a factory all the rest of his life.

Off and on during our married life he had been encouraged by many to go back to school if this was his desire. It would be difficult but possible. Three years ago he heard of the Rehabilitation Program and became somewhat encouraged, and soon we were selling our machinery and home. We moved to Mankato in Nov. of 1967 and all set to start our whirlwind adventure. He does receive some from Rehab (35.00) weekly. It sure helps but we can't stretch it far enough. I have a full time position at Sears here. That helps too. Our two teen agers help much by babysitting (even 16 yr. old Steve).

I do not want you to get the wrong impression. I am not asking for pity or a hand out. We do not expect anything free. We are not destitute. We have a comfortable home. But isn't it enough that Wilfred give up wages he would ordinarily receive had he worked for pay during this time he must spend in school? Why can't there continue to be loans at a very low interest or even no interest if it is paid back within a reasonable amount of time? Why should he have to stoop to mortgage everything when it took sixteen years to find ourselves near to top of the "hole"? Before he would do that I know he would give up school and get whatever work he can. I can't let him do that now. It will make him feel like a complete failure. (Having the coronary gave too much direction, but I am afraid he will have another if we are forced into financial stress because of the lack of the opportunity of the Student loans or help that would be just as economical.)

Senator, there are a lot of "Wilfreds" at Mankato State. Some have worse situations and some I suppose are abusing the opportunity to grab all they can for nothing.

I know money is tight all over. Why not raise the interest rate on charge accounts and installment buying of luxuries and please do what you can to allow the married students to finish school and not be forced to get jobs.

Thank you so very much for your kind consideration.

Sincerely,
Mrs. WILFRED HUMBURG.

P.S. Please feel free to stop and see us when you get into Mankato. We would be most pleased to meet with you.

"REAL LOAN CRUNCH" MAY ABORT STUDENT BANK BORROWING

WASHINGTON.—Hundreds of banks and other money lenders, setting the stage for what one official says will be "a real loan crunch," are telling the government they may have to sharply curtail or end student loans.

"It may just be sabre rattling," said an official of the insured loan bureau in the U.S. Office of Education, "but we are definitely concerned over a real loan crunch this summer."

At stake is more than $640 million in government guaranteed loans now going to 750,000 students under the Higher Education Act of 1965.

Under the act the government guarantees loans of up to $1,000 and a large part of the interest for almost any student certified as attending a college or university.

As commercial interest rates climbed, Congress last year raised the ceiling from the original 6 per cent ceiling to 7 per cent.

Earler this year, however, the prime interest rate—the rate banks charge their most favored customers—spurted to 7½ per cent. With the actual rate that most lenders charge being closer to 10 per cent, most institutions prefer to sink their money into something besides students.

The executive of one Midwestern bank with $5 million in student loans said it would be "folly" to continue them unless the law is changed.

The government official also said the crisis arises at a time when the government already is under fire from colleges and universities for cutting back the 10-year-old national student defense loan program.

Under that program colleges and universities make loans directly to needy students with money that is 10 per cent theirs and 90 per cent federal.

While the defense loans are intended for needy students only, the higher education act was aimed at any student.

"But it's the poor student who will get hurt. Banks and other lenders probably won't turn away the sons and daughters of good customers," said the insured loans official.

Several proposals have been made in Congress or are expected that would raise the guaranteed rate or provide some alternative such as granting lenders the right to charge a fee for each loan application or making some fee arrangement for volume.

The administration is now preparing its own proposal that is expected to go to Congress shortly, but officials declined to give any details.

Virtually all student loans are made in July, August and September, officials say, and therefore it will be several weeks before trends show whether the lending institutions actually will carry out threats to shut off the loans.

WAYZATA, MINN.,
June 22, 1969.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: I will be a senior at St. Olaf College next fall, if I can get a loan, that is. Last semester my GPA was 4.0—I'm not saying this to brag, but to indicate that I don't mess around at school. At this point in my life I really want to teach—and if I graduate, that's what I'll be doing.

But why is the government making it so difficult for students to get loans? Democracy, as I was taught, relies on an educated electorate—one which knows what's going on, and one in which men can intelligently analyze issues and think for themselves. Colleges teach people to think, and in so doing, help create valuable and interested citizens.

So Sylvia Porter stated in the enclosed article, it would be a disgrace if many students are prevented from furthering their education. In the last 3 weeks I have applied for a loan from about 20 banks in the Twin City Area. My own bank, Gambles Continental State Bank in St. Paul said it would try to get my loan application approved by the office of H, E & W in Kansas City. If it is not approved, where else can I go to get money? My father just can't afford to send me through on his own. I've worked every summer and throughout the school years, and have received several scholarships. But I still need a loan. Do you have any practical suggestions?

Can you do anything about the situation in general? It will be worse in July & August. Maybe it's not too late to appropriate some money to the banks just for student loans.

Please help us—not only are we the new voters, but the newly-come-of-age citizens. And, contrary to public belief, most of us are not hippies or radicals. We just want a chance to make something of ourselves, and, in this age, we need a college degree.

So please don't abandon us. An investment in education is probably the most secure one that can be made. Help us get the low-interest loans we need.

Let me know what can be done on this end.

Sincerely yours,

ANDREA SCHULZ.

A COLUMN BY SYLVIA PORTER

NEW YORK, N.Y.—One dreadful result of the latest upsurge in interest rates and squeeze on credit is the near-death of the much-touted federal-state guaranteed student loan program, designed primarily to help middle-income families.

This threat of extinction comes when applications for these loans are headed for their yearly peak—July and August.

The question facing the banks and hitting the student borrowers is: How can a bank possibly afford to lend money to students at today's federally prescribed maximum of 7 percent?

How can they indeed? When the interest rate to the nation's prime borrowers has been increased to 8½ percent—meaning the effective rate to these most favored borrowers is at least 10–11 percent? When regular commercial bank loans to students stretch up to 15 percent in annual interest? When repayments on practically all types of loans begin almost immediately while repayments on loans under the guaranteed student loan program may not begin for five years or more?

Unless the loan terms are substantially sweetened and soon, the program is dead.

When the guaranteed loan program was launched four years ago, its terms seemed rich enough. Specifically, students attending any accredited college, business or vocational school may borrow up to $1,500 (the maximum is $1,000 in some states) each year they are in school. If the "adjusted" family income of the student is less than $15,000 a year, the federal government will pay the full 7 percent interest while the student is in school and until repayment begins 9 to 12 months after graduation or completion of study.

With these terms the architects of the program were confident that $1 billion or more a year would be loaned. In contrast, during the past school year the actual figure was $641 million and all estimates for this coming year are now utterly unrealistic. Similarly, nowhere near the estimated 923,000 students who are projected to get loans this coming school year will actually receive financial help—unless changes occur in the loan terms or the money markets.

In most parts of the country, only a fraction of those applying for loans are getting them. More and more banks are rejecting all new applications; others are making the loans only to sons and daughters of favored customers. Or banks are "trading" loans to vocational and business school students in return for business from social-minded commercial accounts.

An insider report is that the administration is debating a package of legislative proposals to save the program.

The package could include an increase in the rate ceiling on the loans from the current 7 percent to, say, 9 to 9½ percent or slightly more—a level at which the banks could break even; or the complete elimination of any rate ceiling on this type of loan; or provision for payment of a federal "incentive" fee to banks for each loan; or the addition of "points" which many banks already are charging in order to get around state usury laws.

The historic climb in interest rates is a reflection of today's inflationary demand for credit and the Federal Reserve System's efforts to curb the price-wage spiral by limiting the supply of credit. Our banks have been forced into an awful bind and what they are paying for funds to lend is just as startling as what they are charging for the funds they in turn lend.

But it would be a disgrace in this era if literally hundreds of thousands of students are prevented from going to college or vocational school because of our anti-inflation program—and a great danger to our entire society. We must keep the student loan program working through this money crisis.

ST. PETER, MINN.,
June 22, 1969.

WALTER F. MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am currently a student of Augsburg College majoring in elementary education. The cutback of federal funds for college aid was naturally a great disappointment to me, as my National Defense Loan was consequently greatly reduced.

I would very much appreciate any efforts you could possibly make in aiding the passage of the bill which would enable our bank to give me a federally insured HEW loan. This loan is necessary for my family to be able to meet the cost of my next school year.

Thank you so much for your attention and concern.

Sincerely,

SANDRA BOLSTAD.

COON RAPIDS, MINN.,
July 27, 1969.

Senator WALTER MONDALE.

DEAR SIR: I'm writing this letter to inform you of a very grave situation. As a student entering college (Gustavus Adolphus College, St. Peter, Minn.) as a freshman this year, I'm finding it near impossible to receive a government guaranteed student loan. The banks in the metropolitan area are not participating in this program. To my knowledge, the reason is the high interest rates.

My friends and myself, all middle class surburbanites, are at a point where we need help. If loans are not made to us, we will not be able to attend school this fall. I urge you to consider our problem. Any help you may give to me, on how I could go about obtaining a government loan of this type, would be greatly appreciated. I am going to be studying for a career in medicine so if I am to continue school I must have a loan. I *want* to go to school and become a success.

Thank you.

Respectfully yours,

STEVEN M. CARLSON.

MINNEAPOLIS, MINN.,
July 24, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I'm writing this letter to inform you on a very grave situation. As a student entering college as a freshman this year, I'm finding it near impossible to receive a federally guaranteed student loan. The banks in the metropolitan area are not participating in this program. To my knowledge, the reason for this is the high interest rates.

My friends and myself, all middle class suburbanites, are at a point where we need help. If loans are not made available to us, we will not be able to attend school this fall.

I urge you to consider the plight of the situation. Any help you may give me on securing this educational loan would be appreciated. I'm not asking for a handout but rather just a chance to go to school. I *want* to go to school.

Thank you.

Respectfully yours,

ALAN ALECKSON.

MINNEAPOLIS, MINN.,
June 23, 1969.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: I am very distressed upon hearing that the majority of banks in Minneapolis are very reluctant to grant Federal Student Loans because of the recent raise in the prime interest rate to eight and one half per cent. As you know, Federal Law guarantees only seven per cent which currently leaves a difference of one and one half percent.

Before starting school this year, I had been out of high school for four years. During that time I realized I was getting no where so I enrolled at Metropolitan State Junior College to further my education and gain some sort of security for our ever changing society. Since I have been at Metro I have made the Dean's List twice, have earned an overall 3.0 average, have been elected to the Student Senate, and most recently, have been elected Vice President of the Minnesota Association of Junior College Student Government.

It is in this last capacity that I am writing you. In my position as an officer of this organization representing approximately 15,000

students, I wonder if this new policy evidently being made by some of the large banks in the Minneapolis area will spread to the smaller communities where the majority of Junior College students live.

This problem is a great one sir, without the assistance of the Federal Government I am afraid it may be very difficult and maybe impossible to continue with my education which in turn, makes me wonder how many other students may be affected by this most recent money squeeze. This is of great concern sir, and is vitally important that something be done.

May I please hear from you at your earliest convenience?

Thank you.

Sincerely,

JOSEPH M. MURPHY,
Vice President, MAJCSG.

ELYSIAN STATE BANK,
Elysian, Minn., July 2, 1969.

Re Insured Student Loans
Higher Education Act of 1965

Senator WALTER MONDALE,
U.S. Senator from Minnesota,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Applications for Federally Insured Student Loans are being made of banks to finance students for the 1969–1970 school year to commence this fall.

The return of interest to the bank or other loaning institution is now set at 7% simple interest, which is an unrealistic rate at the going money market.

We have been accepting applications for these loans hoping that by the time they are finally processed the interest rate to be paid to the financial institution would be raised to be in line with the going 8% or more rate on almost all loans now being made.

In accepting student loan applications at the current 7% rate, the loan officer cannot help but feel that he is acting against the best interest of his institution, and therefore it is our belief that this rate should be raised to 8%.

It is our thought that you might bring this to the attention of the Division of Student Financial Aid of the Department of Health, Education and Welfare so that the existing conflict of interest is removed.

Any assistance you can give along this line will be appreciated.

Very truly yours,

R. L. LAFRANCE,
President.

MINNESOTA SCHOOL OF BUSINESS,
Minneapolis, Minn., August 4, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The urgency of the passage of S. 2721 cannot be overstated.

Millions of college students will be deprived of their educational pursuits this fall if the Federal Guaranteed Loan Program is not continued, and the Administration Bill S 2721 will give the necessary incentive to the banks so that they will reactivate the program and the students will be able to pursue their education.

I respectfully urge your favorable consideration of this bill on behalf of the students of this country, and appreciate your cooperation and understanding of the situation.

Very truly yours,

W. C. STEVENSON,
President.

MINNEAPOLIS, MINN.,
August 1, 1969.

Hon. WALTER MONDALE,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MONDALE: Please find attached a clipping from the Minneapolis Star, July 29, 1969, which concerns proposed legislation to increase the government interest subsidy to banks sponsoring student loans for college. The past two years such a loan has enabled me to attend Macalester College, St. Paul. However I, like many others, suddenly find myself unable to get my loan renewed because of increased interest rates. I know I represent thousands of other college students from middle-class backgrounds who can neither present sufficient need to qualify for college financial aid, nor who have the personal resources to match rising private and public college costs. These loans help us bridge the gap between summers.

Sincerely,

SUZANNE K. TARREY.

PROPOSAL ASKS INTEREST SUBSIDY ON LOANS TO COLLEGE STUDENTS

WASHINGTON, D.C.—The Nixon administration today proposed giving banks an incentive payment to pry loose money for loans to students before colleges open in September.

James E. Allen, Jr., education commissioner, told a House Education subcommittee "emergency legislation" is necessary to encourage banks to make the loans for which they receive a lower rate of interest.

The student loans are guaranteed by the government but presently have a maximum interest rate of 7 percent. The banks now charge 8.5 percent to their preferred customers.

INCENTIVE FEE

Under the administration bill, the government would pay an incentive fee of up to 3 percent above the current 7 percent interest limit and would review the amount of the fee each six months to determine if it should be adjusted.

Banks recently raised their prime interest rate—charged to their preferred or most important customers—to 8.5 percent. Earlier testimony from bankers indicated that interest on student loans would have to be at least 9.5 percent a year.

Under the proposed loan program, the government would pay all of the interest for the student while he is in college. After he leaves college the student starts paying on the loan and assumes the full 7 percent interest rate with the government handling the interest above 7 percent.

BEMIDIJI, MINN.

DEAR MR. MONDALE: My husband and I received Federally Insured College Loans last year to finance our education at Bemidji State College. Last week we received notice from Thomas Schmidt of Midwest Federal in Minneapolis that they are completely withdrawn from the college loan program and neither of the loans will be accepted.

I have only one year left until graduation. Upon my graduation I had planned to teach in this area and put my husband through his last year. As it stands now, however, we are left stranded with loans that are due if we quit school and no degrees to make the money with which to pay them back. With a small child to feed life hasn't been easy, but we have been willing to work and sacrifice. Both of us feel a responsibility to our country and wish to be as productive as we are able to be. Both of us plan to enter teaching.

What bothers us is that the students who borrowed from local banks can again receive loans even though money is short. As one gentleman at a local bank put it—they feel they have a responsibility to the students they started in college to allow them to finish even though it is a strain on them. However no new loans are to be given. Why is it that Midwest Federal feels no sense of obligation? I realize that there are more productive loans for them, but is it fair to leave people in the final stage of their education with a loan to pay off and no money to continue in school? We feel that this situation is worthy of your inquiry.

Sincerely,

Mrs. JON MOE.

ST. PAUL, MINN.,
July 30, 1969.

SENATOR MONDALE: We have tried all sources to secure a Government Student Loan, so that our son may continue his education at Mankato State College. All the banks that we have tried in St. Paul have turned us down. We realize that this is a national problem and that anything that you might be able to do for us would be greatly appreciated.

Yours truly,

FRANK A. FINCEL.

ST. PAUL, MINN.,
July 24, 1969.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I will be a freshman this fall at Reed College, Portland, Oregon, and am relying in a large part on financial aid, but all my attempts to negotiate a Federally Insured Loan (or Guaranteed Student Loan) have been unsuccessful. The twelve banks and lending institutions in the Twin Cities area which I have tried will not grant these "loss" loans available under the Federal Higher Education Act of 1965.

I understand that Congress is considering legislation to ease the strain on banks and encourage their participation in the student loan program—legislation which will probably take the form of a federal subsidy to the banks equal to or a little more than the difference between the loan rate of 7% and the prime rate (now 8½ %). *I urge your strong and prompt support of helpful legislation in this area of interest-subsidized student loans.*

Very truly yours,

JEAN JOHNSON.

P.S.—I am enclosing a copy of an article which appeared in the Sunday Minneapolis Tribune of July 13, 1969, which should be of interest to you.

[From the Minneapolis (Minn.) Tribune, July 13, 1969]

STUDENT LOAN PLAN PERILED IN MINNESOTA

(By Fred Johnson)

The federal government's guaranteed loan program for college students is in serious trouble in Minnesota.

Many banks have reduced or eliminated their lending activities under the program, according to a Minneapolis Tribune survey. As a result thousands of students are losing an important source of financial assistance.

The problem stems from the inflationary trend in the national economy. Because of tight money conditions and rising interest rates, lending institutions are finding it difficult to make loans at 7 percent—the maximum interest allowable under the federal program.

One college official told the story of a Twin Cities girl who received a letter from her congressman commending her academic achievement in high school.

The girl's mother wrote back to the congressman that her daughter had been seeking a loan to help her continue her education, and had been turned down by 16 banks. The mother said she was tired of hearing about all the money supposedly available to students.

Another college official said the guaranteed loans had been a good program, but that "they are not the answer this year."

As things now stand, "I don't see how we can have anything but a crisis for many students," said Edgar M. Carlson, executive

director of the Minnesota Private College Council.

Some observers feel the program might be salvaged if the interest rate could be increased. The rate was raised from 6 to 7 percent last summer.

Rep. Edith Green, D-Ore., chairman of the House Higher Education Subcommittee, has scheduled hearings for Wednesday and Thursday to explore possible changes to make the program work more effectively.

According to sources in Washington, D.C., the Nixon administration is thought to be considering the possibility of some form of payment to give bankers more incentive to make student loans.

Rep. Albert H. Quie of Minnesota, the senior Republican on Mrs. Green's subcommittee, said last week that he believes the present loan program should be continued. He suggested, however, that a new program be created to provide federal guarantees for loans at prevailing interest rates.

"I don't think students would be gouged," Quie said, "because with the loans federally-guaranteed, they should qualify as prime borrowers and get the prime rate."

(The prime interest rate—generally defined as the rate banks charge their best corporate customers—now is 8½ percent.)

In a related development, the Board of Regents of the University of Minnesota agreed Friday to borrow $500,000 for the university to use in making 6-percent loans to students. The principal impetus for the regents' action apparently was the 35-percent tuition increase that will go into effect at the university this fall.

The problems in the federally guaranteed loan program are compared by the fact that other federal aid programs for students are being reduced.

And as their sources of assistance dwindle, Minnesota students are faced with sharply increased fees at both private and public colleges.

The situation adds up to "total frustration" for some students, said Robert Matuska, director of student financial aids at Mankato State College. "I'm totally frustrated myself," he added.

From September 1967 through May of this year, Minnesota residents received 33,700 guaranteed loans totaling $28.3 million, according to the Minnesota Higher Education Co-ordinating Commissions (HECC).

Close to 600 lending institutions in the state have participated.

The program which was authorized by the Higher Education Act of 1965, works like this:

The student gets a loan from a bank, or another lending institution, and the federal government pays the interest as long as he is in school. After he leaves school the borrower assumes the responsibility for paying off the loan.

A student can borrow up to $1,500 for a single school year, and up to $7,500 over a period of years.

Anyone can borrow under the program, but the interest subsidy is available only to those whose adjusted family income does not exceed $15,000.

According to educators, the program has benefited students from low-income families as well as students with middle-class backgrounds.

The students most seriously affected by the decline of the program are those who need their first loan, according to George Risty, a member of the HECC staff.

Students seeking renewed loans under the program are having their problems, too.

For example, a married student at a state college who had a guaranteed loan last year was told by his bank last week that there is no possibility of him getting a loan for the coming school year, when he hopes to graduate.

A Minneapolis man who has two children attending college, both of whom have received guaranteed loans in the past, got the same story from his bank.

This man's solution was to dip into his own savings and make the loans himself. But it is apparent that this solution will not work for everyone.

MINNITONKA, MINN.,
July 12, 1969.

Senator MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am a senior student in Secondary Education-Sociology at the University of Minnesota. I sought a renewal on a Federally guaranteed student loan from my bank, Pichfield Bank & Trust Co., Minneapolis. I was told that it would be impossible for them to loan money to me again under that program. They suggested I borrow it from my parents. My parents do not have the money to lend me. I am working, but I will not be able to meet the 35% tuition increase at the University this year without a loan.

I want to ask you to support the work of people who are helping me & students in similar circumstances.

Yours very truly,

MARYANNE WIESER.

HOPKINS, MINN.,
June 19, 1969.

Senator MONDALE: Yesterday I went to Northwestern National Bank in Minneapolis to pick up the forms for the federally insured college loan. I was informed that this program was no longer in existence. I am presently a sophomore at St. Cloud State College and I had a loan last year. I don't know if I can go back to school if I can't obtain some funds. My brother is beginning college this fall also and my family simply can't afford to pay for it. Could you please explain to me the reason for canceling this program? I would also like to know if there is some other agency I could contact in order to receive funds. Any information you could send me would be greatly appreciated. I really want to go back to school.

Thank you.

SANDRA MAAS.

MORE EDUCATION, MORE OPPORTUNITY, A COLLEGE DEGREE, TRAINING FOR A JOB—THE U.S. OFFICE OF EDUCATION SPONSORS PROGRAMS THAT CAN ASSIST YOU

COLLEGE

If you have been accepted at a college or if you now attend a college contact the student financial aid officer at your school. He can give you specific information and applications for three college-based programs sponsored by the Office of Education:

(1)—A Program of Grants.
(2)—A Program of Loans.
(3)—A Program of Work Opportunities.

The Educational Opportunity Grants Program is for students of exceptional financial need who without this grant would be unable to continue their education. Grants of up to $1,000 a year are available for 4 years of undergraduate study; and if you are selected for an EOG, you will also receive additional financial aid at least equal to the EOG amount. The financial aid officer at your school selects those who will receive grants and determines the amount you will need.

The National Defense Student Loan Program makes it possible for you to borrow up to $1,000 each year to a total of $5,000 for your undergraduate study and up to $2,500 each year for graduate or professional study to a combined total of $10,000 for both undergraduate and graduate study. As in the Educational Opportunity Grants Program, the financial aid officer on your campus is responsible for determining which students are eligible and the amount of the loan. Repayment begins 9 months after you cease at least half-time study and may extend over a 10-year period. Interest charges of 3 percent also begin at the start of the repayment period. No repayment is required and no interest is charged—for any period up to 3 years during which you are serving in the Armed Forces, Peace Corps, or VISTA. The program also provides for partial or total loan cancellation for students who enter the field of teaching.

The College Work-Study Program may assist you by providing a job opportunity for the college itself or for a public or private nonprofit agency—such as a school, a social agency, or a hospital—working in cooperation with your school. You may work an average of 15 hours weekly while classes are in session and 40 hours per week during the summer or other vacation periods. In general, the salary paid is at least equal to the current minimum wage, although, it is frequently higher. The financial aid officer is responsible for determining the students to be employed, selecting suitable jobs for them, handling the payroll, and the general administration of the program.

For more specific information and applications on these three programs, see your financial aid officer. If you are not in school now, write to the Director/Office of Student Financial Aid at the school you would like to attend.

COLLEGE OR VOCATIONAL TRAINING

The Guaranteed Loan Program: The Office of Education also sponsors a loan program which may enable you to borrow money directly from a savings and loan association, credit union, bank, or other participating lender. The general outline was established by Federal law; but each State administers the program according to slightly different procedures. Depending on your year in school, you may borrow up to a maximum of $1,500; in some States, this maximum is $1,000 per year. If your adjusted family income is under $15,000 per year, the Federal Government will pay the full interest charged on this loan while you are attending school, and prior to the beginning of the repayment period. Repayment begins on a date between 9 and 12 months after you complete your course of study or leave school. The maximum repayment period is 10 years, although minimum repayment requirements may reduce this. Deferment of repayment may be authorized for service in the military, Peace Corps, or VISTA; or for any period that you return to full-time study.

For the first time you can receive financial aid to help you gain vocational training that will broaden your employment opportunities. There are no age limitations. You do not have to be a high school graduate or even an elementary school graduate. The only requirement is that you be able to benefit from the training you receive.

Arrangements for your loan—whether you are interested in a college degree or vocational training—must be made directly between you and your lender. Applications are available from lenders, schools, or the guarantee agency designated for your State of legal residence listed below.

You may borrow under this program if:

(1)—you are enrolled or have been accepted for enrollment as an undergraduate, graduate, or professional student—on at least a half time basis—at an eligible college or university or hospital school of nursing, or

(2)—you are enrolled or have been accepted for enrollment—on at least a half time basis—in an approved vocational, technical, or business school.

Your State guarantee agency, lender, or student financial aid officer will be able to provide you with:

(1) —specific information regarding the operation of the program in your State.

(2)—the necessary application forms.

(3)—information on the eligibility of your school.

The programs described in this brochure are by no means the only forms of financial assistance available to you. Many other Federal agencies sponsor programs of financial assistance for students in specific career fields. Public and private organizations are also involved in aiding students who wish to further their education. Information on these other sources of aid is available at your school or public library from your high school counselor, or from the financial aid officer at your school.

Remember: Applications and detailed information are available from your college or university for the college-based programs and from your lender, State guarantee agency, or Student Financial Aid Office for the Guaranteed Student Loan Program.

SOURCES

Sources of information on the guaranteed loan programs for students:

Alabama

Director of Higher Education, Office of Education, Region IV, 50 Seventh Street NE., Atlanta, Georgia 30323.

Alaska

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

Arizona

Director of Higher Education, Office of Education, Region IX, 760 Market Street, San Francisco, California 94102.

Arkansas

Student Loan Guarantee Foundation of Arkansas, Suite 615, 1515 W. 7th Street, Little Rock, Arkansas 72202.

California

Director of Higher Education, Office of Education, Region IX, 760 Market Street, San Francisco, California 94102.

Colorado

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Connecticut

Connecticut Student Loan Foundation, Room 9, 54 Pratt Street, Hartford, Connecticut 06103.

Delaware

Delaware Higher Education Loan Program, Brandywine Junior College, Wilmington, Delaware 19802.

District of Columbia

Program Coordinating Unit, 1329 E Street NW., Washington, D.C. 20004.

Florida

Director of Higher Education, Office of Education, Region IV, 50 Seventh Street NE., Atlanta, Georgia 30323.

Georgia

Georgia Higher Education Assistance Corporation, Room 502, Hartford Building, 100 Edgewood Avenue NE., Atlanta, Georgia 30303.

Hawaii

Department of Budget and Finance, State Office Building, Post Office Box 150, Honolulu, Hawaii 96810.

Idaho

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Illinois

Illinois State Scholarship Commission, 730 Waukegan Road, Post Office Box 33, Deerfield, Illinois 60015.

Indiana

College Student Loan Program, Indiana State Scholarship, Room 514, State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Iowa

Higher Education Facilities Commission, 1300 Des Moines Building, Des Moines, Iowa 50309.

Kansas

Directory of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Kentucky

Kentucky Higher Education Assistance Authority, 319 Ann Street, Frankfort, Kentucky 40601.

Louisiana (in-State-students)

Louisiana Higher Education Assistance Commission, Post Office Box 44095, Capitol Station, Baton Rouge, Louisiana 70802.

Louisiana (out-of-State-students)

United States Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

Maine

Maine State Department of Education, Augusta, Maine 04330.

Maryland

Maryland Higher Education Loan Corporation, 2100 Guilford Avenue, Baltimore, Maryland 21218.

Massachusetts

Massachusetts Higher Education Assistance Corporation, 511 Statler Building, Boston, Massachusetts 02116.

Michigan

Michigan Higher Education Assistance Authority, Commerce Building, P.O. Box 420, Lansing, Michigan 48902.

Minnesota

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri, 64106.

Mississippi

Board of Trustees of Institutions of Higher Learning, 1007 Woolfolk Building, Jackson, Mississippi 39201.

Missouri

Commission for Higher Education, 600 Clark Avenue, Jefferson City, Missouri 65101.

Montana

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Nebraska

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Nevada

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

New Hampshire

New Hampshire Higher Education Assistance Foundation, 3 Capitol Street, Concord, New Hampshire 03301.

New Jersey

New Jersey Higher Education Assistance Authority, 225 West State Street, Trenton, New Jersey 08625.

New Mexico

Director of Higher Education, Office of Education, Region VII, 1114 Commerce Street, Dallas, Texas 75202.

New York

New York Higher Education Assistance Corporation, 159 Delaware Avenue, Delmar, New York 12054.

North Carolina

State Education Assistance Authority, 1307 Glenwood Avenue, Raleigh, North Carolina 27605.

North Dakota

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Ohio

Ohio Student Loan Commission, Wyandotte Building, 21 West Broad Street, Columbus, Ohio 43215.

Oklahoma

Oklahoma State Regents for Higher Education, State Capitol, Oklahoma City, Oklahoma 73105.

Oregon

State of Oregon Scholarship Commission, Post Office Box 3175, Eugene, Oregon 97402

Pennsylvania

Pennsylvania Higher Education Assistance Agency, Towne House, 660 Boas Street, Harrisburg, Pennsylvania 17102.

Puerto Rico

Director of Higher Education, Office of Education, Region III, 220 Seventh Street NE., Charlottesville, Virginia 22901.

Rhode Island

Rhode Island Higher Education Assistance Corporation, Room 404, 139 Mathewson Street, Providence, Rhode Island 02901.

South Carolina

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

South Dakota

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Tennessee

Tennessee Education Loan Corporation, State Department of Education, 115 Cordell Hull Building, Nashville, Tennessee 37219.

Texas (Direct State Loans)

Director of Student Financial Aid, Texas College & University System, Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701.

Texas (Guaranteed Loans)

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

Utah

Director of Higher Education, Office of Education, Region VIII, Room 9017, Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Vermont

Vermont Student Assistance Corporation, 109 South Winooski Avenue, Burlington, Vermont 05401.

Virginia (In-State-Students)

Virginia State Education Assistance Authority, 1116 State-Planters Bank Building, Richmond, Virginia 23216.

Virginia (Out-of-State-Students)

Director of Higher Education, Office of Education, Region III, 220 Seventh Street, NE., Charlottesville, Virginia 22901.

Washington

Director of Higher Education, Office of Education, Region IX, 50 Fulton Street, Regional Office Building, San Francisco, California 94102.

West Virginia

Director of Higher Education, Office of Education, Region III, 220 Seventh Street, NE., Charlottesville, Virginia 22901.

Wisconsin

Wisconsin Higher Education Corporation, State Office Building, 115 West Wilson Street, Madison, Wisconsin 53702.

Wyoming

Director, Higher Education, Office of Education, Region VIII, Room 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

NICOLLIT MINN.,
July 15, 1969.

Hon. WALTER MONDALE.

DEAR SIR: I am writing in regard to the Federal backing of *student loans* for college students. There seems to be a question if it can be had this year. It seems as if the banks are hesitant to go along. Of course the interests will be higher than before. I have a grandson that has been living with us since he was a baby. He has been going to Gustavus Adolphus for two years. It will be hard for him and other students that plan on this help.

Thanking you for the good job you are doing for Minnesota and the Nation.

I remain,

Yours truly,

ARCHIE A. WEBSTER.

NORTHWESTERN ELECTRONICS INSTITUTE,
Minneapolis, Minn., July 31, 1969.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

What can be done to make the federally insured student loan program more attractive to lending agencies? Our bank, having loaned one million dollars to college and technical school students, is now at the point of discontinuing this program, the paper work involved in processin , the loan application and the problem attendant to tracing borrower and collection programs make it impractical to continue this service at the established interest rate. This financing program is great for the student to enable him to pursue post high school education. However, tighter controls must be implemented in the law and greater benefits established for the lending agency.

C. L. LARSON,
President.

Mr. MONDALE. Mr. President, the issue we face here is a fairly technical one. As the Senator from Colorado points out, the 7-percent ceiling presently existing on guaranteed loans to students is far below the current market interest rate. Thus, lenders are reluctant to make loans at what they regard as an interest loss.

The proposal pending before the Senate this morning would add to that 7 percent a subsidy that would be paid by the Federal Government to a lender to make up the difference between the 7 percent which a student would pay and the market rate which the lender could charge.

The reason for providing a Federal subsidy on insured student loans is to give the banker the profit he would gain from interest rates at the current level. In other words, the banker would receive full compensation and full profit. This is not the morning to discuss whether the profits are exorbitant. It is, however, relevant to point out that interest rates generally are the highest they have been in probably 100 years.

In any case, under these provisions, the banker will receive most impressive profits indeed. We are not arguing with that. We regret the high interest rate, but this proposal has been unanimously reported from the Committee on Labor and Public Welfare with that provision included.

The question is, Should the banker, in addition to benefiting from that high interest rate on what is to him a riskless loan insured by the Federal Government, condition this student loan on a requirement that the student or his parents leave deposits with the bank, or conduct personal business with the bank, or in other ways have commercial relationships with the bank, which profit the bank even more? Should the banker be permitted to make his 7 percent from the student, receive the Federal interest subsidy, be totally protected against risk by the full faith and credit of the United States Government and in addition be permitted to impose upon the borrower a commitment that will drive the bank's profit up even higher? This is the issue.

The distinguished Senator from Massachusetts said that this is a program that should be geared to get money in the hands of a student so he can go on to college. To do this we are willing to pay the banker a reasonable profit, but we ought to stop there. We ought to say that these loans are available to the young men and women of this country for college or vocational school, without requiring, in addition, that they have parents who are wealthy enough to leave deposits in banks, or have any commercial business, and or have commercial papers or loans handled through the lending institution.

It seems to me that the provision prohibiting the continuation of this discriminatory practice is impressively modest and long overdue. It is something we have learned on the basis of experience in this program that needs to be corrected.

The American Bankers Association this morning, in a letter placed on my desk, admits that this has been the normal practice. They say that past banking relationships provide a normal and understandable basis for such judgments.

We hear much these days about how the private sector should help the public sector solve the human problems which this Nation faces. I agree with that concept. But is it too much to ask, when the Federal Government insures bankers a very handsome, riskless profit, for them to make these loans available without discrimination in their communities, without in addition imposing a charge that will make available lending opportunities and borrowing opportunities only to those prospective students who have the kind of connections, with their parents or with others, that further increase the profits of the bank?

I should like to read a typical letter on this problem which shows what is happening in this connection with the guaranteed loan program in this country. This is a letter from Mrs. Clarence Molstad of Brainerd, Minn. In it she points out that her son is a gifted premedical student, well on his way to an impressive medical career. But, in order to send him through school he needs a loan; they do not have the money themselves. This is what she reports:

The First National Bank of Brainerd is the local bank designated to make federally insured loans. Carl talked to the banker about securing this type of loan and was told that because we were not customers, he could not be granted the loan. The only banking that we do is to have a personal checking account, since we have no mortgages, loans, or savings account. When I told the banker this, he told me the bank does not make any money on a checking account, and therefore he doubted if the bank directors would grant the loan.

This is happening all over the country. Decent young men and women need loans in order to get through college. Today we are going to adopt an amendment which not only will permit banks to make 7 percent on that loan, but also will provide that the Federal Government will make up any difference between 7 percent and the market rate; yet, banks are insisting that in addition to this, they make money from deposits. Apparently, a checking account from a modest income family in a bank will not, in some cases, be enough to qualify a member of that family for an insured student loan from that bank. Instead, they are going to ration these highly desirable 7-percent loans among those most able to increase the profits to the banks. This practice destroys or seriously interferes with the effectiveness of this program.

I commend the Senator from Massachusetts for insisting that these loans be made to students on the basis of need and not on the basis of the fortuity of having parents with enough money to enrich the banks further.

We have heard this morning, and we have heard elsewhere, that this is a voluntary program, and the only way one can get the private banking industry to make loans is to sweeten the pot further; otherwise they will not do it. One wonders what happened to the rhetoric of public service that we hear so often from the private sector. But, apart from that, I think the statistics belie that conclusion, because, in the 4-year history of the guaranteed loan program, loans have risen dramatically, even in 1969, when interest rates were at an alltime high.

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

Who yields time?

Mr. MONDALE. I ask for 1 additional minute.

Mr. PELL. I yield 1 additional minute to the Senator from Minnesota.

Mr. MONDALE. In 1966, the guaranteed loan program provided $77 million in loans; in 1967, $248 million; in 1968, $436 million; in 1969, $672 million. So loans are being made at an alltime high, even with these exceedingly high interest rates, despite the fact that there is a 7-percent ceiling. And we have taken a step in this bill to subsidize the bankers for the difference between 7 percent and the market rate.

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

Mr. MONDALE. I yield.

Mr. KENNEDY. In spite of the fact that a 7-percent rate is guaranteed by the Federal Government, as I understand, in banking circles, that is worth at least 1 point or even a point and a quarter. Is that correct?

Mr. MONDALE. The Senator is correct. Because there is no risk of loss. In other words, we are now guaranteeing them a profit, at interest rates that are at an alltime high, and we are protecting them with the integrity of the Federal Government against any loss.

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

Who yields time?

Mr. PELL. I yield 1 additional minute to the Senator from Minnesota.

Mr. MONDALE. Now they want to go one step further and say that banks should be permitted to discriminate between insured student loan applicants on the basis of their families wealth, or connections, so that banks can increase their profits under this program even further. It creates a wholly indefensible situation, in which a decent student, because he does not have money, cannot get loans, despite everything we are doing to enrich the bankers. I think the time has come to ask the bankers to help us in this situation.

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

Mr. MONDALE. I yield.

Mr. KENNEDY. As I understand, half of the students who are in college today are from the top quarter percentile in terms of family income, and only 7 percent are in the lower quarter in terms of family income. I think this can suggest that we are finding the middle higher incomes are able to take advantage of some of these programs to a much greater degree; and this situation, without this amendment, could very well increase that trend.

Mr. MONDALE. The Senator is correct.

Clark Kerr, who I think is regarded as one of the Nation's experts in this field, said that today a young man or woman——

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

Who yields time?

Mr. MONDALE. I ask for 1 additional minute.

Mr. PELL. I yield one-half minute to the Senator from Minnesota.

Mr. MONDALE. Mr. Kerr said that today a young man or woman whose family income is in the top half of the national income range has three times the chance to get a college education as one whose family is in the bottom half.

In other words, we know that with children of equal ability, one from rich parents, one from poor parents, the child from the poorer family has about one-third the chance of going on to college.

For these reasons, I urge the Senate to retain the provisions in this bill that were added during the deliberations of the Labor and Public Welfare Committee. The incentive allowance for the insured student loan program coupled with the prohibition against discrimination by lenders based on an applicant's wealth or connections, and expanded authorizations for the educational opportunity grants program, the national defense student loan program, and the college work study program represent important improvements in our efforts to expand opportunities for higher education.

I strongly support this effort to increase the availability of financial assistance for students in higher education, and I pledge my support for efforts to assure that important programs of Federal aid to education—from preschool education through adult education—are funded at fuller and more adequate levels in fiscal year 1970.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator.

Mr. President, I do not know how many Senators are personally acquainted with Mr. Willis Alexander, the president of the American Bankers Association. It happens that I am acquainted with him. Although he is from a small town in Missouri, he nevertheless is one of our more prestigious citizens and is a very fine gentleman.

I know that Mr. Alexander, in terms of running his bank and the granting of loans in that bank, would not hold it against a student that the student's parents were not depositors in his bank.

I also know that Willis Alexander has sufficient leadership among bankers, within the State of Missouri and in the Nation, to prevail upon most of those who are associated with him in the banking profession not to discriminate against students whose parents, because of economic circumstance or happenstance, are not depositors in the respective banks where the loans are being sought.

Mr. Alexander, in his letter of August 11, which the Senator from Colorado (Mr. DOMINICK) has had circulated, says "past banking relationships provide a normal and understandable basis for such judgments by many banks and their customers."

I say that is eminently correct insofar as the purely private sector is concerned.

Absent any Federal guaranteed loan program or Federal involvement at all, it is only natural and 100 percent all-American if a bank gives preference to someone who had a continuing financial relationship with that bank, whether it be a corporation or a private individual. Banks normally would do business with people who have been friendly with them in their business relationships. That is fine in the purely private sector. But this no longer is a purely private relationship. When we pass this law, the Federal Government is involved, since as the Senator from Minnesota (Mr. MONDALE) stated, the U.S. Government would be guaranteeing a profit.

Therefore, it is not just a normal continuous private relationship. Uncle Sam is now in the picture. Thus, what may be precedent in terms of doing business with friends and mutual back scratching in the private sector, is not precedent in the public sector. It should not be the public policy of this Government that we would condone, wittingly or unwittingly, the alleged and tenuous right of a bank to say, "We will loan federally guaranteed and federally subsidized money to students whose parents do business with us, but to Willy Jones down the street, whose parent do not deposit with us, we will leave him high and dry."

Finally, I wish to say that the Senator from Colorado (Mr. DOMINICK) pointed out in his remarks that there is an emergency about this bill. Indeed, there is. He pointed out he has received telephone calls and letters from home. I am sure he has. Indeed, I have also. Many of these calls and many of these letters point out what was mentioned by the Senator from Minnesota (Mr. MONDALE) in the terms of his letter from the student from Brainerd, Minn. My telephone calls and letters indicate that student after student has sought the financial advantages of this law and they have been denied same because their parents did not do business at a certain bank.

I receive calls in which I am asked, "Why can't my son get a loan just because I do not do business with bank X or bank Y? Why should the law permit that?"

I think the Kennedy language goes a long step forward in putting into the law what should have been there all along: That there is no preference, advantage, or disadvantage; that every one seeking a loan is on a parity. This is the only way it should be and the only way in which Congress should give its stamp of approval.

Mr. COOK. Mr. President, will the Senator yield to me for 1 minute?

Mr. PELL. I yield.

Mr. COOK. Mr. President, I have listened carefully to this debate. To me one of the major points is missing. Mr. President, we watched the program when the 7-percent maximum interest rate was established and we watched bankers of the country almost freeze that program at 7 percent. We are now considering a bill to give incentives to the bank not to exceed 3 additional percentage points, which is a 10-percent maximum.

Is there any doubt in the mind of anyone in this Chamber that the bankers of the United States, as soon as this bill is passed, will continue to freeze the accounts and force on the Commissioner of Education and the Secretary of the Treasury the 3 additional percentage points, and it will go to the maximum of 10 percent. He will have his maximum of 10 percent, and he will have his incentives also to force on the families of youngsters that may do business with the bank.

We can talk about the problems of our country, but let us discuss the real problem. The banks will not stop at 7 percent; they will continue until the interest is 10 percent. We are not considering incentives to the bank but how long it will take the banks to get to the maximum of 10 percent. In addition, there is the effort to take out of the bill the ability of the bank not to force on the family or the students the provision that he must do business with the bank.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. DOMINICK. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have been listening to this discussion between the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Min-

nesota (Mr. MONDALE), and the Senator from Kentucky (Mr. COOK).

I think they miss the point. The problem they are overlooking was stated in the hearings over and over again. The available funds in the market for lending are so tight that the interest rate is above 7 percent. Therefore, if any banker or other lender on a voluntary basis is going to give a loan to a student he is going to have to have either added increments in the way of an account or something of this kind, or he will have to have, in the alternative, an incentive.

The purpose of our original bill, unencumbered with riders, is to get away from the very problem that has been recited by my distinguished colleagues on the other side.

Looking at page 38 of the hearings, Mr. Simmons, who is in charge of higher education lending in the Office of Education, said:

> We have at the present time about 18,934 lenders. This includes savings and loans, credit unions, and banks. The great bulk of that are commercial banks, and I would say of this about 16,000 banks, in that number, 80 percent have made loans.
>
> I would say at the present time that has dropped considerably. We have calls every day and letters by the stacks of those which are having to withdraw from the program.
>
> I think the important thing here is when this program was authorized in 1965, there was a prime rate of 4.5 percent and Congress gave us a rate of 6 percent. Today, in spite of the increase of last year, we are a point and a half below prime.
>
> So we have just been priced out of the market, you might say, and we are competing for the dollar, whether it be mortgage or personal loans or automobiles, we are low man on the totem pole in competing for that dollar.

That is the witness from the Office of Education, the man in charge of student loans. He is not a banker or other lender trying to break even or make a profit in the private enterprise system.

Let us go back to the testimony of Mr. Willis Alexander, who was referred to by the Senator from Missouri. Mr. Alexander stated on page 46 of the hearings:

> Student loans, even though guaranteed, are comparatively expensive to originate and service. Normally, more than one interview is involved and the paper work incident to guarantee agency approval is considerable. The repayment period is protracted and frequently is extended by changes in educational plans and grace periods for Government and military service. It is not by suggestion that the rate of return on these loans should be such as to yield a normal profit. The return should, however, be realistic in terms of both money costs and overhead costs to the end that a breakeven point is attainable. In the present environment, the seven percent interest rate now charged on such loans does not meet this goal.

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

Mr. DOMINICK. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMINICK. Mr. President, so all of this discussion—I was going to use another word but I will not—about the profits bankers and other lenders are making on student loans is plain baloney, to put it in simple language.

I wish to ask Senators on the other side of the aisle a question and I hope the RECORD will reflect an answer. The Kennedy rider uses the term "lender." Not only banks make loans under the program. Credit unions make guaranteed loans to students. Labor unions make guaranteed loans to students. Are Senators going to say a person does not have to be a member of the credit union in order to get a student loan? That is what they would be saying. Are Senators going to say a person does not have to be a member of a labor union to get a student loan? That is what they would be saying. If Senators want to put that language in the bill, the Senate can work its will, but I think it would be a terrible mistake.

What the rider does is decrease the incentive of those in the lending business to make loans available to students. What I want to do is increase the availability of loans to students, not decrease them.

Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I find myself in a very difficult position. I want to do my best to help the Senate in this situation. I was the author of a "statement of policy" which was contained in the bill as it came from the subcommittee seeking to discourage the denying of loans to students who do no business with the bank. I think that is a perfectly proper thing to do, where we are giving incentive allowances to the banks. On the other hand, I have grave disquiet about this provision. In fidelity to the situation as we resolved it in the subcommittee, I shall have to vote in favor of the motion to strike out.

I shall advise the Senate, should it succeed, that I would expect immediately to offer the "statement of policy" which was originally contained in the subcommittee bill.

I shall not try to go over all the ground which has been gone over, but there is one point which has been omitted which, to me, is decisive. I appeal to the Senator from Massachusetts (Mr. KENNEDY) and the committee, on the same ground, which will come as no surprise to him, but is of very great concern to me, and that is the situation in which we cannot force a bank to make a loan. Nor do we have an analogy as we have in the employment situation where there are antidiscrimination laws where there is a job slot, so that we can apportion the demands of the slot and say that he has been rejected and is not eligible for the slot for various reasons—skill, and so forth—only because he is black. So we can make a finding on that score. However, we are now dealing with a case where banks have plenty of business.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes on the bill.

Mr. JAVITS. This is not an open situation on money which is going begging because borrowers cannot be found. Banks will generally give a break to the student. Banks will generally do that because the student can be a good customer of the bank in the days ahead. But it is necessarily legally unacceptable as such. The Senator from Massachusetts did modify the language so that it is much more responsible than it was before. I think it would have been an absolute prohibition.

Again, what bothers me is the fact that the HEW Secretary must lay down rules and regulations—this is the central point—thus it will jeopardize the banks getting its money out of the incentive allowance as a matter of law because the allowance is paid after, not before, the expiration of the quarterly period. It is paid not on the existing loan but is paid on the average of loan balances for all similar loans and this is provided for in the law.

Page 6, line 1, speaks of the average unpaid balance and disbursed principal.

Page 6, lines 23 and 24, says that the reimbursement shall be, "after the close of such period."

Therefore, one complaint to the Secretary that a particular banking institution had set a condition for a loan, or proposed one, or indicated one, will hold up that bank's reimbursement. It is a marginal proposition now. There is no real money in this for the bank. I appreciate the words spoken about profit, there is very little or no profit in this. Banks have plenty of other business. They do not need this except for customer relations.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself 1 minute on this bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute on the bill.

Mr. JAVITS. So it is very easy for a bank to say, "Why jeopardize the whole incentive allowance? Forget it. Let someone else handle it."

This bothers me. Therefore, I think the "statement of policy" approach is best. I beg of the Senate to bear in mind the way this thing has worked out, the scheme will be that a bank may be denied its whole incentive payment for a whole quarter merely because of a complaint on a given situation which might take some time to prove out. The very thing a banker wants to avoid is to fuss around with this kind of charge and answer it himself. The statement of policy is exactly what should be done. The present provision to make the Secretary prescribe the rules and regulations is better than an absolute prohibition. But it still does jeopardize the payment.

For those reasons, on balance, I say, most regrettably, because I am sympathetic with the thrust of what by colleagues have argued for, that I feel that I shall have to vote for the amendment of the Senator from Colorado (Mr. DOMI-

NICK); but I shall offer the "statement of policy" if the amendment should succeed.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

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

The yeas and nays were ordered.

Mr. COOK. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield, 1 minute on the bill and 1 minute on the amendment, to the Senator from Kentucky.

The PRESIDING OFFICER. The Chair would advise the Senator from Rhode Island that he has only 1 minute remaining. The Senator from Kentucky is recognized for 1 minute.

Mr. COOK. Mr. President, I reiterate the point I made a short time ago that, with all due respect to the Senator from New York, all of us will have to admit that the banking community within a very short period of time will have their loan interest at a maximum of 10 percent. I do not think there will be any doubt about that at all.

Relative to the statement that banks are obviously not lacking any money, to loan at 7 percent, I think that is right—there is no argument about that. But this is the reason I think that the bill is before the Senate today, because they have not found it profitable and therefore an incentive is being extended to them so that they might break even, or possibly make a small profit. When the banks expect the taxpayers of this Nation to put up 3 percent of the total of these loans in the future, to keep students in college so that banks will lend them this money, then I think the people of this Nation are also expecting something from the banks. I think that something from the banks is this section which says that they do not have to require that the student or the student's parents do business with the bank.

I might suggest to the Senator from New York that we have a bank in Washington that seems to want to do business with Members of Congress and it is not complaining that it is not making a profit from the loans. As a matter of fact, as I read in the newspapers, they are not even breaking even. So I might suggest that, if they are that magnanimous, if we make a student loan at a 10-percent-interest rate, the banks might consider taking a student on his merits with a guaranteed 10 percent and not expect the student's parents or the student to have other banking connections in connection with that situation.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I have a few remarks and I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I am not going to delay the Senate. I want to say that what the Senator from Kentucky just said is probably true. What we are trying to do, however, and what I think he is overlooking, is the fact that we are trying to get more lenders to participate, not less. If we are going to do that, we have to give them the opportunity to do it on the basis they can ration some of their funds on a nonloss basis, at least to students who are eligible for loans.

So far as the taxpayers are concerned, a $9.1 million investment in the guaranteed loan program generates $200 million in student loans. But the direct loan approach of NDEA requires $200 million of taxpayers' money to provide $200 million in student loans.

I should say NDEA would cost $180 million, because the federal share is 90 percent.

From the taxpayer's standpoint, the guaranteed loan program is obviously a much better utilization of funds.

Just reiterating again the points that were made both by myself and the Senator from New York, we all hope that we will be able to extend the program to more students and that more credit unions, labor unions, savings and loan institutions, banks and other types of lending institutions will be participating in the program.

To the extent that we put restrictions on their voluntary participation by government rules and regulations, we decrease the opportunity for providing funds for student loans.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. DOMINICK. I yield myself 1 minute.

So for that reason, and because I completely agree with the analysis that the Senator from New York has made of the Kennedy rider and its effect, and because I think it will adversely affect the credit unions, the labor unions, the savings and loan associations, and the banks, as well—which I do not think has been taken into consideration by the proponents of this particular section—I again urge that we repeal the rider.

Mr. PROUTY. Mr. President, will the Senator yield me 1 minute?

Mr. DOMINICK. I yield 1 minute to the Senator from Vermont.

Mr. PROUTY. Mr. President, it seems to me that we are overlooking the most important factor in this legislation. In my judgment, if this provision is kept in the bill, we are jeopardizing and probably denying loans to between 150,000 and 200,000 students. That is the issue. We can take any philosophical or economic approach that we want; however, unless we report the bill to the other body in a form which will be acceptable to them, in my judgment we are not going to have a bill. I trust Senators will keep that in mind.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield me 2 minutes?

Mr. PELL. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think it is important to realize what the provision that we have in the bill at present does, which will be eliminated if the amendment of the distinguished Senator from Colorado is successful.

The provision in the bill in no way makes mandatory a cutoff or termination of payments under the provisions of this legislation. Indeed, it does not even mention cutting off any kind of payments. It merely permits the Secretary of HEW to establish procedures. Those procedures will be established in communication with the banks themselves.

So I think it provides, once again, flexibility. If we have confidence in the Secretary of HEW, as I certainly do in this matter and a number of others, I think we can meet the objectives which face us, and which were so well stated by Senators COOK, MONDALE, and EAGLETON, without imposing any kind of serious hardship or handicap on the bankers.

Finally, I should like to read into the RECORD a telegram which was received by the Senator from Texas (Mr. YARBOROUGH) from Mr. Richard Sullivan, president of the Association of American Colleges:

> On behalf of 900 colleges, I urge you to hold firm on increased authorizations for student assistance programs and resist all amendments which would permit banks to discriminate among potential loan recipients.

It is these loan recipients to which this amendment is directed. I think having this kind of communication from the president representing 900 American colleges of this country is extremely significant, important, and helpful to Members of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

The Senator from Massachusetts refers to the key point, as have I and the Senator from Vermont; that is, whether we are going to provide more opportunity for more people to provide more money for more students. If we leave his provision as it is in the bill, we run an unnecessary risk of not accomplishing that.

Keep in mind that this is an emergency measure. It expires on July 1, 1970, regardless of what happens. I support a longer authorization, but the committee held it to 1 year. I am willing to go along because we are going to have full hearings on higher education in October, as I understand the Senator from Rhode Island. So there is plenty of time to go into a long-range program. But to add this rider in an emergency bill, when students need money right now, and to increase the apprehension that lending institutions now have regarding the student loan guarantee program, harms the students without doing any good as far as the program is concerned.

Mr. PELL. Mr. President, I yield myself 1 minute on the bill.

In committee, we considered the point raised by the Senator from Colorado. I realize he would have preferred to have had a longer period. However, we viewed

this as an emergency measure. Some of us, including myself, have more substantive bills, having different approaches for the permanent, or at least longer term, methods of providing assistance for students in colleges. For that reason, we fixed the period at 1 year.

Mr. President, I am prepared to vote.

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH), the able and distinguished chairman of the Committee on Labor and Public Welfare, is absent from the Senate by necessity. In anticipation, however, that this measure would be considered in his absence, he left with me an outstanding statement in behalf of student assistance and in behalf of the bill now before the Senate. I ask unanmous consent that Senator YARBOROUGH'S statement be printed in the RECORD.

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

CONGRESS MUST PLAN NOW FOR IMPROVED STUDENT ASSISTANCE

Mr. YARBOROUGH. Mr. President, there have been pleas to us in recent weeks from parents, students, schools and banks to act immediately to restore the workability of the guaranteed student loan program. With the amendments for which I voted in the Education Subcommittee and the Full Committee on Labor and Public Welfare, I believe this bill meets that immediate need.

The guaranteed student loan program was intended to spread to banks and other lending institutions part of the burden of financing tuition and other student costs of education. The Federal Government guarantees repayment of the loan, and the interest on it until the student finishes school. Thereafter, it is up to the student to assume full payment of interest and repayment of the loan, except that the Federal government stands behind the ultimate repayment.

Estimates presented to the Education Subcommittee were that in fiscal year 1969, 750,000 students attended college or business school with the help of a guaranteed loan. This year the condition of the money market has changed. Competition for loans is so great that the 7% ceiling on interest for guaranteed student loans is lower than can be received from borrowers generally. Banks are turning away student applicants, or imposing preferences and priorities for customers of the banks. Testimony shows that between 150,000 and 200,000 student applications would be denied this year, unless some increase in return to the lending agencies is authorized.

At present, the student does not pay interest on his loan while in school. The federal government pays interest up to a ceiling of 7%. The pending bill will authorize the federal government to pay an additional 3% interest while market conditions require the additional return in order for students to be able to obtain loans. We have amended the bill before us in Committee to prevent participating institutions from imposing requirements upon student applicants that they or their parents be customers of the bank, or conduct any other business with the bank.

But we have also taken into account the difficulty all students are having in obtaining financial aid to attend school. Student assistance for all levels of family income is in short suppy. In 1958, in the National Defense Education Act, we created the National Defense Student Loan Fund. But we have not appropriated enough money for it or enlarged it enough to provide adequate loan funds for the increased number of young people seeking admission to colleges and universities. We have not provided enough money for Education Opportunity Grants or for the work-study program. These two programs are specially designed to help students from low income families. Direct Federal support is not available at all under the National Defense Education Act for those attending vocational or proprietary schools. The Guaranteed Student Loan Program is the only source of Federal assistance to students attending vocational or proprietary schools.

The Committee on Labor and Public Welfare amended this bill in committee to increase the monetary support for all the student aid programs. We amended the bill to increase the authorization for National Defense student loans for fiscal year 1970 from $275 million to $325 million, an increase of $50 million, and from $300 million to $375 million for fiscal year 1971, an increment of $75 million.

The Committee bill also raises authorized amounts for Educational Opportunity Grants from $100 million to $150 million for FY 1970 and from $140 million to $200 million for FY 1971. Work-study funds will be raised from $250 million to $275 million for FY 1970 and from $285 million to $320 million for FY 1971.

The reason why there is this great pinch in guaranteed student loan money is that we have not in the past voted enough money for Federal student aid programs, and the financial incentives to the lending institutions are just not sufficient to produce enough student assistance to adequately do the job under the Guaranteed Student Loan Programs. The effort to transfer part of student assistance to commercial institutions cannot be a long-range substitute for direct Federal support.

We heard over and over again in the hearings and in Committee that the Guaranteed Student Loan Programs is, after all, only voluntary with the banks, and if we impose any conditions upon them, they will not make student loans at all. This really means that students seeking an education are at the mercy of the banks and of financial conditions that should not have any bearing on the right to go to school.

We have provided in the Committee amendments that this emergency inducement extend for only 1 year. We should use that year to develop a long-range student aid system. College enrollments in junior colleges, colleges, and universities have doubled in the last 10 years to 7.8 million. Within 10 years, enrollments are expected to reach over 10 million students.

There is a national interest in making sure that these young people have the financial help they need to attend educational or vocational institutions. We cannot turn the responsibility over to the banks, and ask them to meet it voluntarily, hoping they will, but having no assurance they will.

The whole matter of sources of student aid requires the attention of Congress during the year while this stop-gap program is in effect. But, in the meantime, Mr. President, I strongly support and urge the immediate passage of S. 2721, the Guaranteed Student Loan Program Act, because unless this bill is passed forthwith, 150,000 to 200,000 students may not be able to attend college this fall. Time is of the essence. We cannot afford to deprive these young people of this source of financial support, and thus their opportunity for higher education this year. Nor can America afford to lose the long-term benefits it will receive from those young people being financially able to take advantage of this opportunity.

Mr. DOMINICK. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mr. LONG), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Mr. TYDINGS) and the Senator from Texas (Mr. YARBOROUGH) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Kansas (Mr. DOLE) is detained on official business and, if present and voting, would vote "yea."

The result was announced—yeas 21, nays 72, as follows:

[No. 76 Leg.]

YEAS—21

Allott	Goldwater	Murphy
Bellmon	Gurney	Percy
Cotton	Hansen	Prouty
Curtis	Hruska	Scott
Dirksen	Javits	Stevens
Dominick	Jordan, Idaho	Tower
Fannin	Mundt	Young, N. Dak.

NAYS—72

Aiken	Goodell	Mondale
Allen	Gravel	Montoya
Anderson	Griffin	Moss
Baker	Harris	Muskie
Bayh	Hart	Nelson
Bennett	Hartke	Packwood
Boggs	Hatfield	Pastore
Brooke	Holland	Pearson
Burdick	Hollings	Pell
Byrd, Va.	Hughes	Proxmire
Byrd, W. Va.	Inouye	Randolph
Cannon	Jackson	Ribicoff
Case	Jordan, N.C.	Russell
Church	Kennedy	Schweiker
Cook	Magnuson	Smith
Cooper	Mansfield	Sparkman
Cranston	Mathias	Spong
Dodd	McCarthy	Stennis
Eagleton	McClellan	Symington
Eastland	McGee	Talmadge
Ellender	McGovern	Thurmond
Ervin	McIntyre	Williams, N.J.
Fong	Metcalf	Williams, Del.
Fulbright	Miller	Young, Ohio

NOT VOTING—7

Bible	Long	Yarborough
Dole	Saxbe	
Gore	Tydings	

So Mr. DOMINICK'S amendment was rejected.

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

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Arkansas.

WORK OF SUBCOMMITTEE ON ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, the Special Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, is currently in the process of studying, revising, and evaluating several pieces of proposed legislation which

have been the subject of three sets of hearings on March 18 and 19; March 25 and 26; and, in June 3 and 4. Included in the hearings were the following bills: S. 30, S. 974, S. 975, S. 976, S. 1623, S. 1624, S. 1861, S. 2022, S. 2122, and S. 2292. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, as exhibits No. 1 and 2, a brief description of each of these bills.

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

(See exhibits 1 and 2.)

Mr. McCLELLAN. Mr. President, the subcommittee has been fortunate in having had a number of distinguished individuals give us the benefit of their criticism and suggestions on these measures. Without objection, I would like to have inserted following my remarks, as exhibit 2, a list of the individuals who have testified before the subcommittee or submitted statements for the record. I might mention that copies of S. 30 and S. 1861 were sent to all criminal law, equity, and antitrust professors teaching law in the United States, along with a letter soliciting their views on these two proposals and any modifications they might suggest.

As a result of the hearings and statements submitted, the subcommittee has received much constructive criticism and the benefit of several helpful suggestions, some of which have been incorporated into the initial markup drafts of various proposals while others are presently under review by the staff. Indeed, some new bills, which I have recently introduced, are based, in part, on testimony received by the subcommittee durings the hearings.

The thrust of these proposals has been primarily directed at a combating organized crime. Attorney General Mitchell, testifying at the March 18 hearings in regard to organized crime and the aims of S. 30, had this to say:

> The size of La Cosa Nostra, its wide geographical distribution, its varied activities both legal and illegal, and its enormous financial resources make the investigation of its members and activities an awesome task. The fact that often in organized crime activities there is no "complainant" further increases this problem and distinguishes the investigation of organized crime cases from the investigation of ordinary "street crimes," such as rape, robbery, and theft. The difference is that in the investigation of the "street crime" the investigator usually begins with a "complainant" who subsequently will be a witness, although at times reluctantly. Also, there are usually observers of the "street crime" who can be expected to testify.
>
> The organized crime investigation, however, does not generally begin with a complainant because the "victim" of organized crime is often a participant in the racketeer's unlawful acts or illegal conduct. We obviously cannot wait for him to come forward and report not only the crime of the racketeer but what may also be his crime. Much of the subject matter covered in S. 30 is particularly adaptable for use in prosecuting these consentual crimes. Another deterrent to reporting the crime is the large number of unsolved gangland murders and the resulting fear to be an "informer." Protection of organized crime witnesses and members of their families against threats, intimidation and bodily harm is absolutely essential. S. 30 similarly recognizes this problem.

While stating that he supported the objectives of S. 30, Attorney General Mitchell noted that the Department of Justice had not completed its review of the bill and indicated he would send the subcommittee the written views of the Department when completed. The subcommittee is in receipt of the Justice Department's comments on S. 30, and I ask unanimous consent to have those comments printed in the RECORD as exhibit No. 3 at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. McCLELLAN. Mr. President, in additional testimony and in response to questions, Attorney General Mitchell noted that to date the growth of organized crime in the United States has not been arrested, but he was hopeful that new programs, which the Department proposes to put into effect, would be a good start in that direction. The Attorney General further indicated that while several organized crime figures, including a few of the top members, have been convicted, none of the major Cosa Nostra families have been destroyed through criminal prosecution. At this point in the hearings, I asked Attorney General Mitchell to have prepared for the subcommittee a chart of the major families of La Cosa Nostra as of 1960, and another chart identifying the major figures in those same families as of 1968, along with material outlining La Cosa Nostra indictments and convictions by the Federal Government, including the name of the defendant, the charge and sentence for the period 1960 through 1968. I ask unanimous consent to have those charts printed in the RECORD at the conclusion of my remarks, as exhibit No. 4.

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

(See exhibit 4.)

Mr. McCLELLAN. Mr. President, I shall not attempt to characterize this tabular information. The information speaks for itself. It gives us in concrete detail an indication of our progress against organized crime—and makes all the more urgent new actions by the Congress to change this record.

Mr. President, in response to the desire of the President subsequently expressed in his message on organized crime of April 23, 1969, to develop "the potential application of the theories underlying our antitrust laws as a potential new weapon" against "the infiltration of organized crime into fields of legitimate business," I drafted and introduced on April 18, 1969, along with the distinguished Senator from Nebraska, S. 1861, "The Corrupt Organizations Act of 1969." At the time of Assistant Attorney General Will Wilson's appearance before the subcommittee on June 3, 1969, the Department had not yet completed its review of S. 1861. The subcommittee is now in receipt of the Justice Department's comments, and I ask unanimous consent to have these comments printed in the RECORD at the conclusion of my remarks as exhibit No. 5.

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

(See exhibit 5.)

Mr. McCLELLAN. Mr. President, although I do not want to go into detail, I might say that the Department of Justice agrees in principle with the aim and with a majority of the provisions of each of the bills I have noted with the exception of S. 974, on which they withheld comment pending some reorganization matters the Department presently has under consideration.

Mr. President, throughout the hearings the subcommittee has been trying to develop this legislation with an open mind and in hopes that we would receive testimony, statements, and suggestions from all interested parties. Proceeding in this fashion I believe we can strengthen and improve these proposals and ultimately achieve some sound legislation. I now urge each of you and your staffs during the coming recess to study these proposals and contact the subcommittee regarding any possible problem you might find with any of them, and I solicit your ideas and suggestions on how we can improve these measures. We hope following the recess to begin reporting out a comprehensive program in this area, and we would like as soon as practicable to receive from all interested and concerned parties their final comments on the various bills now pending before the subcommittee.

EXHIBIT 1

DESCRIPTION OF BILLS INCLUDED IN SUBCOMMITTEE HEARINGS

S. 30 (Mr. McClellan, Mr. Ervin, Mr. Hruska, January 15 1969) is a comprehensive revision and strengthening of the evidence gathering process in organized crime investigations. It contains the following provisions:

Title I: revamps the grand jury system and authorizes, subject to careful safeguards, the issuance of grand jury reports;

Title II: authorizes the granting of immunity to obtain testimony over objections of self-incrimination;

Title III: provides for civil contempt proceeding to deal with recalcitrant witnesses;

Title IV: eliminates outmoded evidentiary restrictions in prosecutions of those who give false testimony in grany jury or court proceedings;

Title V: makes possible, subject to constitutional protections, depositions from witnesses in danger of reprisal;

Title VI: extends to such witnesses physical facilities in which they may be protected.

Title VII: strengthens the evidentiary rules surrounding the admissibility of vicarious admissions in conspiracy cases; and

Title VIII: provides for the imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals, and "organized crime" leaders.

S. 974 (Mr. Tydings, February 7, 1969) creates within the Department of Justice the position of Assistant Attorney General for Organized Crime and provides for his supervision over other activities relating to organized crime cases.

S. 975 (Mr. Tydings, February 7, 1969) is a general immunity statute which would compel witnesses to testify or produce evidence in certain cases even though such testimony or evidence may be self-incriminating, but provides that no witness shall be prosecuted as a result of such compelled evidence except for perjury or contempt.

S. 976 (Mr. Tydings, February 7, 1969) would provide increased sentences of up to 30 years for certain persons over the age of 21 who are considered dangerous to the public and who are being sentenced for a felony committed as part of a continuing

criminal activity in concert with one or more persons.

S. 1623 (Mr. Hruska, March 20, 1969) would prohibit the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce and provides for a penalty up to $10,000, 10 years imprisonment, or both. Injunctive relief to prevent violation of the act may be sought in United States district courts by the government or a person threatened with damage. In addition, an individual who has actually suffered injury is entitled to treble damages.

S. 1624 (Mr. Hruska, March 20, 1969) would amend the Internal Revenue Code of 1954 in regard to taxes and wagering, and facilitate the collection of such taxes by complying with *Marchetti* v. *United States*, 390 U.S. 39 (1968), and *Grosso* v. *United States*, 390 U.S. 62 (1968). The *Marchetti* and *Grosso* decisions held that a defendant charged with failure to register and purchase a wagering occupational tax stamp, or failure to pay an excise tax under title 26 of the United States Code could use his privilege against self-incrimination as a complete defense against such charges. S. 1624 is designed to eliminate the hazards of self-incrimination which underlie the *Marchetti* and *Grosso* decisions. The bill would also raise the annual occupation tax from fifty dollars to one thousand dollars for principals and to one hundred dollars for their subordinates.

S. 1861 (Mr. McClellan, Mr. Hruska, April 18, 1969) would prohibit the infiltration of legitimate organizations by racketeers or the proceeds of racketeering activity, where interstate or foreign commerce is affected. Criminal penalties include a fine of up to $10,000, imprisonment of up to 20 years, or both, and forfeiture of all interest in the affected enterprise. Civil remedies to prevent violation of the act are available to the government and may be brought in United States district court.

S. 2022 (Mr. Hruska, Mr. Dirksen, Mr. Eastland, Mr. McClellan, Mr. Mundt, April 29, 1969) would assist the States in the control of illegal gambling and is divided into three titles. Title I would make it unlawful for two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of such state and one of the persons participates in or derives revenue from an illegal gambling business violation of Title I is punishable by a fine of not more than $20,000, imprisonment for not more than 5 years, or both. Title II would make it unlawful to participate in an "illegal gambling business" which is defined as a violation of a state law involving 5 or more persons participating in any betting, lottery, or numbers activity, which has been in operation over 30 days or has a gross revenue of $2,000 in any single day. Title III makes clear that the act is not to occupy any field in which the provisions operate to the exclusion of any state law.

S. 2122 (Mr. McClellan, Mr. Ervin, Mr. Hruska, May 12, 1969) is a general immunity statute which would prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and defines the scope of immunity to be provided such witness with respect to information provided under an order. The bill provides that no testimony, information or derivative evidence may be used against such witness in any criminal case except for prosecution for perjury or contempt. S. 2122 repeals all previously enacted immunity statutes and it should be noted that the bill grants a witness immunity from "use" of the compelled evidence rather than immunity from prosecution.

S. 2292 (Mr. McClellan, Mr. Hruska, May 29, 1969) provides that in all proceedings under the authority of the United States no claim regarding the inadmissibility of evidence obtained as the result of an allegedly illegal act shall be considered if there is five years between the allegedly illegal act and the event evidence of which is to be introduced. The bill further provides that as regards any claim of inadmissibility of allegedly illegally obtained evidence, no information may be disclosed unless such information is relevant to the determination of the admissibility of such evidence and is in the interest of justice.

EXHIBIT 2

WITNESSES

Broderick, Vincent L., Chairman, Com. on Fed. Legis., NY co. Lawyers Assoc.

Curran, Paul J., Chairman, NY State Commission of Investigations, accompanied by Judge Edward S. Silver, Member, and Nathan Skolnik, Deputy Commissioner.

Dixon, Prof. Robert G., Jr., George Washington Univ. Law Center, Consultant to National Com. on Reform of Crim. Laws, accompanying Hon. Richard H. Poff, Virginia Representative.

Diuguid, John P., Counsel, The Assoc. of Federal Investigators.

Edwards, H. Lynn, Staff Dir., Criminal Law Section, American Bar Assoc., accompanying Rufus King.

Green, Richard A., Deputy Dir., Nat'l. Com. on Reform of Crim. Laws, accompanying Hon. Richard H. Poff.

Greenhalgh, Prof. William, School of Law, Georgetown Univ., on behalf of the National Assoc. of Counties, accompanied by Jerry Laughlin, Legis. Asst. to Assoc.

Hundley, William G., Attorney, Washington, D.C.

King, Rufus, Attorney, Washington, D.C., Criminal Law Section, Am. Bar Assoc., accompanied by H. Lynn Edwards.

Laughlin, Jerry, Legis. Asst. to the Nat'l. Assoc. of Counties, accompanying Prof. William Greenhalgh.

Low, Peter W., Assoc. Prof., Univ. of Virginia School of Law.

Mitchell, Hon. John N., the Attorney General of the U.S., accompanied by Will Wilson, Asst. Attorney General in charge of the Criminal Division and Henry Petersen, Chief, Organized Crime and Racketeering Section, Criminal Section.

Petersen, Henry, Chief, Organized Crime and Racketeering Section, Criminal Division, Department of Justice, accompanying Hon. John N. Mitchell, and accompanying Will Wilson, Assistant Attorney General, Criminal Division.

Poff, Hon. Richard H., a Representative in Congress from the Sixth Congressional District of the State of Virginia, and Vice Chairman of the National Commission on the Reform of Criminal Laws, accompanied by Richard A. Green, Deputy Director of the Commission, and Prof. Robert G. Dixon, George Washington Univ. Law Center.

Rector, Milton G., Director, National Council on Crime and Delinquency, accompanied by Saul Rubin, General Counsel.

Rossides, Eugene, Asst. Secretary, Law Enforcement, Department of the Treasury.

Rubin, Saul, General Counsel, National Council on Crime and Delinquency, accompanying Milton G. Rector, Director.

Ruth, Prof. Henry S., Univ. of Pennsylvania, School of Law.

Silver, Edward S., Member, NY State Commission of Investigations, accompanying Paul J. Curran.

Skolnik, Nathan, Deputy Com., NY State Com. of Investigations, accompanying Paul J. Curran.

Smith, William H., Deputy Commissioner, Internal Revenue Service, accompanying Eugene Rossides.

Speiser, Lawrence, Director, Washington Office, American Civil Liberties Union, accompanied by Miss Victoria Popkin, Assistant Director.

Taylor, Donald F., Pres. Merrill Mfg. Corp., Merrill, Wisc., on behalf of the Chamber of Commerce of the United States.

Tydings, Hon. Joseph D., a United States Senator from the State of Maryland.

Wilson, Will, Assistant Attorney General in charge of the Criminal Division, Department of Justice.

STATEMENTS SUBMITTED

Bible, Hon. Alan, a United States Senator from the State of Nevada.

Cannon, Hon. Howard W., a United States Senator from the State of Nevada.

Givens, Richard A., Chairman, Com. on Fed. Legis. of the NY State Bar Assoc., submitting a report, "New Approaches to Immunity Statutes."

Hogan, Frank S., District Attorney of New York County.

EXHIBIT 3

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 8, 1969.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Upon the conclusion of my statement before the Subcommittee on Criminal Laws and Procedure of the Committee on the Judiciary on March 18, 1969, in support of the objectives of S. 30, I advised you that I would send you the written views of the Department on it upon completion of our study of the bill.

I am pleased to submit the attached memorandum setting forth in detail our views on the various provisions of S. 30, and I shall be happy to have appropriate representatives of the Department available to testify regarding this matter at your pleasure.

Please let me know if I can be of any further assistance to you and the Subcommittee in effecting enactment of this vitally needed legislation.

The Bureau of the Budget has advised that there is no objection to the submission of the views contained in this memorandum.

Sincerely,

———— ————,
Attorney General.

DEPARTMENT OF JUSTICE COMMENTS ON S. 30

TITLE I—GRAND JURY

Title I makes various changes in the law affecting the summoning, term, and powers of grand juries which would strengthen the powers and independence of grand juries. While we support most of the provisions contained in this Title, we have alternate proposals to offer as to certain others. Our views with respect to each Section of this Title will be set forth separately.

Section 101 seeks to amend 18 U.S.C. 3321 (Number of grand juries; summoning additional jurors) by adding at the end thereof the following new sentence: "Members of a grand jury shall be selected in accordance with the provisions of Chapter 121." This provision refers to the chapter of Title 28 which specifies the manner of selecting jurors. For clarity it is recommended that the phrase "Title 28" be added after the words "Chapter 121."

Section 102 would amend 18 U.S.C. 3322, which incorporates by reference Rule 6(a), Federal Rules of Criminal Procedure, which provides that "The Court shall order one or more grand juries to be summoned at such times as the public interest requires", to require the convening of a grand jury at least once during each eighteen month period by each district court. While the Department favors the convening of a grand jury at least once during each eighteen month period

where the needs of justice require it, we are not aware that any serious problem exists in this regard in any district.

The difficulty we have experienced in some districts, however, is obtaining a sufficient number of grand juries to accommodate at the same time the general needs of the district and the special needs of the typically lengthy organized crime investigation. To remedy this problem, we recommend that present Section 3322 of Title 18 be amended to provide in addition that a grand jury be impaneled in each district court in which the Attorney General certifies in writing to the chief judge of the district that in his judgment such a grand jury is necessary because of major organized crime activity in the district.

We, therefore, recommend that the first sentence of the proposed revision of Section 3322 of Title 18 be amended to read as follows:

Section 3322—Summoning and term

(a) Each district court shall order one or more grand juries to be summoned at such time as the public interest requires, or whenever the Attorney General certifies in writing to the chief judge of the district that in his judgment a grand jury is necessary because of major organized crime activity in the district.

Section 102 would also amend Section 3322 of Title 18 to provide that a grand jury may, by majority vote, extend its term of eighteen months for additional periods of six months, not to exceed a total term of thirty-six months. This provision appears to be desirable on several grounds. It would have the effect of stimulating prosecutors and investigators to take effective and timely action against organized crime in their districts. It would also insure that grand juries would stay in session long enough for the unusually lengthy period of time often required to build an organized crime case. Lastly, it would eliminate the possibility of arbitrary termination of a grand jury by supervisory judges.

Section 103 would amend Section 3324 of Title 18, which incorporates by reference Rule 6(c) of the Federal Rules of Criminal Procedure, in five respects. Rule 6(c) presently states that "The court shall appoint one of the jurors to be foreman and another to be deputy foreman." There then follow other provisions which are not affected by the proposed amendment.

The proposed Section 3324(a) would provide that "Each grand jury when impaneled shall elect by majority vote a foreman and deputy foreman from among its members." While this proposal changes the existing rule, this is purely a matter of statutory law and policy. This provision appears to be desirable in that it increases the independence of the grand jury by removing it from any possible influence present as a result of selection by the court or at the court's direction by court personnel. In practice, the court or his delegate (the court clerk) examines the case history of each juror as to his education, profession, civic activities, etc., and many are interviewed personally. By this process a foreman and deputy foreman are selected. This screening process, however desirable, makes a person foreman who is acceptable to the court even though such a person may not reflect the attitudes or have the concerns of the community at large or the grand jury in particular.

Proposed Section 3324(b) provides that "It shall be the duty of each grand jury impaneled within any judicial district to inquire into each offense against the criminal laws of the United States alleged to have been committed within the district which is brought to the attention of the grand jury by the court or by any person." This provision is a statutory recognition of existing case law holding that the inquisitorial powers of a grand jury are virtually unlimited and that the grand jury can initiate a case on its own and investigate any alleged violation of Federal law within its jurisdiction. See *Hale* v. *Henkel*, 201 U.S. 43 (1906); *Blair* v. *United States*, 250 U.S. 273 (1919); *United States* v. *Hartke-Hanks Newspapers*, 254 F. 2d 366 (C. A. 5), *cert. denied*, 357 U.S. 939 (1958); *In Re Grand Jury Investigation (General Motors Corp.)*, 32 F.R.D. 175 (S.D.N.Y.), *appeal dismissed*, 318 F. 2d 533 (C.A. 2), *cert denied*, 375 U.S. 802 (1963); *United States* v. *Smyth*, 104 F. Supp. 283 (N.D. Calif. 1952); *United States* v. *Gray*, 187 F. Supp. 436 (D.C.D.C. 1964). Consequently, we can see no objection to this proposal.

Section 3324(c) provides that no person shall be deprived of opportunity to communicate to the foreman of a grand jury any information concerning any offense against the criminal laws of the United States alleged to have been committed within the district. Section 1504 of Title 18, United States Code, presently makes it an offense for anyone to attempt to influence the action or decision of any grand or petit juror upon any matter pending before it by a written communication. This provision is apparently intended to make it clear that no violation of this Section is committed by a person who merely communicates to the foreman of a grand jury any information regarding any offenses against the laws of the United States. This provision could well encourage wider public participation in the fight against organized crime and we, therefore, support it.

Section 3324(d) provides that when the grand jury determines by majority vote that the volume of its business exceeds its capacity to fulfill its obligations, it may apply to the district court to impanel an additional grand jury. Upon such application and a showing of need, the district court shall order an additional grand jury to be impaneled. If the court refuses to hear the application or refuses to impanel a new grand jury, the grand jury may appeal to the chief judge of the circuit who shall have jurisdiction to order a new grand jury impaneled. This provision seems reasonable, especially since the grand jury must make a showing of need to the court before the request may be granted. We support this provision.

Section 3324(e) provides that whenever a grand jury determines by majority vote that any attorney or investigative officer or agent appearing on behalf of the United States before the grand jury for the presentation of evidence with respect to any matter has not performed or is not performing his duties diligently and effectively, the grand jury may transmit to the Attorney General a written request, along with the reasons therefor, for a new attorney, agent or investigator. The Attorney General is then required to promptly inquire into the merits of the application and to take appropriate action to provide for prompt and effective representation on behalf of the United States.

The Department is opposed to this provision on several grounds. First, it is felt that the provision is unnecessary since sufficient control over such personnel already exists in the Department. As a practical matter, moreover, the grand jury can at present undoubtedly make such a complaint to the Attorney General and appropriate action will be taken where merited. Second, it is felt that placing such a power in the grand jury has too great a potential for mischief and might well tend to unduly limit the discretion of attorneys charged with investigation of unpopular or sensitive matters. Third, this provision could also be expected to invite the making of unfounded, though perhaps good faith, complaints in those hard or close cases where the layman grand jury refuses to accept the legal judgment of an experienced prosecutor that the evidence is insufficient as a basis for an indictment. For these reasons, then, the Department does not feel that this provision should be enacted.

Section 104 would amend Chapter 215 of Title 18, United States Code, by adding at the end thereof a new section, Section 3330, entitled "Reports". This new Section 3330 would allow the grand jury, on majority vote of its members, to submit to the court a report: (1) concerning noncriminal misconduct, nonfeasance, or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action, or (2) stating that after investigation of a public officer or employee it finds no misconduct, nonfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of a report, or (3) proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings. Such a report shall be submitted to the court who will approve and accept it for filing only if the above requirements are met and if the report is based on facts revealed in the course of an authorized investigation and is supported by the preponderance of the evidence. A report concerning noncriminal misconduct of a public official can be accepted only if the named individual had been afforded an opportunity to testify before the grand jury prior to the filing of the report. Any other report must not be critical of a named individual. A public official may file an answer to a report critical of him and may also file an appeal to the circuit court. At the expiration of an appropriate time as set forth in the provision the United States Attorney must deliver a true copy of the report for appropriate action to the public officer or agency having removal or disciplinary power over the public officer named therein, but if a criminal action is pending the court may seal the report until the matter is disposed of. If the court is not satisfied that all these requirements are met, it may direct that additional testimony be taken before the same grand jury, or it may direct that the report be sealed and not filed as a public record. Finally, this provision defines public officer or employee as "any officer or employee of the United States, or any State or political subdivision, or any department, agency, or instrumentality thereof."

This proposal would substantially change existing Federal law and procedure. See in general, *Orfield, The Federal Grand Jury*, 22 F.R.D. 343, 402 (1958). Two cases which are particularly illustrative of present judicial thinking that any grand jury action beyond indicting or refusing to indict is beyond the power of the grand jury are *Application of United Electrical Radio and Machine Workers*, 111 F. Supp. 858 (S.D. N.Y. 1953), and *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury*, 184 F. Supp. 38 (E.D. Va. 1960). In the former case, the court held that a grand jury report which made recommendations to the NLRB was beyond the powers of the grand jury, an abuse of the principle of separation of powers and a violation of the secrecy provision of Rule 6(e), Federal Rules of Criminal Procedure. In the latter case, the court held that a grand jury report on noncriminal conduct of state officials was likewise beyond the power of the grand jury, an infringement upon the provinces of State and local Governments and a violation of the secrecy provisions of Rule 6(e).

While the problem of secrecy under Rule 6(e) can be remedied by statute, the other problems must await judicial testing.

The present proposal also goes beyond that of the President's Commission on Law Enforcement and Administration of Justice which recommended:

When a grand jury terminates, it should be permitted by law to file public reports

regarding organized crime conditions in the community.

It is noted that this recommendation restricts the use of a report: (1) until the grand jury terminates, (2) to organized crime conditions, and (3) in a presumably general context. This type of report would apparently be unobjectionable in view of the dicta by the court in *Application of United Electrical Radio and Machine Workers* (*supra*) at 869, that "We are not here concerned with reports of a general nature touching on conditions in a community. They may serve a valuable function and may not be amenable to challenge."

We believe that considerations of public policy and interest favor some expansion of the grand jury's power in this area, and though we recognize there are constitutional problems involved, we do not believe they are of an insuperable nature.

The history of the growth and development of the grand jury system discloses that the issuing of reports has been an historic grand jury function in England for almost three hundred years. The practice of rendering reports on matters of public concern was also followed in the early American colonies, and today, despite the weight of authority against it, reports are authorized either by statute or by judicial decision in such States as New York, California, Illinois, New Jersey, Florida, and Tennessee. Despite this, however, and despite the fact that the grand jury has been described by the Supreme Court as a "prototype" of its ancient British counterpart, *Blair* v. *United States*, 250 U.S. 273, 282 (1919), its power to issue reports has not survived intact with its virtually unchallenged investigatory power.

The principal objections to the use of grand jury reports seem to be that they violate the traditional secrecy of grand jury proceedings, they expose grand jurors to libel actions, they violate the principle of separation of powers, and, perhaps most importantly, they charge wrongdoing while effectively denying the use of a judicial forum in which to reply. Upon close examination, the first three of these reasons do not appear to have much merit. The problem of secrecy under Rule 6(e) of the Federal Rules of Criminal Procedure may, of course, be solved by statutory amendment. There is in fact already ample precedent under Rule 6(e) for violation of grand jury secrecy when the general welfare requires it. See, for example, *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury*, 184 F. Supp. 38 (E.D. Va. 1960), where Federal grand jury minutes were made available to Commonwealth Attorney for use in state grand jury proceedings.

The libel objection can perhaps be discounted as the least troublesome since, in light of recent Supreme Court decisions on this subject, grand jurors actions in this regard are undoubtedly privileged.

The argument that the grand jury reports contravene the principle of separation of powers proceeds on the theory that the grand jury, being an appendage of the court, should not invade the province of the legislative or executive branches and charge them with misconduct or inefficiency. This argument loses much of its force, however, when it is considered that historically the grand jury has for centuries exercised both the reporting and indicting functions, and the exercise of its reporting function is logically no more violative of the separation of powers principle than is the indictment of a governmental official for criminal conduct in the performance of his duties. In criticizing public officers and calling for improvements in the legislative and executive branches, moreover, the grand jury performs a function analogous to the court's function when it notes statutory defects and suggests that the legislature consider amendment. As New Jersey's late Chief Justice Arthur T. Vanderbilt observed, success of the separation of powers doctrine depends to some extent on the interaction and cooperation of the arms of Government, not on their total isolation from each other. See *Vanderbilt, The Doctrine of the Separation of Powers and Its Present Day Significance, 43–45 (1953)*.

Finally, on this point, it may be observed that since so much of Title I changes the basic character of the grand jury that in effect it is no longer merely an arm of the court, but a more independent body, the separation of powers argument is no longer a valid objection.

Perhaps the most serious objection to grand jury reports is the charge that they are essentially lacking in fairness since they make a charge of wrongdoing but deny the "accused" a judicial forum in which to reply. In an attempt to meet this criticism, the New York legislature enacted a statute, New York Code of Criminal Procedure, Section 253(a), effective July 1, 1964, which contains elaborate safeguards such as allowing a named individual an opportunity to testify before the grand jury and file an answer prior to the filing of a report, as well as allowing an appeal to a higher court before filing. The constitutionality of this New York statute was upheld in *In Re Grand Jury, January 1967*, 277 N.Y.S. 2d 105 (1967).

Since the present proposal is almost word for word identical in its substantive provisions with the New York statute, we feel that it meets the necessary test of fairness against the charge that it makes an accusation without providing an adequate judicial forum for a denial.

In sum then, we believe this revival of the grand jury's historical report making power, as narrowly circumscribed in this proposal, is constitutionally sound and we support it as being in the interest of good and effective Government.

In accord with the recommendation of the President's Commission, we would suggest that the grand jury also be allowed to file general reports on organized crime conditions in the community. This would be accomplished by adding the following new subsection at the end of the proposed new Section 3330(a):

(4) regarding organized crime conditions in the district, provided it is not critical of an identified or identifiable person.

Finally, in order that the regular business of the grand jury may be conducted with dispatch and without interruption, and in secrecy, we would recommend that this proposal be amended to include the phrase "upon the conclusion of its term." In line with this suggestion, the first sentence of new Section 3330(a) would be amended to read, in pertinent part as follows:

(a) A grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon conclusion of its term, submit a report . . .

TITLE II—IMMUNITY

Title II of S. 30, entitled "Immunity", would amend Chapter 1 of Title 18, United States Code, to add new Section 16, "Compelling of testimony and other evidence with respect to Federal offenses."

This provision would authorize the United States Attorney, with the approval of the Attorney General or an Assistant Attorney General designated by him, to apply for a court order to compel testimony in a Federal grand jury or court proceeding involving a violation of any Federal law, and in return immunity for the witness would result. While specific immunity provisions are presently scattered throughout the United States Code, this provision would for the first time provide for compelling testimony in proceedings involving any violation of Federal law.

This provision, moreover, unlike most previous immunity provisions does not grant total immunity from prosecution with respect to matters testified to, but merely provides that the *evidence* given shall not directly or indirectly be used in any future prosecution.

In *Counselman* v. *Hitchcock*, 142 U.S. 547 (1892), the Supreme Court held that an immunity statute which merely provided that the evidence compelled could not be used against the witness in any criminal proceeding was insufficiently broad to comply with the guarantee of the Fifth Amendment. The court reasoned that the testimony which was compelled might nevertheless be used "to search our other testimony" to be used against him in a criminal proceeding, 142 U.S. at 564. The court concluded that "no statute which leaves the party or witness subject to prosecution after he answers the incriminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States," 142 U.S. at 585.

Since *Counselman*, Federal immunity statutes have been phrased in terms which would bar any prosecution for or on account of any matter as to which testimony was compelled, see *e.g.*, 49 U.S.C. 46. However, in two recent decisions, *Murphy* v. *Waterfront Commission*, 378 U.S. 52, 79–80 (1964), and *Marchetti* v. *United States*, 390 U.S. 39, 58–60 (1968), the Supreme Court has indicated that complete immunity from future prosecution is not essential and that a witness' privilege against self-incrimination would not be violated if he were compelled to testify under an assurance that the evidence he gave could not be used against him either directly or indirectly, i.e., as an investigative lead, in a state or Federal prosecution.

In view of the court's expression in *Murphy* and *Marchetti*, it would seem that the use restriction concept contained in Title II furnishes all the immunity the Constitution requires.

In his special message to the Congress of April 23, 1969, dealing with organized crime, President Nixon stated the need for a new broad general witness immunity law to cover all cases involving violation of a Federal statute, and he commended to the Congress for its consideration the recommendations of the National Commission on Reform of Federal Criminal Laws. The National Commission's proposed general immunity statute, unlike the present proposal which is limited to "any case or proceeding before any grand jury or court of the United States", would create a single, integrated immunity provision applicable to grand jury-court proceedings; formal administrative hearings by an independent agency or within the executive branch; and congressional investigations. Like the present proposal, however, the protection offered the witness is a restriction against use of incriminating disclosures or their fruits in any criminal case, rather than absolute immunity from prosecution.

Under this proposal, in all three types of proceedings the Attorney General would receive notice of intent to obtain an immunity authorization. For grand jury-court proceedings the approval of the Attorney General is required upon a certification of need by the United States Attorney. For administrative hearing matters, the public interest assessment and power to issue a direction to testify are left with such agency officials as may be specified by statute, and notice must be given to the Attorney General at least ten days prior to the direction to testify. For congressional investigations the direction to testify is made by the United States District Court upon application by a duly authorized representative of either House of Congress, and notice of the application must be served on the Attorney General at least ten days prior to the time the application is made. Upon request of the Attorney General the court must defer the direction to testify for no longer than thirty

days from the date of such notice to the Attorney General.

One of the obvious merits of this proposal is its provision for notice to a central law enforcement point, the Attorney General, as a means of attempting to insure that the "public interest" being promoted by one agency will not subvert the "public interest" being promoted by another agency.

Accordingly, the Department of Justice recommends enactment of the immunity proposal of the National Commission on Reform of Federal Criminal Laws in lieu of the proposal contained in Title II of this bill.

TITLE III—RECALCITRANT WITNESSES

Title III would amend Chapter 19 of Title 28, United States Code, by adding at the end thereof a new Section 1826, "Recalcitrant witnesses." It provides in Subsection (a) that a witness in any court or grand jury of the United States who refuses without just cause to comply with an order of the court to give testimony in response to a question or with respect to any matter may be summarily ordered to confinement until such time as the witness is willing to testify.

This proposal seeks to codify the civil contempt aspect of existing law as it applies to grand jury and court proceedings in the area of refusal to give testimony. *United States* v. *Coplon*, 339 F. 2d 192, 193–94 (C.A. 6, 1964); *Brown* v. *United States*, 359 U.S. 41, 55 (1959) (dissenting opinion); *Shillitani* v. *U.S.*, 384 U.S. 364 (1966).

The only difficulty we have with this provision is its lack of specification as to the outer limits as to how long confinement should be. Since under the principles governing civil contempt a witness can no longer be confined after it becomes impossible to comply with the court order, *e.g.*, when the court proceeding is concluded or the grand jury discharged, it would seem that this limitation should be spelled out in the statute. It is recommended therefore that subsection (a) of this provision be amended by adding at the end thereof the following language: "but in no event shall such period of confinement exceed the life of the court proceeding or of the term of the grand jury before which such failure or refusal to comply with the court order occurred."

This Title also proposes to add a new subsection (b) to Section 1826 which states that "No person confined pursuant to subsection (a) shall be admitted to bail pending determination of an appeal taken by him from the order for his confinement." While we do not believe that this provision is really necessary in view of the fact that the court presently has authority to deny bail where the appeal is frivolous, *United States* v. *Coplon*, *supra*, we can see no objection to it since bail on appeal is not subject to the Eighth Amendment.

In order to take into account the exceptional case where substantial grounds for appeal may exist, e.g., where the constitutionality of Title II, Immunity, is challenged, or where the confinement is attacked as seeking incarceration rather than bonafide testimony, it is suggested that the addition of a provision for a time limit within which the appeal must be heard would be in the interests of justice. In line with this, it is suggested that the following sentence be added at the end of proposed new Section 1826(b):

Any appeal from an order of confinement under this Section shall be disposed of within 30 days from this filing of such appeal.

TITLE IV—FALSE STATEMENTS

Title IV would add a new subsection, Section 1623, to Chapter 79 of Title 18, United States Code, creating an additional felony provision for perjury or subornation of perjury before a court of grand jury. The penalty provided is a fine of not more than $10,000 or imprisonment for not more than five years or both. The proposal is intended to supplement, not supplant, the existing statutes dealing with perjury and subornation of perjury, 18 U.S.C. 1621, 1622, which provide for a fine of not more than $2,000 and/or imprisonment for not more than five years.

The purpose of this Title, according to Senator McClellan, is to "abolish the outmoded two-witness and direct evidence rules in perjury cases, and [to] provide for the prosecution of persons making contradictory statements under oath, without requiring proof of the falsity of one of the statements." 115 Cong. Rec. p. 828. The theory behind this apparently is that since Title IV would create a new Federal crime dealing with false statements before courts or grand juries, the common law rules of evidence applicable to perjury prosecutions generally would not be applicable to it.

Prosecutions for perjury are subject to certain peculiar rules of proof. The two-witness rule requires that to obtain a conviction for perjury there must be testimony of two witnesses to the falsity of defendant's statement or testimony of one witness plus corroboration. "[I]t is most accurately stated in the negative fashion that Wigmore employs 'one witness, without corroborating circumstances does not suffice.'" *United States* v. *Goldberg*, 290 F. 2d 729, 733 (C.A. 2, 1961).

The direct evidence rule is that perjury must be proved by direct evidence, and not merely by circumstantial evidence, as to the falsity of the statement. *Radomsky* v. *United States*, 180 F. 2d 781 (C.A. 9, 1950). However, the direct evidence rule, as applied, has come to mean merely that where circumstantial evidence is relied on, the inference from the fact proved to the conclusion of falsity must be unusually strong. *United States* v. *Collins*, 272 F. 2d 650, 652 (C.A. 2, 1959).

Abolition of the two-witness and direct evidence rule has been recommended by the President's Commission on Law Enforcement and Administration of Justice, and by Dean Wigmore. *Evidence*, Sections 2040–41 (3rd ed. 1940). On the other hand the two-witness rule was affirmed by a unanimous Supreme Court in *Weiler* v. *United States*, 323 U.S. 606 (1945). While there are meritorious arguments on both sides of the question, we are inclined to agree with the recommendation of the President's Commission that abolition of these rules is desirable.

We have some doubt, however, that the form of the proposed provision is adequate to accomplish the objective sought. Instead of amending the present perjury statute, this provision creates a separate crime, yet one nearly indistinguishable from perjury and it is feared that the courts are likely to conclude that the new crime is so similar to perjury that the same restrictive evidentiary rules must apply. Cr. *United States* v. *Hammer*, 271 U.S. 620 (1926). Consequently, we believe that legislative abrogation of these evidentiary rules requires specific language in the statute. In order to accomplish this objective, therefore, we suggest that this proposal be amended by adding at the end thereof the following new subsection (e) as follows:

(e) In any prosecution brought under this Section, the falsity of the statement or testimony set forth in the indictment or information may be established by the uncorroborated testimony of one witness, or by circumstantial evidence alone.

It is noted that subsection (a) of the false statement provision omits the requirement of materiality, but that subsection (d) thereof specifically mentions "material to the issue or point in question." We believe subsection (a) should be amended to include the word "material" since we do not believe that false statements as to immaterial matters should be punishable.

Subsection (d) of this provision would, in cases of inconsistent statements under oath, relieve the Government of the necessity of proving which one is false as it now required by such cases as *McWhorter* v. *United States*, 193 F. 2d 982, 983–84 (C.A. 5, 1952). Since, however, in light of the opinion in *United States* v. *Goldberg*, 290 F. 2d 729, 734 (C.A. 2, 1961), *McWhorter* may not be good law today, we can see no objection to overruling this by statute. Under this provision the prosecutor by being allowed to plead and prove the case in the alternative may show the falsity by logical inconsistency. In *United States* v. *Buckner*, 118 F. 2d 468 (C.A. 2, 1961), the court declared:

It seems strange that in the federal courts an indictment for perjury may not yet be drawn in the alternative and that there may not be a conviction for deliberately making oath to contradictory statements unless the prosecutor shows which of the statements was false.

It is noted that subsection (d) is limited to statements made "in the same continuous trial." We would suggest that this be broadened to include the phrase "or same continuous grand jury proceeding" since the interest in obtaining truth is no less before the grand jury than at trial. Such an amendment, moreover, would be consistent with the tenor and policy of S. 30's emphasis on strong and effective grand jury proceedings. It would also be consistent with Title IV itself which in all other places concerns itself with petit and grand jury proceedings.

Finally, it is noted that this provision is not as inclusive as the present Federal perjury statute in that subsection (a) is limited specifically to "any trial, hearing, or proceedings before any court or grand jury" and thus not only are pre-trial depositions, affidavits, and certificates excluded but also administrative and legislative hearings or proceedings. The Committee may wish to consider whether it would not be appropriate at this time to amend the present perjury statute, 18 U.S.C. 1621, and thereby by express language abolish the peculiar evidentiary rules applicable to perjury generally in all types of proceedings to which the statute is presently applicable.

TITLE V—DEPOSITIONS

Title V would amend Chapter 223 of Title 18, United States Code, by adding at the end thereof a new Section 3501, "Depositions". This provision would allow the Government to take depositions for the purpose of preserving the testimony of Government witnesses. The depositions would be taken after the filing of an indictment or information, and the defendant would be given an opportunity to be present with counsel and to cross-examine the witness. The deposition would be admissible in evidence at the trial, subject to the rules of admissibility of evidence, in the event the appearance of the witness cannot be obtained because the witness is dead, or is out of the United States, or is unable to attend or testify because of sickness, or the Government has been unable to procure the attendance of the witnes by subpoena. Provision is also made for the payment by the Government to the defendant's attorney and to a defendant not in custody, expenses of travel and subsistence for attendance at the examination. The Government is also required to make available to the defendant for his examination and use at the taking of the deposition of any statement of the witness being deposed which is in the possession of the Government and which the Government would be required to make available if the witness were testifying at the trial.

This provision extends to the Government a right that a defendant in a criminal case already enjoys under existing law under Rule 15, Federal Rules of Criminal Procedure. Although there is no direct authority in the matter, the extension of this right to the Government should not itself run afoul of the Constitution. Where, as in this provision, the defendant's Sixth Amendment rights to representation by counsel and confrontation

of witnesses are well preserved by allowing an opportunity to be present with counsel and to cross-examine the deponent, this provision should pass constitutional muster, *Mattox* v. *United States*, 156 U.S. 237 (1895). See *Pointer* v. *Texas*, 380 U.S. 400, 407 (1965); *Motes* v. *United States*, 178 U.S. 458, 472 (1900); *Jones* v. *California*, 178 F. 2d 458, 472 (C.A. 9, 1966).

It is noted that proposed Section 3501 contains one important provision not included under Rule 15. Thus, under Rule 15, while a defendant can depose any necessary witness who might not be able to attend the trial, he has no right to inspect the statements of a prospective witness before trial. *United States* v. *Berman*, 24 F.R.D. 26 (1959); *Johnson* v. *United States*, 260 F. 2d 345 (1958). However, under 18 U.S.C. 3500, the defendant can get such statements after the witness has testified on direct examination. Under the proposed bill if the Government deposes a prospective witness, it must make available for the use of the defendant at the time of the examination any statement of the witness in the possession of the Government which it would be required to make available to the defendant if the witness were testifying at the trial. It is felt that this requirement is necessary to protect the defendant's right to effective cross-examination of the witness.

We feel that this provision's extension of the right to take depositions to the Government will provide an extremely useful tool in the effective trial of all criminal cases, but particularly in those involving organized crime cases where there is a substantial danger that the witnesses will not be available at the time of trial.

TITLE VI—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

Title VI authorizes the Attorney General to rent, purchase, or construct such facilities as are necessary to provide secure and safe housing for Government witnesses and potential Government witnesses and their families in legal proceedings and investigations against persons alleged to have participated in organized criminal activity. It also provides that the Attorney General may offer the use of these facilities to such persons when in his judgment their testimony or willingness to testify would place them in jeopardy through illegal efforts to prevent them from testifying or punish them for testifying. It also defines "Government" to mean either the Federal or State Government, thus bringing within its scope witnesses in state proceedings. An appropriation of $1,000,000 is authorized for the fiscal year ending June 30, 1969, for carrying out this proposal.

The question of protecting Government witnesses is not one of law but of practicality. In view of the nature of organized crime there can be no doubt regarding the need for protection of witnesses. In pursuit of its ends the members of organized crime syndicates will ruthlessly eliminate anyone who stands in the way of success in any criminal enterprise and will destroy anyone who betrays the secrets of the syndicate.

While the Department wholeheartedly supports the theory behind Title VI, we believe that instead of limiting the Department to the renting, purchasing, and constructing of housing facilities, the Congress should consider a broader range of uses for the expenditure of funds in this area. The most substantial item which should be allowed for is perhaps the salaries and expenses of the United States Marshal's office which provides protection for most such witnesses. In addition, we believe that there should be authorization of appropriations for the care and protection of such witnesses to be used in whatever manner is deemed most useful under the special circumstances of each case. Such a provision would provide the necessary flexibility to adequately deal with this problem.

The Bureau of the Budget and the Department of Justice have undertaken a study of the potential costs of Title VI in response to Senator McClellan's letter of March 17, 1969 to the Director of the Bureau. While that study is not yet completed, we believe it desirable that the bill not specify a particular appropriation authorization amount or limit the authorization to a single fiscal year.

It is also noted that this Title speaks in general terms of providing such protected facilities to witnesses and potential witnesses in "investigations which might lead to legal proceedings." In view of the enormity of the expenses involved in the care and protection of witnesses and informants in this area generally, we do not wish this Title to be construed as shifting the responsibility for the expenses of informants which are presently being borne by the several investigative agencies of the Government, including the Federal Bureau of Investigation, the Internal Revenue Service, the Bureau of Narcotics and Dangerous Drugs, and others.

Finally, it is noted that this Title authorizes the Attorney General to provide secure and safe housing facilities for the use of both state and Federal witnesses. In view of the enormity of the costs and other practical problems involved in the protection of witnesses, the Department believes it to be inappropriate for it to assume the responsibility for the protection of state witnesses and feels that this responsibility should be assumed by the states. While, therefore, we do not believe that the Attorney General should be authorized to provide for the care and protection of state witnesses, we would not be opposed to granting him authority to offer the use of housing facilities, on a reimbursable basis, in limited situations where the states cannot provide adequate facilities to its witnesses, provided all other arrangements and expenses for the protection and care of such witnesses, such as guards, subsistence, medical care, etc., are made and borne by the states.

TITLE VII—DECLARATIONS OF CO-CONSPIRATORS

This Title would amend Chapter 223 of Title 18, United States Code, by adding at the end thereof a new Section 3502, "Admissions of co-conspirators".

This provision would make admissible into evidence in a criminal action in which it is alleged that two or more defendants participated as co-conspirators in the commission of a criminal offense, and extrajudicial declaration made by one such defendant against any other defendant if the court determines that: (1) the declaration was made by the defendant during his participation in the conspiracy, (2) there are in existence facts and circumstances from which its trustworthiness may be inferred, (3) the declaration relates to the existence of the conspiracy, and (4) the declaration was made during the time in which such other defendant participated in the conspiracy.

This provision appears to codify in all but one respect the present law as to the admissibility in evidence of the declarations of co-conspirators in conspiracy cases. All aspects of the present rule are retained save the requirement of "furtherance". In lieu of this, there is substituted the requirement that such a declaration must "relate to the existence or execution" of the conspiracy, and that to render it admissible the court must find that "there are in existence facts and circumstances from which its trustworthiness may be inferred".

The "conspirator's hearsay exception" is a firmly established exception to the general rule against the use of hearsay to establish criminal liability. *Krulewitch* v. *United States*, 336 U.S. 440, 443 (1949). The exception has come to rest in American jurisprudence on agency principles, as articulated by Mr. Justice Storey in *United States* v. *Gooding*, 25 U.S. (12 Wheat.) 460, 469 (1827), and the exception remains as yet unquestioned by the Supreme Court. See *Bruton* v. *United States*, 391 U.S. 123, 128 N.3 (1968).

The rationale behind this proposed change apparently is that the "furtherance" requirement of this exception is of somewhat ill defined meaning, but apparently an outgrowth of the agency rationale which is sometimes stated in terms of *res gestae* language, but which many other courts interpret so broadly as to apply to anything that relates to the conspiracy. Since this reduces the requirement to relevancy, and since all evidence must be relevant, it is reasoned that the "furtherance" requirement is thus eliminated in substance if not in form. This being so, it is felt that something more, namely, the element of trustworthiness should be required.

The logic of this argument is quite compelling, and the substitution of the element of trustworthiness of relevant evidence for the furtherance requirement would appear to be not only more realistic in terms of current judicial interpretation but also more consistent with the policy behind this exception to the general rule of exclusion of hearsay evidence.

Criminal law conspiracy principles have been most effective in organized crime prosecutions, and there can be no doubt that the "co-conspirator's hearsay exception" has been a vital factor in their success. The continued vitality of this co-conspirator rule is absolutely essential in conspiracy prosecutions of all types. Since the agency rationale which currently supports this exception is subject to increasing criticism by the courts and by authorities in the field, it would seem only prudent to move away from this rationale toward a more realistic basis for the exception, that is from agency to trustworthiness.

The movement to eliminate the furtherance requirement began with Professor Morgan's examination of the soundness of the vicarious liability rationale in an article in 42 Harvard Law Review 461 (1929). As a result of Professor Morgan's article the furtherance requirement was eliminated both in the *Uniform Rules of Evidence*, Rule 63(9), and in the *Model Code of Evidence*, Rule 508(b). It has also been approved by Professor McCormick, *Evidence*, Section 244 (1964).

The ambiguity of the furtherance requirement has caused considerable difficulty in the admission of testimony in conspiracy prosecutions, and more often than not a narrow construction of the term results in the exclusion of the Government's evidence. Few opportunities for appellate review of the principle have been occasioned since the Government has no right of appeal.

On the other hand, a conflict among the Circuit Courts exists in the cases of *United States* v. *Birnbaum*, 337 F. 2d 490 (C.A. 2, 1964), where Judge Lumbard applies a strict agency construction to the furtherance requirement, and in *International Indemnity Company* v. *Lehman*, 28 F. 2d 1 (C.A. 7, 1928), *cert. denied*, 278 U.S. 648, which is classicly cited for the virtual abandonment of the furtherance requirement in favor of the test of relevancy.

In view of these authorities then, and in view of the apparent reality that many courts have discarded the furtherance requirement in favor of relevancy, it would seem that this is an appropriate time to codify this principle. Perhaps an even more cogent reason for discarding the furtherance requirement which is based on agency and shifting the basis of the exception to trustworthiness, however, is the portent in several recent Supreme Court decisions, *Pointer* v. *Texas*, 380 U.S. 400 (1965); *Douglas* v. *Alabama*, 380 U.S. 415 (1965); *Barber* v. *Page*, 390 U.S. 719 (1968); and *Bruton* v. *United States*, 391 U.S. 123 (1968), that the Supreme Court may be moving towards re-examination of the present theory sustaining the admissi-

bility of co-conspirator's statements based on agency principles. These cases, while dealing with co-conspirator's statements sought to be addmitted after the termination of the conspiracy, indicate that the right to confrontation under the Sixth Amendment still permits some traditional hearsay exceptions, based upon necessity and trustworthiness. In view of these decisions, therefore, it would seem that this would be a prudent time to enact this provision.

TITLE VIII—SPECIAL OFFENDER SENTENCING

Title VIII would amend Chapter 227 of Title18, United States Code, by adding at the end thereof four new Sections (Sections 3575–3578) dealing with the punishment of special classes of offenders.

This Title provides, upon conviction of a felony, for increased punishment for three categories of special offenders—habitual offenders, professional offenders, and organized crime offenders. Habitual offenders are defined as those with two or more previous felony convictions. Professional offenders and organized crime offenders are defined at greater length, but less precisely. In each case the United States Attorney must give notice to the defendant prior to trial that he intends to proceed against him as a special offender. If the trial results in a conviction, there is a subsequent hearing to determine whether the defendant is a special offender. If the court determines that he is, the defendant may be sentenced to up to thirty years imprisonment and is not eligible for suspension of sentence, parole, or remission, or reduction of the sentence for any cause until he has served at least two-thirds of the term imposed. Sentences will be subject to appellate review by either the Government or the defendant and the appellate court may increase or decrease the sentence. Finally, in sentencing under these provisions the court is allowed to receive and consider any and all evidence without regard to the manner in which such evidence was obtained.

The imposition of increased penalties for special classes of offenders is a procedure which has been approved for some time, and the Department believes that such a procedure is desirable. Title VIII, however, as presently drafted, raises serious problems in three general areas—specificity of definitions for categories of offenders, procedures for making determinations, and the appeal provisions.

As to the first, Title VIII adequately defines a habitual offender and gives adequate notice for hearing on the recidivist issue in line with state statutes which have been held constitutional. *Epperson* v. *United States*, 371 F. 2d 956 (1967); *Kendrick* v. *United States*, 238 F. 2d 34 (1957); *Rider* v. *Crouse*, 357 F. 2d 317 (1966); *Byers* v. *Crouse*, 339 F. 2d 550 (1964); *Oylers* v. *Boles*, 368 U.S. 448 (1962).

The definition of professional offender appears to be so vague as possibly to violate due process. *Lanzetta* v. *New Jersey*, 306 U.S. 451 (1939). It includes no limits and can easily be read to include any criminal. Such a category is too broad and may be held to violate not only due process but the equal protection clause as well because of a lack of justifiable distinction warranting extra punishment for this category of offenders. In addition, increasing the punishment for this category seems to be punishing status and not a particular criminal act, which was held unconstitutional in *Robinson* v. *California*, 370 U.S. 660 (1962). But see *Lanzetta* (*supra*) which indicated a person could be punished for being a gangster (status) if the definition was not too vague. And see *Powell* v. *Texas*, 392 U.S. 514 (1968) which held that a chronic alcoholic could be punished for being in a public place (status plus overt act).

In order to withstand a constitutional attack on grounds of vagueness, therefore, it is felt that the definition of professional offender must be made more specific and must emphasize a pattern of specific past criminal activity and conduct in opposition to the legal structure of society as a whole, rather than emphasis on his income from a source other than legal. This could perhaps best be approached by adopting the approach taken in the Model Sentencing Act which allows for extended sentences for dangerous offenders on grounds, *inter alia* that:

(c) The defendant is being sentenced for the crime of extortion, compulsory prostitution, selling or knowingly and unlawfully transporting narcotics, or other felony, committed as part of a continuing criminal activity in concert with one or more persons.

The definition of organized crime offender, on the other hand, is much more specific than professional offender and does not appear so vague as to violate due process, and appears to define the type of person sought to be covered by this Title with a fair amount of accuracy.

It is suggested that one method of solving the problem would be to develop a single definition for both professional offender and organized crime offender which would comprehend any person convicted of a felony involving extortion, narcotics, gambling, prostitution, bribery, etc., or other felony, which was committed as part of a continuing illegal business or activity in which he acted in concert with one or more persons and occupied a position of organizer or other supervisory or management position, or was an executor of violence. This approach would adopt in part the criteria set forth in the above-quoted reference to the Model Sentencing Act.

The second objection to this Title is that the procedures for making a determination may also violate due process. Although there is a provision for a hearing, the court is evidently not limited to the evidence submitted during the trial and the hearing in determining whether or not the defendant is a special offender, since the determination may be made on the basis of the presentence report to which the defendant apparently would not have access. Similarly, it is pointed out that no attempt is made to define the defendant's right to be informed of and to refute the evidence on which the court's determination is made. Nor is the court apparently required to make any written findings other than the conclusory finding on which the extended sentence is based.

We believe there is a substantial risk that this procedure would be held to violate due process under the rule announced in *Specht* v. *Patterson*, 386 U.S. 605 (1967). In that case which dealt with a post-conviction proceeding under a state Sex Offenders Act, the court said:

Due process, in other words, requires that [the defendant] be present with counsel, have an opportunity to be heard, be confronted with witnesses against him, have the right to cross-examination, and to offer evidence of his own. And there must be findings adequate to make meaningful an appeal that is allowed. 386 U.S. at 610.

While it is not entirely certain that all of these procedures would be required prior to the imposition of an extended penalty for a specific crime (as distinguished from a sex offender commitment that is triggered by, but separate from, the conviction for a crime), it is probable that more is required before imposing an extended sentence than is necessary to ordinary sentencing procedure. Short of a full jury trial, it is not clear what the procedural requirements for extended sentencing are.

In order to strengthen the procedures of this proposal against successful constitutional attack, it is suggested that it be amended to provide the following procedural safeguards in addition to its provisions for notice and hearing: (1) a requirement that the defendant be furnished a copy of the presentence report with the names of confidential sources deleted where necessary; (2) the right to counsel and opportunity to cross-examine any witnesses presented by the Government; (3) the right to compulsory attendance of witnesses on the defendant's behalf; (4) a requirement that the court state the basis for imposition of extended sentence.

On the other hand, it is not felt that either a public hearing or strict adherence to the rules of evidence is required. The imposition of sentence on the basis of a preponderance of the evidence also appears to be consistent with due process.

The lack of direct precedent makes it virtually impossible to predict whether these procedures would survive constitutional challenge. On balance they seem fair and consistent with the due process requirements outlined in *Specht* (*supra*), and it is certainly arguable that they meet the necessary constitutional requirements.

The third problem with this Title is in connection with proposed Section 3577 which provides for appellate review of sentence by both the Government and the defendant, and allows an increase of sentence when either the Government or the defendant appeals.

Two constitutional problems at issue here are the double jeopardy question involved in allowing an appeal by the prosecutor, and the due process question involved in allowing an increase of sentence where the defendant appeals.

As to the first, while recent authorities appear to cast some doubt on the constitutionality of this provision, cf. *Patton* v. *North Carolina*, 381 F. 2d 636, 645–46 (C.A. 4, 1967), *cert. denied*, 390 U.S. 905 (1968) and *Whaley* v. *North Carolina*, 379 F. 2d 221 (C.A. 4, 1967), the Supreme Court has upheld an increase in sentence following an appeal by the defendant in at least three cases: *Flemister* v. *United States*, 207 U.S. 372 (1911); *Ocampo* v. *United States*, 234 U.S. 91 (1914); *Stroud* v. *United States*, 251 U.S. 15 (1919). Consequently, it would seem that if these cases are still good law today then the Government should be able to seek an increase in sentence on appeal without violating either due process or the Fifth Amendment ban on double jeopardy.

The constitutional issue of whether a defendant may be given an increased sentence when he appeals may be decided in two cases now on the docket of the Supreme Court. In these cases, *North Carolina* v. *Pearce*, No. 413, 1968 Term, and *Simpson* v. *Rice*, No. 418, 1968 Term, the issue is squarely presented whether a defendant may be given an increased sentence after his first sentence has been set aside for one reason or another.

In order to avoid the question of due process posed by this provision, it is suggested that this proposal be amended to provide that if the Government fails to exercise its right of appeal within a specified number of days, e.g., ten days, then no increase of sentence may be allowed upon appeal by the defendant after the Government has exercised its option whether to appeal or not.

EXHIBIT 4

LA COSA NOSTRA FAMILIES

LA COSA NOSTRA: THE "COMMISSION"

Set forth as follows is a schema of the structure of La Cosa Nostra's "Commission" as composed in 1960 as compared to the current make-up and status of this group:

"Commission"—1960

Vito Genovese: New York City.
Carlo Gambino: New York City.
Joseph Profaci: New York City.
Joseph Bonanno: New York City.
Thomas Luchese: New York City.
Stefano Magaddino: Buffalo, New York.
Angelo Bruno: Philadelphia, Pennsylvania.
Joseph Zerilli: Detroit, Michigan.
Salvatore Giancana: Chicago, Illinois.

"Commission"—1969

Carlo Gambino: New York City.
Joseph Colombo: New York City.

Paul Sciacca: New York City.

Open (Carmine Tramunti emerging as successor to the deceased Thomas Luchese. "Commission" status not yet decided.)

Open (Gerardo Catena acting boss following death of Vito Genovese. Successor and "Commission" status not yet decided.)

Stefano Magaddino: Buffalo, New York.

Angelo Bruno: Philadelphia, Pennsylvania.

Joseph Zerilli: Detroit, Michigan.

Open (Anthony Accardo and Paul DeLucia are acting in charge of the Chicago "family" due to Giancana's flight from the United States in 1966.)

BOSTON, MASS.

Set forth as follows is data regarding the leadership of the New England "Family" of La Cosa Nostra as of 1960 and as it is structured in 1969:

1960

Boss: Raymond Patriarca.

Underboss: Anthony Santaniello.

Consigliere: Joseph Lombardo.

Capodecina: Joseph Anselmo, Michael Rocco; John Williams; and Henry Tameleo.

1969

Boss: Raymond Patriarca.

Underboss: Gennaro Angiulo.

Consigliere: Joseph Lombardo.

Capodecina: Joseph Anselmo; Ilario Zannino; and Edward Romano (acting Capodecina).

BUFFALO, N.Y.

The following was the leadership structure of the Buffalo "family" of La Cosa Nostra as of 1960:

1960

Boss: Stefano Magaddino.

Underboss: Fred Randaccio.

Consigliere: Vincent Scro.

Capodecina: Jacomino Russolesi; Benjamin Nicoletti, Sr.; Roy Carlisi; Pasquale Natarelli; and Joseph Falcone.

The following is the leadership structure of the Buffalo "family" as of 1969:

1969

Boss: Stefano Magaddino.

Underboss: Joseph Fino.

Consigliere: Vincent Scro.

Capodecina: Frank Valenti; Benjamin Nicoletti, Sr.; Roy Carlisi; Pasquale Natarelli; and Joseph Falcone.

CHICAGO, ILL.

The following represents the leadership structure of the Chicago "family" of La Cosa Nostra as of 1960:

1960

Boss: Salvatore Giancana.

Underboss: Frank Ferraro.

Consigliere: Jointly held by Anthony Accardo and Paul DeLucia.

Capodecina: Ross Prio; Rocco Potenzo; Fiore Buccieri; Joseph Aiuppa; Frank LaPorte, and William Daddano.

As follows is the leadership make-up of the Chicago "family" as of 1969:

1969

Boss: Open (Anthony Accardo and Paul DeLucia acting in charge of Chicago "family" due to flight of Salvatore Giancana from United States in 1966, and incarceration of his interim successor Samuel Battaglia).

Underboss: Open (John Cerone acting Underboss).

Consigliere: Open (Felix Alderisio possibly acting in this capacity).

Capodecina: Ross Prio; Fiore Buccieri; John Cerone; Joseph Aiuppa; James Catuara, and William Daddano.

DETROIT, MICH.

Set forth as follows is pertinent data regarding the leadership structure of the Detroit La Cosa Nostra "family" as composed in 1960 as compared to 1969:

1960

Boss: Joseph Zerilli.

Underboss: John Priziola.

Consiglieri: Angelo Meli; Peter Licavoli; Joseph Massei.

Capodecina: William Tocco; Giacamo W. Tocco; Joseph Bommarito; Matthew Rubino; Raffaele Quasarano; Anthony Giacalone; Dominic Corrado; Anthony Zerilli; Michael Polizzi; and Anthony Besase.

1969

Boss: Joseph Zerilli.

Underboss: John Priziola.

Consiglieri: Angelo Meli; Peter Licavoli; Joseph Massei.

Capodecina: William Tocco; Matthew Rubino; Raffaele Quasarano; Anthony Giacalone; Dominic Corrado; Giacamo W. Tocco; Anthony Zerilli; Michael Polizzi, and Anthony Besase.

LOS ANGELES, CALIF.

The following was the leadership of the Los Angeles La Cosa Nostra "family" in 1960:

1960

Boss: Frank DeSimone.

Underboss: Simone Scozzari.

Consigliere: Charles Dippolito; Joseph Giammona; Joseph Dippolito; and Joseph Adamo—San Diego.

The leadership of the Los Angeles La Cosa Nostra "family" as of 1969 is as follows:

1969

Boss: Nicolo Licata.

Underboss: Joseph Dippolito.

Consigliere: Tommy Palermo.

Capodecina: Dominic Brooklier; Angelo Polizzi; and Joseph Adamo—San Diego.

NEW JERSEY "FAMILY"

The following represents the leadership structure of the New Jersey "family" of La Cosa Nostra as of 1960 and 1969:

1960

Boss: Nicholas Delmore.

Underboss: Frank Majuri.

1969

Boss: Samulel DeCavalcante.

Underboss: Frank Majuri (Joseph LaSelva reported to operate as DeCavalcante's Underboss for Connecticut membership.)

NEW YORK, N.Y.

Set forth as follows is the leadership of New York City's five La Cosa Nostra "families" as composed in 1960 compared to their current structure as in 1969:

Joseph Profaci "Family"—1960

Boss: Joseph Profaci.

Underboss: Joseph Magliocco.

Consigliere: Charles LoCicero.

Capodecina: Harry Fontana; John Oddo; Salvatore Mussachio; Salvatore Badalmente; John Misuraca; Ambrose Magliocco; Nicoline Sorrentino; Simone Andolino; John Franzese; and Joseph Colombo.

1969

Boss: Joseph Colombo.

Underboss: Salvatore Mineo.

Consigliere: Benedetto D'Alessandro.

Capodecina: Vincent Aloi; Simone Andolino; Harry Fontana; Nicholas Forlano; John Franzese; Frank Richard Fusco; John Misuraca; Salvatore Mussachio; John Oddo; Carmine Persico; Nicholas Sorrentino; and Joseph Yacovelli.

Carlo Gambino "Family"—1969

Boss: Carlo Gambino.

Underboss: Joseph Biondo.

Consigliere: Joseph Riccobono.

Capodecina: Anthony Anastasio; Domenico Arcuri; Paul Castellano; Joseph Colozzo; Pasquale Conte; Aniello Dellacroce; David Amodeo; Charles Dongarra; Alfred Eppolito; Peter Ferrara; Arthur Leo; Carmine Lombardozzi; Rocco Mazzie; Joseph Paterno; Joseph Silesi; Peter Stincone; Joseph Traina; Ettore Zapi; and Joseph Zingaro.

1969

Boss: Carlo Gambino.

Underboss: Aniello Dellacroce.

Consigliere: Joseph Riccobono.

Capodecina: David Amodeo; Domenico Arcuri; Joseph Colozzo; Vincent Corrao; Pasquale Conte; Charles Dongarra; James Failla; Peter Ferrara; Joseph Gambino (brother of Carlo Gambino); Joseph Gambino; Anthony Napolitano; Gaetano Russo; Giacomo Scarpula; and Paul Castellano.

1969

Capodecina: Anthony Scotto; Anthony Sedotto; Peter Stincone; Giuseppi Traina; Mario Traina; Ettore Zappi; Joseph Zingaro; Olympio Garofalo; Frank Corbi; Frank Perrone; Joseph Paterno; Joseph Silesi; James Eppolito; and Frank Rizzo.

Vito Genovese "Family"—1960

Boss: Vito Genovese.

Underboss: Gerado Catena.

Consigliere: Michele Miranda.

Capodecina: Anthony Strollo; Angelo DeCarlo; Eugene Catena; Michael Coppola; Peter DeFeo; Frank Tieri; Antonio Carillo; Cosmo Frasca; Rocco Pellegrino; Vincenzo Generoso; Salvatore Celembrino; Vincent Alo; Ruggiero Boiardo; John Biele; Thomas Greco; James Angellino; and Frank Celano.

1969

Boss: Open (Gerado Catena acting in view of death of Vito Genovese).

Underboss: Gerardo Catena (Thomas Eboli, acting).

Consigliere: Michele Miranda.

1969

Capodecina: Vincent Alo; Ruggiero Boiardo; Angelo DeCarlo; Antonio Carillo; Salvatore Celembrino; Frank Celano; Peter DeFeo; Cosmo Frasca; Vincenzo Generoso; Michael Generoso (acting); Thomas Greco; Philip Lombardo; Rosario Mogavero; Frank Tieri; Harry Lanza; Rocco Pellegrino; and Salvatore Cufari.

Thomas Luchese "Family"—1960

Boss: Thomas Luchese.

Underboss: Steve LaSalla.

Consigliere: Vincent Rao.

Capodecina: Antonio Corallo; Joseph Laratro; Joseph Luchese; John Ormento; James Plumeri; Joseph Rosato; Salvatore Santora; Carmine Tramunti; and Paul Correale.

1969

Boss: Open (Carmen Tramunti, acting boss).

Underboss: Steve LaSalla.

Consigliere: Vincent Rao.

Capodecina: Anttonio Corallo; Joseph Lagano; Joseph Laratro; Joseph Luchese; John Ormento; Joseph Rosato; Chris Funari; Paul Vario.

Joseph Bonanno "Family"—1960

Boss: Joseph Bonanno.

Underboss: Frank Garofalo.

Consigliere: John Tartamella.

Capodecina: Carmine Galante; Natale Evola; Matteo Valvo; Frank LaBruzzo; Thomas DeAngelo; Joseph Notaro; and Nicholas Marangello.

1969

Boss: Paul Sciacca.

Underboss: Frank Mari.

Consigliere: Michael Adamo.

Capodecina: Philip Rastelli; Nicholas Marangello; Armando Pollastrino; Nicholas Alfano; Joseph DiFilippi; Giovanni Fiordilino; Pasquale Gigante; John Morale; Dominick Sabella; Michael Sabella; Sereno Tartanella; Joseph Zicarelli; and Louis Greco.

PHILADELPHIA, PA.

The following is a schema setting forth the leadership of the Philadelphia "family" of

La Cosa Nostra as it is currently composed and as it was structured in 1960:

1960

Boss: Angelo Bruno Annaloro.
Underboss: Ignazio Denaro.
Consigliere: Joseph Rugnetta.
Capodecina: Philip Testa; John Cappello; Pasquale Massi; Joseph Sciglitano; Felix John DeTullio; Nicholas Piccolo; Joseph Scafidi; and John Simone.

1969

Boss: Angelo Bruno Annaloro.
Underboss: Ignazio Denaro.
Consigliere: Joseph Rugnetta.
Capodecina: Philip Testa; John Cappello; Joseph Lanciano; Joseph Sciglitano; Peter J. Maggio; Nicholas Piccolo; Joseph Scafidi; and John Simone.

SAN FRANCISCO AREA

Set forth as follows is pertinent data regarding the leadership structure of the San Francisco, and San Jose, California, La Cosa Nostra "families" as composed in 1960 as compared to 1969:

San Francisco—1960

Boss: James Lanza.
Underboss: Gaspare Sciortino.

San Francisco—1969

Boss: James Lanza.
Underboss: Gaspare Sciortino.
Capodecina: Vincenzo Infusino.

San Jose—1960

Boss: Joseph Cerrito.
Underboss: Charles Carbone.
Consigliere: Steve Zoccoli.
Capodecina: Angelo Marino; Emanuel Figlia; Philip Morici; and Joe Cusenza.

San Jose—1969

Boss: Joseph Cerrito.
Underboss: (Charles Carbone deceased and no known replacement.)
Consigliere: Steve Zoccoli.
Capodecina: Emanuel Figlia and Philip Morici.

LA COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960–MARCH 1969

Indictments involving 328 Defendants: 235.
Cases resulted in Conviction of 182 defendants: 137.
Defendants Acquitted: 32.
Indictments against 31 Defendants were Dismissed.
Conviction of 22 Defendants was Reversed.
Known or suspected Members of Cosa Nostra were indicted and/or convicted between 1960 and March 1969: 257.

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969

Name	Indictment	Disposition	Sentence	District
Accardi, Sam	8/15/55 narcotics	7/20/64	15 yrs USP, Atlanta 10/29/64	SD NY.
Carbo, Paul John	9/22/59 Hobbs extortion	5/30/61	25 yrs USP, Alcatraz 5/24/62 USP, Marion, Ill 1/6/69	SD Cal.
Dragna, Louis T			5 yrs Dragna—reversed 2/13/63	
Palermo, Frank			15 yrs USP, Lewisburg, Pa. 12/2/61 Fed Pr Camp, Allenwood, Pa. 12/11/68.	
Sica, Joseph			20 yrs USP, Leavenworth 8/1/64	SD NY.
Evola, Natale	5/21/59 perjury obs. of justice (combined with 10 yr narcotics sent.).	1/30/60	5 yrs USP, Leavenworth 3/6/60 3/21/66 MR	SD NY.
Accardo, Anthony J	4/25/60 tax evasion	11/11/60 remanded 1/5/62 acquitted 10/3/62.	6 yrs	ND Ill.
Persico, Carmine	4/28/60 Hobbs extortion	4/20/64 reversed 7/30/65 5/28/68 convicted.	15 yrs	ED NY.
Di Pietro, Cosmo	5/5/60 narcotics	6/25/62	20 yrs USP, Terre Haute 10/22/62	SD NY.
Galante, Carmine			20 yrs USP, Leavenworth 1/7/63	
Ormento, John			40 yrs USP, Leavenworth 10/10/62 USP, Marion, Ill. 1/16/69	
Loicano, Angelo			20 yrs USP, Atlanta 3/26/64	
Genese, Pasquale	6/1/60 mail fraud	1/11/61	1 yr SS; 5 yrs prob	SD NY.
Allegretti, James	6/30/60 poss. of hijacked liquor	4/24/62	7 yrs USP, Terre Haute 7/1/65	ND Ill.
Lisciandrello, Frank			7 yrs	
Verra, John	10/13/60 liquor laws	10/25/61	2 yrs USP, Lewisburg 5/3/62	SD NY.
Provenzano, Anthony	11/15/60 Hobbs extortion	6/11/63	7 yrs USP, Lewisburg 5/31/66	NJ.
Sica, Alfred	3/17/61 tax evasion	3/17/62	3 yrs USP, McNeil Isl 5/27/64 USP, Atlanta 12/3/64	SD Cal.
Agueci, Vito	5/22/61 narcotics	12/28/61	15 yrs USP, Atlanta 2/13/62 Fed Corr Inst, Sandstone, Minn. 10/15/65.	SD NY.
Valachi, Joseph		12/28/61	20 yrs USP, Atlanta 6/17/60 Fed Corr Inst, Milan 3/22/6	
Caruso, Frank		3/4/63	15 yrs USP, Atlanta 4/22/63	
Maneri, Salvatore		3/4/63	15 yrs USP, Terre Haute 4/20/63 USP, Atlanta 7/13/65	
Gagliadotto, Charles, died 8/22/68	arrested 9/3/61 narcotics	Dismissed 12/6/66		
Troiano, Leonard	10/26/61 theft from interstate	4/12/62	4 yrs USP, Atlanta 4/26/62 Fed Corr Inst, Danbury 1/16/64; 2/3/65 MR.	SD NY.
Troiano, Frank		4/20/62	4 yrs USP, Atlanta 4/26/62 Fed Pr Camp, Allenwood, Pa. 1/15/64; 1/28/65 MR.	
Marcello, Carlos	10/30/61 conspiracy	11/22/63 acquitted		ED La.
Marcello, Carlos	10/31/61 perjury	8/65 dismissed		ED La.
Corallo, Anthony	12/7/61 obs. of justice	6/16/62	2 yrs USP, Lewisburg 11/15/63 5/7/65 MR	SD NY.
Verra, Anthony	12/28/61 obs. of justice	8/17/62 acquitted		SD NY.
Verra, John		8/17/62	1 yr and 1 day concurrent with 2 yrs in liquor case	
Caruso, Frank	2/2/62 bail jumping	3/4/63	5 yrs concurrent with 15 yrs for narcotics	SD NY.
Maneri, Salvatore	2/2/62 bail jumping	3/4/63	5 yrs concurrent with 15 yrs narcotics	SD NY.
Mauro, Vincent			5 yrs concurrent with 15-yr narcotics sent	
Carlino, Leo	4/11/62 tax evasion	11/7/63	1 yr & 1 day Fed Corr Inst, Danbury 12/9/63; exp GT 9/22/64	SD NY.
De Lucia, Fred	Arrested 8/2/62 counterfeiting	3/17/65	1 yr USP, Lewisburg 11/25/67 Fed Pr Camp, Allenwood, Pa 8/14/68; rel 9/17/68.	ED NY.
Borelli, Frank	8/15/62 narcotics	12/12/63	20 yrs	SD NY.
Ciccone, Anthony				
Locascio, Carmine		12/12/63	15 yrs	
Loiacano, Angelo		12/12/63	15 yrs	
Mogavero, Joseph		dismissed 9/91/66		
Mogavero, Rosario		12/12/63	15 yrs	
Sedotto, Michael		12/12/63	10 yrs	
Tantillo, Harry		12/12/63 All convictions reversed 7/31/64 Indictment dismissed 1/67	10 yrs	
Napolitano, Joseph	9/17/62 liquor laws	10/12/62	3 yrs Fed Corr inst, Danbury 1/9/63; 8/17/64 par	Maine.
Todaro, Richard	9/21/62 wagering	dismissed 10/15/65		WD NY.
Cino, Stephen		do		
Ciancutti, Thomas	9/26/62 watering	3/1/63	2 yrs suspended, 2 yrs probation	WD Pa.
Sams, William			do	
Giordano, Samuel	10/3/62 bankruptcy fraud	3/25/64	18 mos	ED Mich.
Rubino, Matthew		3/20/64 acquitted		
Provenzano, Anthony	11/14/62 Taft-Hartley Act	dismissed 6/24/66		NJ.
Maccagnone, James	11/15/62 harboring a fugitive superseding ind. 10/8/63.	4/23/65	5 yrs	ED Mich.
Barata, Peter	1/8/63 narcotics	3/20/64	7 yrs USP, Atlanta 5/20/65	SD NY.
Pecora, Joseph N	2/20/63 ITAR-gambling	4/2/63	acquitted	ND WVa.
Taglianetti, Louis	2/26/63 tax evasion	4/28/66	7 mos	R.I.
Stassi, Joseph	3/19/63 narcotics superseding ind. 11/1/63.	3/14/67 new trial ordered 4/14/67 6/28/67 convicted.	18 yrs USP, Atlanta 12/10/67	SD Texas.
Schipani, Joseph	4/11/63 tax evasion	10/15/65 reversed 1966 11/11/68 convicted.	3 yrs	ED NY.
Meli, Frank	4/18/63 embezzlement	dismissed 5/4/65		ED Mich.
Lombardozzi, Carmine	4/29/63 tax evasion			SD NY.
Tortorello, Arthur		3/23/64 conv	1 yr USP, Lewisburg 8/24/63 1 yr concurrent with mail fraud case.	
De Filippo, Louis		4/7/64 conv	8 mos. Fed Corr Inst, Danbury 4/29/64; exp GT 11/10/64	
Finazzo, Sam	5/8/63 moving goods from bonded area	acquitted 12/17/64		ED Mich.
Mannarino, Gabriel	5/10/63 tax evasion	acquitted		WD Pa.
Mannarino, Samuel		12/10/63	1 yr, 1 day USP, Lewisburg 9/10/64 8/1/65 min exp w/EGT	
Sams, William		12/10/63	1 yr, 1 day	
Pagano, Joseph	5/27/63 bankruptcy fraud	12/30/64	5 yrs USP, Atlanta 3/4/65 Fed Pr Camp, Allenwood, Pa. 4/2/68 fr USP, Lewisburg.	SD NY.
Castellana, Peter		12/30/64	5 yrs USP, Atlanta 4/15/66 USP, Lewisburg 3/7/67 Fed Pr Camp, Allenwood, Pa. 5/22/68.	

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969—Continued

Name	Indictment	Disposition	Sentence	District
Granza, Anthony	6/13/63 narcotics	9/25/64	20 yrs	SD Texas.
Sherman, Charles	6/26/63 tax evasion	5/12/64	1 yr, 1 day Fed Corr Inst, Milan 6/15/66	ED Mich.
Caifano, Marshall	7/2/63 conspiracy, extortion	2/7/64	10 yrs USP, Leavenworth 10/21/66	SD Cal.
Lombardozzi, John	7/22/63 assit Federal officer	11/26/63	20 mos. USP, Lewisburg 5/7/65	ED NY.
Marino, Daniel			20 mos. Fed Corr Inst., Danbury 4/22/65; 3/3/66 esp GT	
Lombardozzi, Carmine	8/22/63 violation of parole	8/23/63	1 yr. USP, Lewisburg 8/24/63; 1 yr writ discharged 6/17/64	Conn.
Aiuppa, Joseph	10/62 Migratory Bird Act	8/22/63 reversed and remanded 11/13/64, 6/21/66 conv.	3 mos	Kansas.
Lombardozzi, John	8/29/63 conspiracy, ITSP			SD NY.
Martinelli, Joseph G.				
Lisciandrello, Frank	9/19/63 liquor laws	2/4/64	15 mos. USP, Leavenworth 9/11/64	ND Ill.
Testa, Philip C	10/25/63 cited for contempt	11/1/63	Discharged 10/30/64	ED Pa.
Guiga, Louis	10/28/63 narcotics	6/27/67 acquitted		SD NY.
——, James	10/28/63 tax evasion	2/9/65	2½ yrs USP, Atlanta 5/20/65, 3/30/67 MR	ND NY.
De Pietto, Americo	10/29/63 narcotics	6/4/64	20 yrs USP, Leavenworth 11/19/64	SD NY.
Bruno, Angelo	10/31/63 shylock extortion	Acquitted 7/8/64		ED Pa.
Testa, Philip C.				
Giacalone, Anthony	11/19/63 tax evasion	Dismissed 8/64		ED Mich.
Giacalone, Vito.				
Rubino, Matthew	12/17/63 tax evasion	Acquitted 7/15/64		ED Mich.
Moceri, Leo	10/63 tax evasion	Acquitted 3/25/65		ND Ohio.
Cangelose, Louis, deceased	1/17/64 firearms viol	Dismissed 8/4/65		ND Iowa.
Picillo, Warren V	1/24/64 ITAR-gambling	10/23/65	4 mos. Fed Corr Inst, Danbury 2/1/66; 5/27/66 exp ft	RI.
Tortorello, Arthur	1/64 sale of worthless stock			SD NY.
Alderisio, Felix	2/4/64 threats of extortion conspiracy.	4/8/65 3/10/69, Supreme Court remanded re effect of electronic surveillance acquitted 4/8/65.	4½ yrs	Colorado.
De Pietto, Americo				
Termine, Anthony	2/7/64 false statement on FHA loan	Acquitted 2/24/66		ED Mich.
Gentile, Nicholas	3/3/64 tax evasion	6/18/64	60 days H of C, Hales Corners, Wis 10/13/64; exp term 12/11/6	ED Wis.
Granello, Salvatore	3/16/64 tax evasion	5/10/65	2 yrs Fed Corr Inst, Danbury 7/1/65	SD NY.
Napolitano, Orlando	3/18/64 ITAR-gambling	6/4/64	2 yrs Fed Corr Inst, Danbury 3/23/65; 5/26/66 par	Mass.
Rizzo, Michael	3/18/64 tax evasion		4 mos. Fed Corr Inst, San Pedro, Cal. 5/11/67; rel 9/8/67 exp FT.	SD Cal.
Pinelli, Anthony R	3/31/64 tax evasion	5/23/66	2 yrs prob	ND Ill.
Luciano, Frank	4/10/64 narcotics	Dismissed 6/18/64		SD NY.
Triliegi, John B	4/14/64 ITSP-securities	7/31/64	5 yrs USP, Leavenworth 11/3/64 USP, Terre Haute 3/26/65	ED Wis.
Covello, Joseph	4/17/64 ITAR-gambling	2/17/67 acquitted 2/17/67	3 yrs	SD NY.
Napolitano, Anthony	do	do	do	
Lombardozzi, John	4/29/64 obs. of justice	7/22/64 acquitted		SD NY.
Marino, Daniel	do	do		
Tornabene, Louis	5/28/64 false statement on	7/23/65	1 yr Fed Corr Inst, Sandstone, Minn 10/26/65	ND Ill.
Crapanzano, Patsy	7/9/64 Taft-Hartley Act	10/27/65	3 yrs probation	SD NY.
Castaldi, Anthony	Civil contempt	7/9/64	2 yrs	SD NY.
Tortorello, Arthur	7/15/64 SEC Act	3/7/67	30 days	SD NY.
De Pietto, Americo	7/28/64 assit Federal officer	11/12/64	2 yrs concurrent with 20 yrs in narcotics case	ND Ill.
Guarnieri, Salvatore	7/28/64 harboring; assist in offense ag the U.S.	2/17/67	2 yrs USP, Leavenworth 5/17/68	SD NY.
Shillitani, Salvatore	civil contempt	8/14/64	2 yrs USP, Lewisburg 11/5/64 vacated by Supreme Court on 6/6/66.	SD NY.
Lo Cicero, Charles	8/11/64 tax evasion	1/13/65	18 mos	ED NY.
Palmisano, Vincent	8/12/64 false statement on savings and Loan application.	Acquitted 1/26/65		SD Fla.
Armone, Joseph	9/30/64 narcotics	6/22/65	15 yrs USP, Lewisburg 10/21/66	SD NY.
Grammauta, Steven		6/22/65	8 yrs, USP, Atlanta 9/18/66, USP, Lewisburg 2/24/67	
Pacelli, Vincent		6/22/65	18 yrs USP, Atlanta 10/18/65	
Armone, Alfred		Acquitted		
Romano, Arnold		3/14/69	30 yrs	
Marcello, Carlos	10/4/64 obs. of justice	8/17/65 acquitted		ED La.
Pappadio, Andino	civil contempt	10/30/64, 6/6/66 vacated by Supreme Court.	2 yrs	SD NY.
Lombardozzi, John	11/24/64 bankruptcy fraud	9/22/67	2 yrs susp, 5 yr prob	SD NY.
Tramunti, Carmine	civil contempt	12/2/64, 6/6/66 vacated by Supreme Court.	1 yr	SD NY.
Glimco, Joseph P	12/17/64 Taft-Hartley Act	8/26/65 dismissed		ND Ill.
Marino, Angelo A	1/4/65 tax evasion			ND Cal.
Balistrieri, Frank	1/6/65 tax evasion	3/23/67 SD Ill	2 yrs. on appeal	ED Wis.
Anguilo, Gennaro	1/15/65 assit Federal officer	6/30/66	1 month H of C, Billerica	Mass.
Limone, Peter			1 month H of C, Billerica	Mass.
Cammisano, William	2/12/65 liquor laws	1/7/66	2 yrs USP, Leavenworth 2/28/66, 8/1/67 MR	WD Mo.
Simone, Thomas Died 5/21/68	2/12/65 liquor laws	12/20/65	20 mos. USP, Leavenworth 2/25/66 Fed Corr Inst, Texarkana, Texas 3/9/66	WD Mo.
Ciarelli, James		12/20/65	20 mos. USP, Leavenworth 2/28/66 exp GT 5/16/67	
Scudiero, Henry		dismissed 1/21/66		
Lapi, Joseph	2/26/65 narcotics	5/11/66	7½ years USP, Atlanta 4/13/67	SD NY.
Bonanno, Salvatore Vincent	civil contempt	3/2/65	rel. 6/4/65	SD NY.
Battaglia, Charles	3/5/65 Hobbs extortion	1/20/67	10 yrs USP, Leavenworth 2/14/68	Arizona.
Spinelli, Salvatore		acquitted 12/9/65		
Rao, Vincent John	3/17/65 perjury	11/17/67	5 yrs USP, Lewisburg 11/22/68	SD NY.
Conte, Ralph	3/26/65 wagering	8/6/65	1 yr Reversed 3/4/68 Dismissed 4/19/68	SD NY.
Castellana, Peter	3/30/65 tax evasion			ED NY.
Maione, Albert	4/21/65 wagering	dismissed 4/12/68		ED NY.
Romano, Arnold	4/27/65 bail jumping	10/7/66	5 yrs USP, Atlanta 3/19/67	SD NY.
Tourine, Charles	5/13/65 ITAR-gambling	10/19/66 acquitted		D.C.
Rubino, Matthew	5/20/65 tax evasion	1/29/69	10 yrs on appeal	ED Mich.
Giancana, Samuel	civil contempt	6/1/65		ND Ill.
Alello, John J	6/8/65 tax evasion	8/1/67 dismissed		ED Wis.
Quasarano, Raffaele	6/30/65 false statement on SBA loan application.	11/29/65 acquitted		ED Mich.
Erra, Pasquale	7/27/65 tax evasion	1/7/66	8 mos. Fed Corr Inst, Tallahassee 3/11/66; exp GT 9/23/66	SD Fla.
Pranno, Rocco	8/3/65 tax evasion	dismissed 1968		ND Ill.
Pranno, Rocco	8/3/65 extortion conspiracy	3/9/66	15 yrs USP, Leavenworth 10/23/66 USP, Atlanta 4/21/69	ND Ill.
Palma, Salvatore, died 1/6/66	9/2/65 ITS money and firearms used in Houston robbery.			WD Mo.
Cappello, John A	9/13/65 ITAR-gambling	11/10/66	1 yr probation	ED Pa.
De Vito, Dominick A		11/10/66	1 yr probation	
Narducci, Frank		11/10/66	1 yr probation	
		5/24/67, Fed Corr Inst, Danbury, 1 yr, prob viol; USP, Lewisburg 6/13/67; 2/9/68 min exp w/EGT.		
Lazzaro, Joseph		11/10/66	1 yr probation	
Sindone, Frank		11/10/66	1 yr probation	
Scandifia, Michael	9/30/65 IT counterfeit bonds	5/4/67	6 yrs	SD NY.
Giacalone, Vito	10/6/65 tax evasion, wagering			ED Mich.
Bisogno, Joseph V	10/12/65 extortion	3/17/66 acquitted		SD Fla.
Sansone, Ernest	10/27/65 narcotics registration	6/27/66, 1 yr., Reversed 10/10/67		ND Ill.
Pacelli, Vincent	11/8/65 obs. of justice	3/9/66	2 yrs to run consecutively with 18 yrs now serving for narcotics violation.	SD NY.

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969—Continued

Name	Indictment	Disposition	Sentence	District
Vitali, Albert	12/3/65 theft from interstate shipment	10/20/66	1 yr. FCI, Danbury 11/1/67 exp GT 10/30/68	R.I.
Infelice, Ernest	12/8/65 conspiracy	5/10/66	5 yrs USP, Terre Haute 8/10/67 USP, Leavenworth 9/26/67	ND Ill.
De Pietto, Americo		5/10/66	5 yrs on appeal	
Mirro, James		5/10/66	5 yrs on appeal	
Dioguardi, Frank	1/5/66 narcotics	7/ /66	15 yrs USP, Leavenworth 11/16/67	SD NY.
Ruggierello, Louis	1/18/66 wagering			ED Mich.
Picillo, Warren V	2/9/66 operating national wireroom			ED Pa.
Stassi, Joseph	2/16/66 perjury	2/1/67	5 yrs	SD Fla.
Picillo, Warren V	2/18/66/ operating national wireroom			R.I.
Maggio, Joseph	2/18/66 narcotics		10 yrs	SD NY.
Mancuso, Anthony, died 1967				
Todaro, Richard J	3/2/66 wagering superseding ind. 4/21/66	Dismissed 7/22/68		WD NY.
Varelli, John	3/10/66 false statement on FHA loan application.			ND Ill.
Lombardozzi, John	3/14/66 conspiracy, smuggling contraband to prisoners.	9/22/67	5 yrs prob	SD NY.
Amato, Angelo A	3/16/66 ITSP			ND Ohio.
Di Brizzi, Alexander	3/24/66 embezzlement	3/8/67	2 yrs prob	SD NY.
Rocco, Michael	4/4/66 asslt Federal officer	5/17/66	3 yrs prob	Mass.
Infelice, Ernest	4/7/66 tax evasion	1968	1 yr	ND Ill.
Inserro, Vincent	4/7/66 tax evasion	5/31/66	2 yrs FCI, Sandstone, Minn. 9/15/66; 3/4/68 MR	ND Ill.
Franzese, John	4/12/66 bank robbery	3/3/67	50 yrs on appeal	ED NY.
Matera, John			5 yrs serving life sentence in SPr, Raiford, Fla., for armed robbery.	
Daddano, William	4/15/66 hijacking	6/7/67 acquitted		ND Ill.
Infelice, Ernest		6/7/67 Reversed and dismissed by Supreme Court on 2/11/69.	15 yrs	
Varelli, John		6/7/67 Reversed and remanded for new trial by Supreme Court on 2/11/69.	15 yrs	
Melillo, Nicolo	4/20/66 perjury			SD NY.
Dioguardi, John	4/21/66 bankruptcy fraud	11/10/67	5 yrs on appeal	SD NY.
Sciarra, Rudolfo	(6/65) wagering	4/25/66	$300 fine	R.I.
De Lucia, Paul	4/28/66 perjury	11/67 acquitted		ND Ill.
Manna, Louis Anthony Dentico, Lawrence Precipe, Thomas Salerno, Ugo	5/16/66 extortion	3/17/67 acquittal for all		NJ.
Palmisano, Vincent	5/16/66 extortion; dismissed 7/18/66; dismissal reversed 8/12/66.	10/27/66	18 mos. USP, Atlanta 1/4/67 Fed Pr Camp, Eglin AF Base, Fla. 2/23/67; exp GT 2/1/67.	SF Fla.
Bonanno Joseph	4/14/66 sealed; 4/17/66 unsealed obs. of justice.			SD NY.
Glimco, Joseph P	6/1/66 Taft-Hartley Act	2/4/69	$40,000 fine	ND Ill.
Guglielmini, Frank	6/2/66 bankruptcy fraud	11/30/66	5 yrs. Reversed and remanded 10/24/67	ED NY
Piccolo, Frank	6/16/66 wagering	1/31/67	Dismissed	Conn.
Potenzo, Rocco	7/7/66 liquor laws	3/30/67	$1000 fine	ND Ill.
Caifano, Marshall	7/28/66 mail fraud	6/22/67	12 yrs on appeal	ND Ill.
Lucido, John A	9/1/66 wagering			ED Mich.
Alaevato, Dominic	9/2/66 wagering			ED Mich.
Lucido, Jack	9/2/66 wagering			ED Mich.
Lucido, Sam P.				
Rubino, Matthew	9/2/66 wagering			ED Mich.
Santoli, Anthony P	10/4/66 ITAR-gambling			SD NY.
Grosso, Frank				
De Luna, Carl A	10/5/66 theft from interstate commerce	4/14/67	Dismissed	Oregon
Marcello, Carlos	10/7/66 assaulting Federal officer	6/5/67	Dismissed	ED La.
Angelone, John D	10/21/66 theft from interstate commerce.	9/20/67	Acquitted	SD NY.
Alo, Vincent	10/66 obstruction of justice			SD NY
Manfredonia, John	11/10/66 wagering	5/16/67	1 yr. Reversed 1968	SD NY.
Castaldi, Anthony	civil contempt	11/10/66	rel. 12/16/66	SD NY.
Tranuti, Carmine	civil contempt	11/16/66	rel. 12/16/66	SD NY.
Dara, William J	1/5/67 Hobbs extortion	6/17/67	7½ yrs on appeal	SD Fla.
Esperti, Anthony		6/17/67	10 yrs on appeal	
Martello, Peter Murdered 10/14/67	1/25/67 ITAR-gambling			SD NY.
Gatto, John	1/26/67 ITAR-gambling	10/29/68	3 yrs prob	ED Pa.
Mosiello, Mario		10/29/68		
Battaglia, James	1/30/67 wagering	3/1/68	$1500 fine	SD NY.
Battaglia, Samuel	2/16/67 Hobbs extortion	5/9/67	15 yrs USP, Leavenworth 10/8/67 USP, Marion, Ill. 2/20/69	ND Ill.
Amabile, Joseph		5/9/67	15 yrs USP, Leavenworth 7/22/67	
Amabile, Joseph	2/16/67 Hobbs Act extortion	10/27/67	15 yrs on appeal	ND Ill.
Palermo, Nick		10/27/67	15 yrs USP, Leavenworth 11/17/67	
Dara, William	2/21/67 obs. of justice			SD Fla.
Lampasi, Lorenzo Jr	3/2/67 false statement on FHA loan application.			SD NY.
Medley, James H	3/11/67 postal burglaries superseding ind. 3/31/67.	5/22/67	15 yrs USP, Leavenworth 3/22/68 USP, Marion, Ill. 1/16/69	WD Mo.
Forlano, Nicholas	3/13/67 wagering	11/29/67		SD NY.
Melillo, Nicolo	3/23/67 Hobbs extortion			SD NY.
Scandifia, Michael	3/23/67 trans and pledge counterfeit ITT bonds.			SD NY.
Caputo, Carlo	5/4/67 tax evasion			WD Wis.
Boiardo, Ruggiero	5/15/67 wagering			NJ.
Boyd, Toby				
Gerardo, Andrew				
Marcello, Carlos	6/1/67 asslt fed officer	8/8/68 SD Texas	2 yrs on appeal	ED La.
Genova, Peter	6/5/67 counterfeiting	3/31/69	3½ yrs	SD NY.
Calandruccio, Joseph	6/8/67 Hobbs Act, ITAR conspiracy			SD NY.
Patiarca, Raymond	6/20/67 ITAR-bribery	3/8/68	5 yrs, USP, Atlanta 3/29/69	Mass.
Cassessa, Ronald			5 yrs	
Tameleo, Henry			5 yrs on appeal	
Randaccio, Frederico	6/29/67 Hobbs extortion	11/21/67	20 yrs USP, Terre Haute 1/14/68 USP, Leavenworth 4/3/68	WD NY.
Natarelli, Pasquale		11/21/67	20 yrs USP, Atlanta 3/1/68	
Cino, Stephen A		11/21/67	20 yrs USP, Lewisburg 12/11/67	
Randaccio, Frederico	6/29/67 Hobbs extortion			WD NY.
Natarelli, Pasquale				
Rizzo, Nicola				
Pieri, Salvatore	6/29/67 conspiracy	2/24/68 acquitted		WD NY.
Farrell, Lew Died 11/24/67	6/30/67 fraud			ND Ill.
Lo Proto, Salvatore	8/9/67 ITAR-gambling	1/9/68 acquitted		SD Fla.
Massi, Pasquale A	8/16/67 sodomy on govt. property	1/25/68	3 yrs on appeal	WD Ark.
Potenza, Vincent	3/23/67 theft & passing stolen travelers checks.	11/9/67	5 yrs USP, Lewisburg 1/4/68	SD NY.

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969—Continued

Name	Indictment	Disposition	Sentence	District
Ino		11/9/67	5 yrs	
Spignarolo		11/9/67	5 yrs	
Roselli, John	10/20/67 alien registration	5/23/68	6 mos. concurrent with 5 yrs in conspiracy case; on appeal	CD Cal.
Scaglione, Nick	10/24/67 ITWP			MD Fla.
Lazzara, Augustine	10/25/67 liquor laws	4/8/68 dismissed due to death of Lazzara on 4/8/68.		MD Fla.
Fratianno, James T	11/9/67 conspiracy false statement	6/28/68	3 yrs prob	SD Cal.
Sansone, Ernest	12/14/67 conspiracy	2/12/69	18 mos. FCI, Sandstone, Minn. 3/1/69	ND Ill.
Corallo, Antonio	12/18/67 ITAR-kickback scheme	6/19/68	3 yrs on appeal	SD NY.
Daddano, William	12/19/67 bank robbery superseding ind. 3/5/68.	10/3/68	15 yrs USP, Atlanta 10/8/68	ND Ill.
Pietto, Americo	12/19/67 hijacking, bank robbery	2/2/68	7 yrs concurrent with narcotics and ITSP charges	ND Ill.
Roselli, John	12/21/67 conspiracy, tax evasion	12/2/68	5 yrs on appeal	CD Cal.
Pecora, Joseph N	1/18/68 liquor laws	9/23/68	5 yrs prob	WD W.Va.
Aloisio, William	2/1/68 passing counterfeit notes superseding ind.	7/3/68		ND Ill.
Cacioppo, Frank C	2/19/68 theft from interstate commerce	6/12/68	3 yrs, USP, Terre Haute, 7/18/68, USP, Leavenworth 8/29/68	WD Mo.
Timphony, Frank V	3/8/68 ITAR-gambling			WD NY.
De Cavalcante, Samuel	3/21/68 ITAR-extortion			NJ.
Vastola, Gaetano D				
Panzarella, Anthony	Tax evasion	3/22/68	5 yrs. prob	ND Ohio.
Tropiano, Ralph	3/27/68 Hobbs extortion	11/15/68	12 yrs, USP, Leavenworth 12/9/68	Conn.
Piccaretto, Rene	4/3/68 Hobbs extortion			WD NY
Izaurgia, John				
Tartamella, Francesco	4/ /68 conspiracy			ED NY.
Fiordilino, Giovanni	Theft from interstate shipment			
D'Amato, Paul E	Corporate tax evasion	4/22/68	$500 fine	NJ.
Randaccio, Frederico	5/2/68 Hobbs extortion			WD NY.
Natarelli, Pasquale				
Cino, Stephen A				
Manfredonia, John	5/9/68 perjury	10/11/68	18 mos	SD NY.
De Feo, Peter	5/10/68 conspiracy			SD NY.
Lanzieri, Edward				
Plumeri, James				
Cimini, Anthony J	5/14/68 conspiracy theft from interstate commerce.			ED Mich.
Cimini, Anthony J	5/15/68 ITSP	11/15/68	2 yrs	ED Mich.
Plumeri, James	5/27/68 conspiracy			SD NY.
Plumeri, James	5/29/68 conspiracy			SD NY.
De Rose, Salvatore	(11/ /67) theft from interstate commerce.	6/18/68	7 yrs, USP, Terre Haute 7/15/68	ND Ill.
Strada, Ross J	6/24/68 conspiracy	11/6/68	6 mos, 5 yrs probation; Med Center for Fed Pr, Springfield, Mo. 11/12/68.	WD Mo.
Badalamenti, Emanuel	6/27/68 Interstate trans of firearms			ED Mich.
Bruno, Michael	6/27/68 ITAR-gambling			ED Mich.
Marchesani, Bernard	6/27/68 intimidation of federal officer			ED Mich.
Daddano, William	6/ /68 liquor laws			ND Ill.
Dongara, Charles P	7/5/68 conspiracy			SD NY.
Greca, Angelo J				
Granello, Salvatore	7/18/68 conspiracy			SD NY.
Plumeri, James				
Plumeri, James	7/24/68 conspiracy			SD NY.
Lentine, Sam	7/31/68 liquor laws	12/68 dismissed		ED Mich.
Lentine, Liberty		12/24/68 conv		
Bisogno, Joseph	7/31/68 counterfeiting superseding ind. 10/9/68.	3/4/69 conv		SD Fla.
Mancuso, Thomas	8/14/68 narcotics violator registration	3/26/69 conv		ED NY.
Meli, Vincent	8/20/68 counterfeit money			ED Mich.
Lombardozzi, Carmine	8/21/68 ITSP	3/12/69 conv		ED NY.
Augello, Anthony	9/18/68 Hobbs extortion			ED NY.
Falange, Anthony	9/20/68 conspiracy	2/27/69	5 yrs	ND NY.
Passalacqua, Salvatore	10/16/68 counterfeiting			ED Mich.
Ruggirello, Louis	10/22/68 firearms in interstate commerce by convicted felon.			ED Mich.
Giacalone, Anthony	11/14/68 Hobbs Act, obs. of justice tax evasion.			ED Mich.
Giacalone, Vito				
Agosta, Salvatore				
Antimino, Peter				
Bucciero, Albert				
Marchesani, Bernard				
Morelli, Ronald				
Passalacqua, Salvatore	11/20/68 counterfeiting			ED NY.
Mannarino, Giacento	11/27/68 conspiracy, ITSP	2/14/69	5 yrs	ED NY.
Bonanno, Salvatore	12/3/68 mail fraud, conspiracy, perjury			SD NY.
Notaro, Peter				
Capparelli, William	12/4/68 loansharking			ED NY.
Magaddino, Stefano	12/4/68 ITAR-gambling conspiracy			WD NY.
Magaddino, Peter				
Nicoletti, Benjamin Sr				
Bufalino, Russell A	12/12/68 conspiracy of ITSP			WD NY.
Sacco, John				
Mannarino, Giacento	12/18/68 ITSP, theft from U.S. mails			ED NY.
Emordino, Phillip	12/20/68 liquor laws			ND Ill.
Corallo, Antonio	12/20/68 Hobbs Act, ITAR, mail fraud, conspiracy.			SD NY.
Martine, Sam	12/24/68 superseding inf. liquor laws	12/24/68 conv		ED Mich.
Coraluzzo, Orlando	1/14/69 Taft-Hartley Act, Hobbs Act			SD NY.
Dippolito, Joseph	1/30/69 perjury			CD Cal.
De Riggi, Louis	2/5/69 false statement on loan application.			ND Ill.
Cerone, John P	2/6/69 ITAR-gambling conspiracy			ND Ill.
Angelini, Donald				
Aureli, Frank				
Bucciero, Albert	2/18/69 loansharking			ED Mich.
Lucido, Jack A	2/18/69 ITAR-gambling			ED Mich.
Randazzo, Frank	3/6/69 bringing illegal aliens and harboring same from Canada into Detroit.			ED Mich.
Marchesani, Bernard	3/6/69 loansharking			ED Mich.
Manello, John	3/19/69 bribery			SD NY.
Malaponte, Michael C	3/21/69 ITAR-gambling, loansharking, ITWI.			WD Mo.

EXHIBIT 5

DEPARTMENT OF JUSTICE COMMENTS ON S. 1861

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., August 11, 1969.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the Department of Justice's views on S. 1861 a bill designed to prohibit the infiltration of legitimate organizations by racketeers. As you were advised by Assistant Attorney General Will Wilson during his appearance before the Subcommittee on June 3, 1969, the Department had initiated an intensive study of this bill. This study is now completed, and I am submitting to you the Department's views on this bill's innovative approach to the problem of racketeer infiltration of legitimate business.

The Department favors the objectives of S. 1861, and believes that with some possible revisions its combination of criminal penalties and civil remedies, which has been highly effective in removing and preventing harmful behavior in the field of trade and commerce, may be effectively utilized to remove the influence or organized crime from legitimate business. While, then, we believe this bill has great merit, we do have problems with respect to certain of its provisi ns as presently drafted. These problems involve certain of the definitions contained in Section 1961, and the breadth of the prohibition contained in Section 1962(a).

Section 1961 is a definition section, containing the definition of such terms as racketeering activity, interstate commerce, State, person, enterprise, pattern of racketeering activity, unlawful debt, racketeering order, racketeering investigation, racketeering violation, racketeering investigator, and documentary material.

It is felt that the definition of the term "racketeering activity" contained in Section 1961(1)(A), "any act involving the danger of violence to life, limb, or property, indictable under State or Federal law and punishable by imprisonment for more than one year", is too broad and would result in a large number of unintended applications, as well as tending toward a complete federalization of criminal justice. It is suggested, therefore, that Section 1961(1)(A) be redefined as follows:

"(1) The term 'racketeering activity' means (A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, usury, or dealing in narcotic drugs, marihuana or other dangerous drugs, which is indictable under State law and punishable by imprisonment for more than one year."

It is felt that by thus narrowing the definition of the class of applicable state crimes in terms of their generic meaning, the definition of "racketeering activity" contained in Section 1961(1)(A) will be both broad enough to include most state statutes customarily invoked against organized crime, yet narrow enough to be constitutional. *United States* v. *Nardello*, 393 U.S. 286 (1969).

Section 1961(6) defines the term "pattern of racketeering activity" as follows:

"The term 'pattern of racketeering activity' includes at least one act occurring after the effective date of this chapter."

The term "pattern" indicates that what is intended to be proscribed is not a single, isolated act of "racketeering activity," but at least two such acts. In order to clarify this purpose, it is suggested that the term be redefined as follows:

"(6) The term 'pattern of racketeering activity' means at least two acts, one of which occurred after the effective date of this chapter."

Turning to the substantive provisions of the bill, Section 1962 contains three general types of prohibited racketeering activities. Under subsection (a) it shall be unlawful for any person who has knowingly received any income derived, directly or indirectly, from a pattern of racketeering activity to use or invest, directly or indirectly, any part of **such** income, or the proceeds of such income in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Under subsection (b) it shall be unlawful for any person to acquire or maintain, directly or indirectly, any interest in or control of any enterprise engaged in or the activities of which affect interstate or foreign commerce through a pattern of racketeering activity or through collection of unlawful debt

Under subsection (c) it shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

It is felt that the provisions of subsection (a) are so indefinite as to intent as to raise serious constitutional problems. Under the language of the subsection as presently drawn, it is not clear whether the prohibition is aimed primarily at the person who is an active participant in illegal enterprises or at the person who does business with such a participant, or both. If the provision is intended to reach the person who knowingly receives income derived directly or indirectly from a pattern of racketeering activity in which he did not participate, there are problems not only of vagueness of definition but also of proof. Since indirect derivation is covered, the subsection appears to cover receipt in a legal transaction where the recipient has reason to believe that the person who paid it to him, or perhaps even a more remote party, obtained it illegally. How far back in the chain may one go to find an illegal source of funds? Furthermore, since money is fungible, is the prohibition intended to extend only to income which can somehow be identified with particular racketeering transactions, or must one who does business with or performs services for a person with a criminal reputation assume that some part of any payment he receives represents illicit profits?

If the prohibition is given a narrow interpretation, as seems likely, it is doubtful that it would cover more than is presently covered by 18 U.S.C. 3, accessory after the fact, and 18 U.S.C. 4, misprision of felony. To the extent it is given a broader interpretation, it might well be held to be void for vagueness. See *United States* v. *Cohen Grocery Company*, 255 U.S. 81 (1921); *Screws* v. *United States*, 325 U.S. 91, 94–98 (1945).

Since the prohibition is intended to be aimed primarily at the person who is an active participant in illegal enterprises, it is felt that this problem of vagueness can be remedied by amending subsection (a) to insert the following language after the phrase "from a pattern of racketeering activity": "in which such person has participated as a principal within the meaning of section 2, title 18, United States Code."

This resolution of the problem is in accord with the decision of Judge Hand enunciated in *United States* v. *Peoni*, 100 F. 2d 401 at 402 (2nd Cir. 1938) holding that complicity ought to equal a stake in the venture, which is now the majority rule of the Circuits, but see the opinion of Judge Parker in *United States* v. *Backum*, 112 F. 2d 635, 637 (4th Cir. 1940), *contra*.

While perhaps not rising to the level of a constitutional defect, it is felt that subsection (a)'s total ban on the acquisition of any interest in an enterprise, including the purchase of even a single share of stock, is unnecessary and beyond the scope of the evil at which the legislation is aimed. Accordingly, it is recommended that this total stricture be modified so as to allow the purchase of securities on the open market for ordinary investment purposes by amending subsection (a) to insert the following provision at the end thereof:

"*Provided*, that a purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be a violation of this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their associates in any pattern of racketeering activity after such purchase do not amount in the aggregate to one per cent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer."

The prohibitions contained in Section 1962 of the bill appear to be broad enough to cover most of the methods by which ownership, control, and operation of business concerns are achieved. While there are unquestionably considerable problems of proof involved in the tracing of funds known to be derived from racketeering activities to their eventual investment in a business enterprise in establishing a violation of subsection (a) of Section 1962, no such problems exist with respect to proving violations of subsections (b) and (c) thereof, since investment of such funds need not be an element of these offenses. Some violations of subsections (b) and (c) may by their very nature also constitute violations of the Hobbs Act, 18 U.S.C. 1951, or the Travel Act, 18 U.S.C. 1952. Since, however, the thrust of the prohibitions contained in Section 1962 is aimed at a "pattern of racketeering activity", i.e., two or more acts of racketeering activity, the multiple violations of these statutes involved in the proof under subsections (b) and (c) may be treated as a separate offense.

Section 1963 contains criminal penalties for violations of Section 1962. These include, in addition to a fine of not more than $10,000, or imprisonment for not more than twenty years, or both, forfeiture of all interest in the enterprise. The concept of forfeiture as a criminal penalty which is embodied in this provision differs from other presently existing forfeiture provisions under Federal statutes where the proceeding is *in rem* against the property and the thing which is declared unlawful under the statute, or which is used for an unlawful purpose, or in connection with the prohibited property or transaction, is considered the offender, and the forfeiture is no part of the punishment for the criminal offense. Examples of such forfeiture provisions are those contained in the customs, narcotics, and revenue laws. Such statutes have been uniformly upheld against the objection that they violate due process on the grounds that they are wholly preventive and remedial and are designed to aid the enforcement of the particular laws in question and to restrain violations thereof. In upholding such a statute in *Goldsmith-Grant Company* v. *United States*, 254 U.S. 505 (1921), the Supreme Court held at 511: "But whether the reason for Section 3450 be artificial or real, it is too firmly fixed in the punitive and remedial jurisdiction of this County to be now displaced."

Under the criminal forfeitures provision of Section 1963, however, the proceeding is *in personam* against the defendant who is the party to be punished upon conviction of violation of any provision of the Section, not only by fine and/or imprisonment, but also by forfeiture of all interest in the enterprise. The concept is derived from the practice well known in the early law where upon conviction of treason and certain other felonies the party forfeited his goods and chattels to the crown. *The Palmyra*, 12 Wheat. 1, 25 U.S. 1 (1827), opinion of Mr. Justice Storey at 14. According to Blackstone, the only valid reason for this type of forfeiture is that since all property is de-

rived from society, any member of society who violates the fundamental contract of his association by transgressing society's laws forfeits his right to that property, and the state may justly resume that portion of the property which the laws have previously assigned him. *Commentaries*, Ch. 8, 299–300, XVI.

While there is some indication that this concept of criminal forfeiture was in usage in the Colonies, the First Congress by Act of April 20, 1790, abolished forfeiture of estate and corruption of blood, including in cases of treason. That statute, as revised, is found in 18 U.S.C. 3563 which states: "No conviction or judgment shall work corruption of blood or any forfeiture of estate." From that date to the present, therefore, no Federal statute has provided for a penalty of forfeiture as a punishment for violation of a criminal statute of the United States. Section 1963(a), therefore, would repeal 18 U.S.C. 3563 by implication.

It is felt that this revival of the concept of forfeiture as a criminal penalty, limited as it is in Section 1963(a) to one's interest in the enterprise which is the subject of the specific offense involved here, and not extending to any other property of the convicted offender, is a matter of Congressional wisdom rather than of Constitutional power. See *Kingsley Books, Inc.* v. *Brown*, 354 U.S. 436 (1957), opinion of Mr. Justice Frankfurter at 441, holding that whether proscribed conduct is to be visited by a criminal prosecution or by other remedies is a matter of legislative choice.

Section 1964 contains civil remedies for violation of the prohibitions contained in Section 1962. These include injunctive relief, divestiture and dissolution. The Attorney General or an Assistant Attorney General designated by him may institute proceedings to prevent and restrain violations of Section 1962, and a final decree or judgment rendered in favor of the United States in any such criminal proceeding shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceedings brought by the United States. These civil remedies are buttressed by other provisions of the bill, patterned on the antitrust laws which provide for broad venue and process (Section 1965), expedition of actions upon certification to the court by the Attorney General that in his opinion the case is of general public importance (Section 1966), open depositions and a "use restriction" immunity provision similar to those contained in S. 30 and S. 2122 (Section 1967), and a civil investigative demand similar to that contained in 15 U.S.C. 1312–14, which is used by the Department in civil antitrust actions. Under the provisions of Section 1968, whenever the Attorney General has reason to believe that any person or enterprise under investigation may be in possession of documentary material relevant to a civil racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing and cause to be served on such person, a civil investigative demand requiring such person to produce such material for examination. This Section also provides for the custody of such material by the Government, its return upon completion of examination to the producer, and a judicial enforcement proceeding whenever any person fails to comply with any civil investigative demand.

While the criminal penalties provided in Section 1963 will doubtless have a deterrent effect on racketeer infiltration of legitimate business enterprises, the principal utility of S. 1861 may well be found to exist in its civil remedies provisions—injunction, divestiture and dissolution—contained in Section 1964, supported as they are by the broad discovery and procedural devices contained in Sections 1965 through 1968. We have no objection to any of these provisions, and note that they are substantially identical to existing provisions of the antitrust laws. There is ample precedent for application of these civil remedies to the conduct sought to be prohibited by this bill in decisions of the Supreme Court upholding similar civil remedies in antitrust cases. The remedy of divestiture of interest was upheld in the landmark decision in *United States* v. *Dupont and Company*, 366 U.S. 316, 326–27 (1961). Prohibition against engaging in certain types of legitimate activities was approved in such cases as *United States* v. *Swift and Company*, 286 U.S. 106 (1932), and *Deveau* v. *Braisted*, 363 U.S. 144 (1960). Authority for dissolution may be found in *International Boxing Club of New York* v. *United States*, 358 U.S. 242 (1959). See also the recent recision of the Supreme Court in *Utah Public Service Commission* v. *El Paso Natural Gas Company*, decided June 16, 1969, a Clayton Act case where the Court decreed complete divestiture "without delay", emphasizing at p. 7 of the slip opinion that "the pinch on private interests is not relevant to fashioning an antitrust decree, as the public interest is our sole concern."

These time tested remedies, particularly when used in conjunction with the civil investigative demand contained in Section 1968, should enable the Government to intervene in many situations which are not susceptible to proof of a criminal violation. Thus, in contrast to a criminal proceeding, the civil procedure under which Section 1964 actions are governed, with its lesser standard of proof, non-jury adjudication process, amendment of pleadings, etc., will provide a valuable new method of attacking the evil aimed at in this bill. The relief offered by these equitable remedies would also seem to have a greater potential than that of the penal sanctions for actually removing the criminal figure from a particular organization and enjoining him from engaging in similar activity. Finally, these remedies are flexible, allowing of several alternate courses of action for dealing with a particular type of predatory activity, and they may also be effectively monitored by the Court to insure that its decrees are not violated.

With the amendments which I have suggested, then, the Department favors the enactment of this bill and believes that it can make a substantial contribution to the Government's program for eliminating the serious threat which organized crime's entry into legitimate business poses to the proper functioning of the American economic system.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The Senate proceeded to consider the bill (S. 2721) 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.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated. Before the clerk states the amendment, I yield myself 30 seconds on the bill to suggest to Members of the Senate that I think the matter is approaching a close. I hope very much that Senators will bear with us for a few minutes. I am hopeful we can conclude the whole situation on the bill.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, line 19, strike "the date of enactment of this Act," and insert "August 16, 1969."

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, this is a technical amendment designed to deal with the effective date of the measure. Originally the effective date was retroactive to July 1.

We felt when we considered it in committee that this was not desirable in a matter of this character. As it is an emergency measure, we thought we could have it passed immediately. So we made the effective date the date of the enactment of the bill into law. We do not know what is going to happen to this measure when it gets to the other body. We do not know whether it can be agreed to at this time.

In order to take care of that contingency, the manager of the bill and I, as the ranking minority member, and the Government department concerned have agreed on the date of August 15, which is the subject of the amendment, as the effective date. Our reason is that if the bill can be agreed to before we commence our recess, that will be great.

The bill would be effective immediately. August 15 is Friday. If, on the other hand, we cannot pass the bill until shortly after we return, then at least banks may be encouraged by the enactment of the bill through the Senate and by the fact that a similar bill to make these loans has been reported by the appropriate committee in the House, on the theory that there will be a bill and that it will have a certain aspect of retroactivity.

For those reasons, Mr. President, the manager of the bill and I join in recommending this amendment, as to the effective date, to the Senate. The reason I am offering it is because this is a bill which is before the Senate of which I am the author, on behalf of the administration.

Mr. PELL. Mr. President, I have consulted with the members of our subcommittee, and we have examined the amendment. We think it is a good amendment and serves the purpose well, and I recommend acceptance.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time on the amendment?

Mr. PELL. Yes.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I have an amendment which is not in written form, but I hope the Members will listen.

I propose and I submit this amendment: Beginning on line 20, page 8, strike out all the rest of the bill, down to and including line 20 on page 9.

This involves a very simple matter. The committee added $275 million in authorizations to this bill. Before the President and his staff went to California, they read to me a memorandum with respect to something that was happening up here. The House committee has already added a billion dollars to the HEW appropriation bill, and today a message may come from California to the effect that the President is not going to go beyond the ceiling which this Congress imposed; namely, $192.9 billion. He is going to stick by it, and he is going to impound or he is going to reserve, or he is not going to spend.

Why, in the name of all that is good and holy, should a committee of Congress, or of either body, undertake to up this matter and kick off the very ceiling that we imposed? If that is not a piece of hypocrisy, I have never seen it. But that is what this bill does.

In talking with someone on the House side—with some authority—he said, "You clutter this bill, and you're not going to get a bill before October. We'll send it off to conference."

The value of this bill, as the Senator from New York so well knows, is getting it through now, before the school term begins. So if we want to jeopardize it and let it go into the fall—all right, send it in this fashion. But I do not propose to violate what I think is a responsibility, after this Congress puts the ceiling on, and then undertake, by piecemeal meas ures, to kick that ceiling into the rain barrel, because it simply does not make sense.

So, Mr. President, I renew what I said: Strike out all beginning with line 20 on page 8, down to and including line 20 on page 9. That was not in the bill to begin with. It was written in by the committee. It should be taken out before we jeopardize this bill, before we send it over to the House.

That is all I have to say.

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

Mr. DIRKSEN. I yield.

Mr. GRIFFIN. Mr. President, I have on my desk—and I know other Senators do—a telegram from Richard H. Sullivan, president of the Association of American Colleges. He says:

> On behalf of 900 colleges, I urge you to hold firm on increased authorizations for student assistance programs and resist all amendments which would permit banks to discriminate against potential loan recipients.

In view of what the distinguished minority leader has said, I wonder whether Mr. Sullivan, the president of the Association of American Colleges, understands the legislative situation that we face today. It seems to me that if he wants a bill to become law, he is asking us to do precisely the wrong thing, as I understand it.

Can the Senator from New York enlighten me on this?

Mr. JAVITS. Yes. The organization to which the Senator refers does not represent all of the American colleges; but it is entitled to respect. That is his ox which is being gored. He wants more money in these various categories.

We have to decide the legislative chances. If the Senator will bear with us, in a few minutes, after the opposition has had a chance to make its case, I should like to have the situation before the Senate.

Mr. GRIFFIN. Having served in the House—and I know the senior Senator from New York also has served in the House—realizing what the procedural problems are in the event a conference is required, it seems to me that there is a real danger that we will not have a bill passed if we have to go to conference. I think some of the people in the academic community probably do not understand some of those technical aspects.

Mr. JAVITS. I think it will be best, considering the way this matter developed in the committee, if we let the other side have an opportunity to make its case on Senator DIRKSEN's amendment. Then I would like to lay the situation before the Senate.

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

Mr. GRIFFIN. The Senator from Illinois has the floor.

Mr. DIRKSEN. Let me answer.

They read this memorandum to me. It is not a piece of guesswork. Bryce Harlow read it to me before they left, and I took careful note of what was in it and what the President proposed to do.

Why go through the futility of writing up these appropriation bills if he is not going to spend it, if he is going to reserve it, if he is going to impound it? They call particular attention to the $1 billion that they have written into the HEW appropriation bill in the House. But there is the ceiling that we put on. He did not put this on. We voted on that ceiling.

Mr. GRIFFIN. So, because of what the President has indicated, there is no way of increasing the actual expenditures for this purpose. The only thing we would accomplish, if we did not adopt the amendment of the Senator from Illinois, would be that we would jeopardize the passage of the bill.

The other thing that might be accomplished is the political purpose of having a lot of people think that those of us who support the Senator's amendment are somehow against education, which might be desirable in some quarters.

Mr. DIRKSEN. I just take it in stride.

I listened to the Secretary of Agriculture at a leadership meeting at the White House say, "Mr. President, I need an extra $275 million." And what was the answer? The President of the United States said, "Cliff, if you can find it somewhere else under the ceiling, you can have it. But that is the way you are going to have to find it."

I am not going to jeopardize the ceiling of which Congress was the author. And that is what is involved here. If that is the case, then we go through a lot of futility.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Illinois is absolutely correct. If we increase these appropriations over the ceiling which Congress itself imposed, the cuts are going to have to come from some other place. They made that plain at the White House leadership meeting; they also made it plain, when we were considering the proviso limiting the amount of Federal expenditures earlier this year. This is the reason why I, as one of the conferees, did not sign this report, because I knew what was going to happen. Congress severely limited expenditures by the Nixon administration and almost immediately votes to sharply increase appropriations.

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

Mr. DIRKSEN. I yield.

Mr. MURPHY. As a member of the committee responsible for this bill and the party responsible for it, I must say that this is one of the unfortunate circumstances that occur from time to time in this Chamber when there is not full understanding.

It is the concern of all members of this committee that this very badly needed help, that this aid, these loans, be provided immediately, as quickly as possible. This is the reason why some members of the committee voted for the last amendment. It was not that anybody was in favor of giving a bank the chance to gouge somebody; not at all. We opposed it, and opposed it in committee, for the very purpose that the Senator speaks of now.

We thought it might impede the immediate passage of the bill and also create a situation where banks, which are not particularly happy to get into this activity, might find an excuse or reason not to become involved. We want them involved. That is why the Senator from Colorado introduced the amendment.

Now, the distinguished minority leader brings up another point that the committee must consider if this help is to be given to these students. We have to take into consideration the entire circumstances under which the bill is going to be met by the executive branch and other branches of Government.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Delaware (Mr. WILLIAMS) because he has been so active on the ceiling matter. I know he has received a letter and I would like to hear what he has to say.

Mr. WILLIAMS of Delaware. Mr. President, on July 16, 1969, the President addressed a letter to me, a copy of which I have heretofore had printed in the RECORD. I wish to read several paragraphs regarding the President's position on the matter of the expenditure ceiling. The letter stated:

> I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

Then the letter states:

I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—

And this is the important part—

that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter dated July 16, 1969.

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

THE WHITE HOUSE,
Washington, July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending, thereby raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

Mr. WILLIAMS of Delaware. Mr. President, this means that the ceiling is going to be interpreted rigidly by the President even though there may have been some flexibility in the ceiling as passed by Congress. Those who would increase this expenditure are expected to include in the bill an offsetting decrease. Otherwise, the President has no choice but to impound the funds.

No purpose will be served by voting additional appropriations which every Member knows cannot be spent unless those sponsoring the increase will recommend an offsetting reduction in some other direction.

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

The yeas and nays were ordered.

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

Mr. DIRKSEN. My time has expired.

Mr. PELL. Mr. President, one of the objections raised can be met by the amendment just agreed to which provided that August 15 will be the date from which these loans will be guaranteed and the incentive paid by the Federal Government.

As far as the action of the other body is concerned, that is a question of opinion. We have our job to do. I am sure there will be a conference on this measure no matter what happens. Obviously, we will not get all we would like to have included. This point has been raised earlier, but I wish to reiterate that we have our obligation to do what is correct. If the bill is jeopardized in conference I am sure the Senate conferees will not jettison the bill for any particular single point.

I hope the amendment will be defeated.

Mr. JAVITS. Mr. President, I yield myself 3 minutes. I think there is no time remaining on the amendment.

The PRESIDING OFFICER. There are 2 minutes remaining on the amendment.

Mr. JAVITS. Mr. President, I yield myself 2 minutes on the amendment and 2 minutes on the bill.

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

Mr. JAVITS. Mr. President, if I may have the attention of Senators I think I can explain the situation to their satisfaction.

There are two schools of thought with respect to the amendment. The first school of thought deals with the fiscal questions involved, which the Senator from Illinois (Mr. DIRKSEN) and the Senator from Delaware (Mr. WILLIAMS) have covered adequately.

There are three increases in authorizations. The proponents of these amendments have put them up on the ground that it is necessary to balance the bill. In other words, what is being done in the bill as originally introduced is something for the alleged middle-income students who get the benefit of guaranteed student loans at the banks and, therefore, we must balance the bill by making provision for needy students by upping the ceiling on those particular authorizations. That is one school of thought.

There is the economy school of thought which says, "Do not do it because it violates the spending ceiling," and so forth. That would not deter me from supporting the increases because I think national priorities need to be reallocated and we must do more for education, and we are going to do less for defense; and that is fine. However, that is neither here nor there. We must get a bill through now instead of in a month or 6 weeks.

In my opinion, we have in the Senate many opportunities to amend bills and increase ceilings. I do not see that we gain anything by keeping these increased authorizations in the bill. We jeopardize the bill because the other body will undoubtedly strike this down or get so angry as to act on it at all. I am convinced we are being handicapped in getting a bill passed in the House, where there is only today and tomorrow to go before the recess which ends after Labor Day next month.

On balance, balancing my feelings on higher education against the urgency of the bill, I am going to vote for the amendment based on the urgency of the bill. It is as simple as that. Why? I do not believe this discriminates against needy students. In the first place, needy students get loans from banks, too. There is not enough other money to go around and there will not be even if this provision is kept in the bill.

These provisions have to be implemented by appropriations and we know they will not be because of the arguments made by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Illinois (Mr. DIRKSEN); and if they are, it will be 2 or 3 months from now.

In addition, this bill involves a large number of people. This year there are expected to be 920,000 guaranteed student loans to the tune of about $800 million. The best estimate of anyone is that this bill alone will make it possible to get loans for at least 150,000 students and possibly more than 200,000 students.

Therefore, there is the ability to expend money toward higher authorizations for students in these programs through this bill as against the fact that we would be putting something on the bill which will hamper its passage.

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

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. JAVITS. Mr. President, passage of this provision may hurt a lot of people who could otherwise get loans. I resolve the equity in favor of the doubt which exists whether it would or would not get out of the committee. Right now the authorization ceiling is high enough. The House appropriated $68 million more for NDEA loans than contained. The budget provided $229 million against $161 million. But the authorization is $275 million. There is no dearth of authorization. The same is true of the work-study program. It started out with an authorization of $255 million, the budget was $154 million, and the House provided $154 million. The same is true on educational opportunity grants.

Mr. PELL. It would seem to me that the urgency is removed by the fact that we have the August date accepted—a retroactive fact. I would repeat that the mood of the Senate was expressed the other day when it exempted education from the budget cuts. There is no question that we cannot spend the same dollar in two places.

I submit that the pending authorization must be adopted for subsequent action of the Appropriations Committee. If we do adopt this bill, it is an indication that we are reordering priorities, to put the greatest thrust in education. The same is particularly appropriate at this time when we are discussing other appropriations aspects which have very little to do with education. It would leave us with a freedom of action in the Appropriations Committee afterward, but would indicate that we would want to help not only middle-income children but also those youngsters who come from lower income families. The basic problem is that the lowest quartile of family incomes produces one-seventh of the students that the upper quartile does.

PERSONAL PRIVILEGE

Mr. CHURCH. Mr. President, will the Senator from Rhode Island yield to me on a matter of personal privilege?

Mr. PELL. Mr. President, I am happy to yield to the Senator from Idaho.

I CANNOT SIT BY

Mr. CHURCH. Mr. President, I felt obliged this morning to absent myself from the hearings of the Foreign Relations Committee.

I have prepared a short statement in explanation of my conduct. I should like to read that statement at this time.

The Senate Foreign Relations Committee is entitled to know what contingency plans exist with Thailand, whether they contemplate the use of American combat troops in that country, and whether they involve a commitment that goes beyond our formal treaty obligations. We are entitled to have the plans brought to the Committee for close inspection and detailed review.

The refusal of the Secretary of Defense to submit the plans to the Committee is typical of the arrogant way the Pentagon has come to deal with Congress. On the one hand, the President assures the country that he does not intend to commit American combat troops to another Vietnam in Asia; on the other hand, our military plans for just such a contingency in Thailand are withheld from us.

Rumor has it that the plans not only contemplate the use of American troops, but an arrangement that would actually place them under Thai command. If this is true, not only Congress, but the American people have a right to know it—and know it now.

On a matter so vital to the country, the Senate Foreign Relations Committee must not settle for a "briefing" by spokesmen of the Pentagon. We have had briefings before, only to find out later, much to our chagrin, that we were not told all of the facts.

For this reason, Mr. President, I walked out of the "briefing" tendered to the Senate Foreign Relations Committee this morning, as soon as I learned that the contingency plans with Thailand, which the Committee has repeatedly asked to see, had again been withheld on orders from Defense Secretary Laird. The intimation that the committee members might be given a peek at the plans, if we went to the Pentagon for a look, is demeaning to the dignity of the Senate and an affront to the Constitutional responsibility we bear in the conduct of American foreign policy. I will have no part of it.

The Pentagon's refusal to cooperate this morning was especially insulting in view of the action taken in this Chamber less than two months ago, when an overwhelming, bipartisan majority of Senators passed the National Commitments Resolution.

We cannot allow the Pentagon to disregard that Resolution, which said very clearly that it is "the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

These are the reasons, Mr. President, that I felt obliged to leave the hearing this morning at the commencement of the "briefing" served up to us.

I submit to the Senate that very serious questions relating to our constitutional powers are here at stake. It is time we faced up to them.

I thank the Senator from Rhode Island very much for his courtesy in yielding to me at this time.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1373. An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes;

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 6581. An act for the relief of Bernard A. Hegemann; and

H.R. 9088. An act for the relief of Clifford L. Petty.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The Senate proceeded to consider the bill (S. 2721) 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.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I hope that the amendment of the Senator from Illinois will be defeated. In the responses made by the chairman of the Education Subcommittee, we have had a number of answers to the points raised by the distinguished Senator. I think, first of all, Mr. President, it is appropriate to realize that the administration sent this proposed legislation to us only at the very end of July and we had only a day of hearings on it. So that we do have emergency legislation here.

But now with the action that was taken at the request of the Senator from New York, in establishing a fixed date so that bankers can anticipate the action which will be taken by Congress, they will know that Congress will act on this program and that the loan program will continue.

Therefore, I think we have an obligation in this body to pass the legislation that we think is appropriate and best to meet outstanding needs.

If we are going to pass administrative legislation for the benefit of what I think all of us agree is a worthwhile goal—a viable guaranteed loan program—we should realize as well that there are hundreds of thousands of students, in September, who will not be able to continue their education because the NDEA loan program is not completely or fully funded even as authorized, and because EOG funds are needed. When we are talking here about the hundreds of thousands of students that will not be able to utilize the guaranteed loan program, we know so well that if the amendment of the Senator from Illinois is adopted, there will be hundreds of thousands of other students who will not be going to college because they will not have the funds and the resources to do so.

All we have to do is to look back over the number of initial year students who are able to be taken care of under the educational opportunity grant program. It was 140,000, in academic year 1969. In 1970, it will be 100,000, and in the academic year 1970–71 it will be 92,000, under the recent House appropriation. That would be a reduction of almost 30 percent in absolute numbers, let alone the increasing demand by lower income students, those who can take advantage of the EOG program. These are all low-income students. They have the greatest financial need.

When we talk about the guaranteed loan program to benefit the sons and daughters of middle-income Americans, we should realize that the NDEA loan program is also important. To benefit the low-income groups will take a longer period of time. Nonetheless, NDEA is a loan program. Thus, I think that when we are

considering here how to help, assist, and benefit students, we must realize that there are four fundamental programs which provide financial assistance to young Americans today and which are really the four pillars upon which the educational program is supported.

They are the educational opportunity grant program; the NDEA loans; the College Work-Study program; and guaranteed loans. If we are going to benefit and help one group of young people in this country, I think we ought to consider helping other kinds of students in our society who have as much need, if not more, and who would be drastically prejudiced if the amendment of the distinguished Senator from Illinois were adopted.

I think we should have in the RECORD the number of new students and the number of applications made by institutions across this country to the Office of Education for education grants and for work-study programs, and the numbers that are actually being granted. Then we see as clearly as can be that there are hundreds of thousands who will not be going to school if the amendment of the distinguished Senator from Illinois is adopted and adequate funds are not available. The number of students who are being shut out of EOG, work-study and NDEA loan programs is more than double—perhaps triple—the number who, it is predicted by the administration, will be helped by passage of this bonus provision.

Mr. MOSS. Mr. President, may I have 5 minutes?

Mr. PELL. We have only 7 minutes on the bill.

Mr. MOSS. May I have 3 minutes?

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to oppose the amendment that has been submitted by the Senator from Illinois. As I listened to the arguments being made on that side of the aisle, they were to the effect that this would be an authorization which, if it were implemented later by an appropriation, might carry the expenditures of our Federal budget beyond the point of limitation that has been set by the Congress in its action and that the President has to abide by. But I sensed in the discussion by the senior Senator from New York that perhaps this was not as urgent and did not have that direct effect, because, as he pointed out, as he qualified his argument, he said, of course, we are only talking about an authorization here; we know it has to be implemented with an appropriation.

At this time we are debating in this Chamber the authorization for military procurement. Perhaps that is going to be greatly changed by the time the authorization is finally granted. That, too, must go through the appropriation process.

What we are talking about in this bill is an authorization indicating what the Congress believes our commitment should be to the students of this country who are utilizing the programs we have for grants and loans for higher education.

If we stop there now, we say we are not even willing to make a commitment; that they are cast out as far as next year is concerned; there is no hope later of getting an appropriation should the funds be available; saying that we must remain inside of an overall ceiling limitation.

So I think the argument is fallacious. I think the question simply is, Do we believe that the loans that are authorized by the sections the Senator from Illinois would cut out of this bill ought to be authorized as a measurement against which we may apply appropriations to be available to students who utilize this great program?

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Alaska (Mr. STEVENS) so he may ask a question.

Mr. STEVENS. Mr. President, I would like to ask a question of Senators on the other side of the aisle, my good friends from Utah or Massachusetts. How do they answer the proposition the Senator from New York raised? I am an original sponsor of the bill. I support increased appropriations across the board. But I want a bill before we recess. How are we going to get the bill through the House with this increased amount of authorization? I would rather have a bill that increased moneys for loan funds than to have no bill. Then we could come back in September and increase it across the board. Many of us on this side will help every inch of the way. But I think you are going to destroy the opportunity to have a bill if you insist on having in the bill, in this short period of time, increased authorizations which were not part of the original bill at the time it was introduced and which are not acceptable to the House.

Mr. PELL. Mr. President, I yield myself 1 minute.

I tried to answer that question earlier by saying that this is a question of opinion. The Senator from New York believes it would kill the bill. I believe we will have to go to conference no matter what form the bill is in. We will be in a better position if this measure is the Senate's view.

Mr. KENNEDY. Mr. President, will the Senator yield to me briefly?

Mr. PELL. I yield.

Mr. KENNEDY. In reply to the Senator from Alaska, as I understand, yesterday Mr. Gross objected to any consideration of guaranteed student loans. It is highly unlikely that there will be any consideration of the legislation, anyway, until after the break. That is why I think the amendment of the Senator from New York was so important and of such value, because it established the fixed date of August 15. As the distinguished senior Senator from New York commented, the banks will know whether they are going to get the legislation, and will be able to go ahead with the loans. I think the action of the Senator from New York has really made all this exercise so possible.

Mr. DOMINICK. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I just want the RECORD to reflect the authorizations and budget proposals for the three programs which we are considering.

For NDEA loans, the fiscal year 1969 appropriation was $193.4 million.

In fiscal 1970 we have $275 million already authorized. The budget request is $161.9 million, although the House-passed appropriations bill contains $229 million.

For the work-study program, we had, in round figures, $140 million in fiscal year 1969 appropriations; $255 million is authorized for fiscal 1970; $154 million is in the budget; and $154 million was appropriated by the House.

For educational opportunity grants, $124.6 million was appropriated for fiscal 1969. $175.6 million was requested for appropriations in the budget for 1970. $159.6 million was passed by the House.

President Nixon's budget thus contains a net increase of $31.5 million over last year's appropriations for these three programs, which seems to me to indicate we support the program.

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

Mr. JAVITS. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, I would like to amplify the argument made by the Senator from Alaska and supported by the Senator from Michigan. If we dress this bill up like a girl going to a party, the House will not accept it. I am not sure all Senators are certain that this bill has been out of the committee for some time. It has been objected to on the House floor under the unanimous-consent rule, and the reason why it was objected to was that the House could not work its will and pass it with no amendments. That is why here today we are putting it on another bill, so it can go back to the House without any amendment.

So when the argument is made that we ought to put a lot of amendments in the bill to change the thrust of the bill as it was originally, to take care of the direct loan program, we are flying right in the teeth of what the situation is in the House today. They do not want any amendments. That is why we are doing it in this fashion, so it can go back to them without any amendment.

Mr. PELL. Mr. President, replying to the analogy of the Senator from Florida, we are not trying to get the girl dressed up like a Christmas tree. To my mind we are letting the overcoat go and leaving the dress on, as it goes to the House now.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me briefly?

Mr. PELL. I yield.

Mr. BYRD of Virginia. I thank the Senator. I ask this question. I feel the loan program is an important and essential one. As I understand the amendment offered by the distinguished Senator from Illinois, it does not reduce any of the existing authorizations.

Mr. PELL. It does not reduce the authorization on the guaranteed student-loan program. It knocks out completely the increased authorizations for NDEA, the college work-study program, and the educational opportunity grants.

Mr. JAVITS. If the Senator will permit me to answer that question, the answer is flatly yes. The Dirksen amendment does not reduce existing authorizations on any program, and authorizations exist for all three.

Mr. PELL. It reduces the authorizations in the bill.

Mr. JAVITS. That is not what the Senator asked.

Mr. BYRD of Virginia. No. My question is this: Does the amendment offered by the Senator from Illinois reduce any of the existing authorizations?

Mr. JAVITS. It does not.

Mr. PELL. No.

Mr. BYRD of Virginia. The answer is "No?"

Mr. PELL. The answer is "No."

Mr. BYRD of Virginia. So, then, there will be available for this program, already authorized, $1.34 billion for the next 2 years?

Mr. KENNEDY. Mr. President, in response to the question of the Senator from Virginia, under the EOG program there is $100 million authorized, and there are institutional requests for $120 million. For the work-study program, there is $250 million authorized and there is $275 million in institutional requests. For NDEA, there is $275 million authorized and $318 million in institutional requests. This quite clearly shows that there is not sufficient authorization, under the three programs, to meet the institutional requests. The authorizations have been increased by the committee to meet institutional requests, and that is what the amendment would strike out.

Mr. BYRD of Virginia. I appreciate the Senator's statement, but what I want to get clear in my mind is this——

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

Mr. BYRD of Virginia. May I have 1 minute from someone?

Mr. PELL. I yield the Senator from Virginia another half minute.

Mr. BYRD of Virginia. What I want to get clear in my mind is this: I hope some Senator will correct me if I am inaccurate in what I say, but as I read this legislation, if the amendment offered by the Senator from Illinois is agreed to, there still will be authorizations totaling $1,340,000,000 over the next 2 years for these programs. I shall assume that statement is correct unless some Senator corrects me.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, the statement has been made that there is no problem, even if this measure is delayed until after the recess, because the bill will be retroactive to August 15.

That is not so, Mr. President. There are thousands of college students who are trying to get loans and trying to plan their programs for the fall; and it will be too late for them to do that if we do not act until after the recess.

I suggest further that the best procedure here, if we are really interested in getting this measure passed before the recess, would be for the leadership to offer this bill as an amendment to the Older Americans Act, so it can go over to the House of Representatives and be acted on this afternoon. I appreciate the fact that we have the bill before us, but I think we ought to follow the most expeditious course of action, if we really care about what is going to happen

Mr. PELL. Mr. President, we do care about what may happen. There is a right way and a wrong way to do it. The right way is for us to pass our bill, for them to pass theirs, and we go to conference. There is plenty of time for that, but my feeling is that they will not do it, anyway.

Mr. JAVITS. Mr. President, I yield myself 30 seconds to make a pledge to the Senate. If the Dirksen amendment is agreed to, I assure the Senate that when we consider the elementary and secondary education bill in the committee, I will offer amendments to raise the ceilings on all these programs. If the amendments are defeated in the committee, I will offer them on the floor, and the Senate will have an opportunity seasonably to vote on these questions. I can give the Senate every assurance on that score.

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

Mr. PELL. Mr. President, how much time do I have remaining on the bill?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator has 9 minutes remaining on the bill.

Mr. PELL. Mr. President, I yield myself 1 minute to read into the RECORD another telegram, this one being from the Associated Colleges of the Midwest. It reads as follows:

> The Associated Colleges of the Midwest urges the Senate to hold firm on increased authorization for student assistance programs and to resist amendments which would delete prohibitions against banks discriminating as to students under guaranteed loan programs.

This is the same message we received from the National Association, and indicates, I think, the answer to one of the questions raised earlier, showing that the colleges do know what they are doing, and that if we get this authorization approved, they will be in a better position.

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

The PRESIDING OFFICER. The yeas and nays have already been ordered. Who yields time?

The question is on agreeing to the amendment offered by the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announcement that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. MCGEE), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) and the Senator from Texas (Mr. YARBOROUGH) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The result was announced—yeas 38, nays 56, as follows:

[No. 77 Leg.]

YEAS—38

Allott	Fannin	Pearson
Anderson	Goldwater	Percy
Baker	Griffin	Prouty
Bellmon	Gurney	Russell
Bennett	Hansen	Scott
Boggs	Holland	Smith
Byrd, Va.	Hruska	Stennis
Cook	Javits	Stevens
Cotton	Jordan, Idaho	Thurmond
Curtis	McClellan	Tower
Dirksen	Miller	Williams, Del.
Dole	Mundt	Young, N. Dak.
Dominick	Murphy	

NAYS—56

Aiken	Harris	Montoya
Allen	Hart	Moss
Bayh	Hartke	Muskie
Brooke	Hatfield	Nelson
Burdick	Hollings	Packwood
Byrd, W. Va.	Hughes	Pastore
Cannon	Inouye	Pell
Case	Jackson	Proxmire
Church	Jordan, N.C.	Randolph
Cooper	Kennedy	Ribicoff
Cranston	Long	Schweiker
Dodd	Magnuson	Sparkman
Eagleton	Mansfield	Spong
Ellender	Mathias	Symington
Ervin	McCarthy	Talmadge
Fong	McGovern	Tydings
Fulbright	McIntyre	Williams, N.J.
Goodell	Metcalf	Young, Ohio
Gravel	Mondale	

NOT VOTING—6

Bible	Gore	Saxbe
Eastland	McGee	Yarborough

So Mr. DIRKSEN's amendment was rejected.

Mr. SCOTT. Mr. President, I supported the amendment of the Senator from Illinois to eliminate increased authorizations for certain programs, not because I oppose the programs but because the increases are over the expenditure ceiling for Federal expenditures imposed by this Congress.

In addition, the best available information indicates that the House would not accept these amendments, and their inclusion could seriously hamper the passage of this most needed student loan extension program.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

Mr. MOSS. Mr. President, I support S. 2721, the student emergency loan amendments. My home State of Utah now faces a most critical problem in the field of education. Over 30 percent of its population is of school age—third highest in the Nation—and the State presently spends a greater percent of its budget on education than any other State—53.8 percent. Utah is also one of the highest ranking States in the number of high school graduates enrolling in a college or university each year, and it ranks second to California in the number of students remaining in their home State to attend institutions of higher learning.

Even though the State is deeply com-

mitted financially to the education of its youth, Utah's high birth rate—first in the Nation—its zeal for education, its stringent school attendance laws, and its relatively low level of personal incomes, place it 40th in the State rankings in expenditures per pupil. It simply cannot keep pace with the rising costs of elementary, secondary, and college operations. As a result college tuition fees have increased sharply over the past 4 years, and many worthy and capable students have found it necessary to rely on loans, scholarships or work-study programs to finance their college educations.

With the rise of the prime interest rate to 8½ percent and with the administration's $35,000,000 budget cut in the national defense student loan program, many students who had previously counted on loan assistance have been told by both colleges and banks that "No money is available." Almost every day I receive telegrams or letters from students who, as of this date, still have found no way to meet tuition fees this fall. Just this morning a telegram arrived from Dr. James C. Fletcher, president of the University of Utah, our State-supported university, asking for help. In part the telegram said:

> We expect requests for financial assistance to increase substantially this fall. Without relief through the legislation now before Congress, the education of many students could be curtailed or even terminated.

Presently, 11,000 Utah students are holders of federally guaranteed loans. It is the estimate of Utah's office of higher education that 5,500 of these students cannot continue in college, and an additional 2,000 to 2,500 potential entering freshmen will not be able to enroll in college, without this type of financial assistance. Last year $4½ million were lent to Utah students by commercial institutions under the National Defense Education Act. None of this money is available for the 1969–70 school year.

But the State of Utah is not alone in its educational problems. All across the country tuition costs have been rising, and many students in all 50 States have no way of attending college unless someone makes loan money available. Last year 673,352 federally guaranteed student loans were made by banking institutions under the National Defense Education Act. Unless some action is taken quickly, no loans will be made for the approaching school year. Banks simply would not lend at the present 7 percent Federal guarantee when the prime interest rate is at 8½ percent.

Can we afford, Mr. President, to forsake those ready and willing to begin or continue their college educations? Can we afford to deny many of our young people from lower- and middle-class families the chance to improve themselves with an education? For that matter, can we afford to deny anyone that process which makes for and further develops responsible citizenship?

The claim has been made that student radicals are destroying the educational process on our college campuses, but I say if the bill fails, it will be Congress, not the student dissenters, who will have caused the greatest setback to our educational system.

An investment in our young citizens who are ready and willing to "learn now and pay later" is a sound and wise investment, and I strongly urge quick passage of S. 2721 both here and in the House.

Mr. PERCY. Mr. President, last year as part of the guaranteed student loan program, private lending institutions provided 730,000 students with $670 million in Government insured or guaranteed loans to help meet the cost of a college education. In Illinois alone 38,524 students benefited from this program by receiving over $40 million in loans. This represents an increase of nearly 10,000 loans and $9 million over 1968.

This increase in loan applicants is reflected across the country as more and more of our young people seek a college education and the means to meet its rising cost. These are serious students who are willing to assume the financial obligation of paying for their education.

The President has recognized the importance of assisting these young people by recommending that the guaranteed loan program be expanded. Unfortunately, our fiscal situation with rising interest rates and a tight money market threatens the operation of this program by drying up the source of the loans. In fact, the threat to the guaranteed loan program is so critical that nearly one-third of the students seeking loans to enter college this fall will be refused them.

We must act now to meet this crisis by providing private lenders with incentives to continue making loans for education. It is for this reason that I have joined Senator JAVITS as a cosponsor of S. 2721, the Insured Student Loan Emergency Amendments of 1969, an administration bill.

Currently, the Government is authorized by law to guarantee student loans at a 7-percent interest rate. This rate is not competitive with the rate on other types of personal loans now that the prime interest rate is 8½ percent.

To provide private lenders with the stimulus for making student loans, the legislation I am cosponsoring would permit the Secretary of Health, Education, and Welfare to establish an incentive allowance to be paid to lenders by the Federal Government. This allowance would be allocated only when economic conditions are a deterrent to the lending of funds to students and would not exceed 3 percent of the principal balance of all the outstanding student loans distributed by a lender on or after July 1, 1969.

Mr. President, the House recently reported out a similar measure and we have this bill on the Senate Calendar. I would hope that action on this legislation will, therefore, be taken at once in order to help students enter college this fall. Favorable action will represent one of the soundest and best investments in the future that we can make.

Mr. MURPHY. Mr. President, as a cosponsor of this emergency legislation, the Insured Student Loan Emergency Amendments of 1969, I urge prompt action by the Congress on it.

The legislation would allow the Secretary of Health, Education, and Welfare to prescribe an incentive allowance above the present 7-percent simple interest rate authorized by the guaranteed student loan program. The incentive allowance, which may not exceed 3 percent, may be paid whenever the Secretary determines that the statutory interest limitation or economic conditions are deterring eligible lenders from making student loans. With the Federal Government paying the incentive cost allowance, there would be no additional cost to the student.

The peak student loan application periods of August, September, and October are upon us. Already my California offices have been deluged with desperate calls from students urging that something be done to see that the loans will be made so that they might pursue their higher education. I recently read that it had been estimated that 200,000 of the youngsters applying for the guaranteed loan program may be turned down. We clearly cannot let this happen, and I know I speak for the many students in California and their parents in congratulating the administration and Secretary Finch in sending down this emergency legislation.

Financing higher education is a real struggle for many students and their parents. The Federal Government has various programs of grants, direct loans, and guaranteed loans to help them. The latter program was enacted in 1965 with the purpose of providing assistance in financing college expenses for those students from moderate-income families who had been excluded from loan and other assistance under the various Federal programs. Last year, the guaranteed loan program, as well as the other student financial assistance programs, were extended as part of the Higher Education Amendments of 1968. As a member of the Education Subcommittee, I strongly supported the extension. During the hearings on the Higher Education Amendments of 1968, we also faced this problem and for this same reason.

Mr. President, interest rates were ballooning with the result that the student loans were not competitive with other loans for which the rate of return was determined by the money market. As a result, the committee increased the then maximum statutory interest rate from 6 to 7 percent. With the higher interest rate, 730,000 students received loans totaling $670 million in the past year. In California, in fiscal year 1969, 76,054 students secured loans totaling over $69 million. Thus, this is a most important program in my State.

Inflation has continued, however, and interest rates have skyrocketed until the prime interest rate today of 8½ percent is the highest in the economic history of this Nation. All other installment loan interest rates are pegged upward from the prime rate. With interest rates like this, the student loans are once again not competitive.

Thus, Mr. President, the administration has sent to the Congress a unique proposal in response to an emergency situation. It has my strong support. The need for this bill illustrates yet another group—the students—who are harmed by inflation, and spotlights once again the necessity of taking actions to curb inflation.

Mr. BAYH. Mr. President, I have been concerned for sometime about the future of the insured student loan program. At a time when interest rates are significantly higher than the one authorized under this program, guaranteed loans from private lending institutions simply are not available. In an effort to keep this vital program from being crippled by the inflationary spiral, I introduced my own bill, S. 2422, on June 15, which has been cosponsored by 19 Members of the Senate.

Frankly, I am convinced that the solution to this problem as outlined in my bill would have been simpler and more workable than the one presented in the proposal before the Senate now, S. 2721. However, because of the need for immediate congressional action to restore the maximum effectiveness of the guaranteed student loan program, I intend to support S. 2721 as it was reported from the Committee on Labor and Public Welfare.

The goal of my bill and of S. 2721 is the same—to revitalize the guaranteed student loan program. Hundreds of thousands of students are depending upon this program to help finance their college educations. If this program can be made fully operative in the near future, upwards of 900,000 loans can be extended to dedicated college students in the school year 1969–70. Because the appropriations for the national defense student loan program may not be forthcoming until after the school year begins, it is imperative that the guaranteed student loan program be made operative immediately. The investment made now in the education of our youth is an investment in the future of our Nation.

Mr. GOLDWATER. Mr. President, in my opinion, the measure which is before the Senate may truly be described as emergency legislation. It is becoming more and more evident that the crisis which young people are facing as they make plans to return to college next month is all too real.

Directly as a result of soaring interest rates, hundreds of thousands of eligible students who are making application for guaranteed loans are being turned down cold. Original estimates indicated that one-third of the students seeking guaranteed loans are being rejected. The statistics which I have received from Arizona, just this morning, are even more shocking.

My office has gotten in touch with the chief administrator in charge of student financial affairs at each of the three major Arizona colleges and I regret to say that the response is the same from each. Fifty-five percent of the qualified students are unable to obtain loans. This amazingly high figure was given to me by the University of Arizona, Arizona State University, and Northern Arizona University and, mind you, only covers those students who have been certified by the universities as eligible for the guaranteed loan program.

Mr. President, I wish to emphasize that these statistics are on the conservative side. The figures are based to a great extent on actual complaints made by students to universities. It is easy to imagine that many students have not yet brought word back to the campuses because they have not formally been refused loans up to now—their applications simply have not been acted on one way or the other.

But, even using these partial statistics, the data translates into a very bleak picture in which there will be over 2,500 students in my State who will not be going to college this fall unless the legislation before us is enacted quite promptly.

And this does not tell the full story. Our college authorities have alerted me to another serious problem arising from the interest limitation in existing law. Most of those banks which have agreed to make loans under the guaranteed interest program have strictly rationed the portion of their funds allotted for this purpose. This has meant a drastic cut in the face amount of these loans at a time when the actual costs students must pay have rocketed up. This is imposing a serious financial crisis in itself on many households and is likely to lead to many forced dropouts late in the semester due to an overcommitment on the part of many students who had enrolled on a prayer and a hope and insufficient funds.

Mr. President, the approach set forth in the bill, as reported, is a serious effort at solving the desperate problem which is hitting our college-age citizens.

Under this measure, there will be no additional cost to the student. The students will not have to pay higher interest rates.

The bill will do the job of starting these loans rolling immediately. By making a Federal incentive payment to eligible lenders during periods when economic conditions prevent them from offering the lower interest rates, banks will be encouraged and enabled to get the guaranteed loans flowing again.

The legislation will provide benefits for middle-income families as well as low-income families. The middle-income individual in society is too often the forgotten man of America. For once we will have done something that benefits him in a direct and significant way.

Mr. President, I am privileged to be among the first cosponsors of the bill under consideration. It is the answer for which the citizens of my State have been looking. My office has been deluged with letters and phone calls pleading that action be taken to assure that these loans will be made. To indicate just how bad the situation has become, I have been told by many students that they were assured last January that their loans would be granted, and it is only now they are learning the bitter news of the rejection of their applications. The impact with which this news has hit them is evident. These are students who only a few weeks ago thought their plans were set for the coming school year. They had been accepted by the colleges. They were certified as being qualified for loans which had been approved as a normal matter of course in the past. Suddenly, out of the blue, the entire situation changes. They are told they must raise a large sum of money or be locked out of school.

Mr. President, I believe there is an element involved here of national faith in the Government. The existence of this program on the books had led the American public to rely in good faith on the availability of loans for students. In keeping with the commitment which Congress has made by enacting this program, I feel it is mandatory on us to act today to amend the law in order to remove the roadblock which now stands between students and the continued pursuit of their education. Consequently, I urge the passage of this very important legislation.

Mr. MILLER. Mr. President, passage of this proposed legislation, of which I am a cosponsor, is urgently needed if we are to prevent a great hardship on thousands of college students and prospective college students who need loans to go to college this fall.

The Congress is going into recess tomorrow at the conclusion of business, and we will not resume until after Labor Day. This legislation must be passed before the recess, and nothing should have been done to jeopardize its enactment, including increasing the authorization beyond that approved by the administration under the spending ceiling already set by the Congress.

Enactment after Labor Day will be too late to avoid irreparable harm to thousands of students, and those who voted against the Dirksen amendment must take full responsibility if this happens.

It is regrettable that those Senators who are in control of the committee could not have acted sooner on this legislation, but I do appreciate the action taken by the distinguished majority leader and the distinguished chairman of the Armed Services Committee in having the military procurement bill laid aside so that we could take action on the college student loan problem today.

Several months ago I saw this problem looming ahead in view of the deeply serious high interest rate resulting from the inflationary deficit spending policies of previous administrations and previous Congresses. I urged the Secretary of Health, Education, and Welfare to give Congress his recommendations, and I suggested the possibility of greater flexibility in guaranteed interest rates. I am pleased to see that the pending legislation follows this approach.

I ask unanimous consent to have placed in the RECORD an excellent article published in the Washington Evening Star for August 4, which well sets forth the seriousness of the problem and the urgency of the need for this legislation.

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

POLITICS OF ECONOMICS: COLLEGE LOAN CRISIS AT HAND, ACTION LAGS

(Barry Kalb)

The impending crisis in the higher education loan situation contains all the elements for magnificent congressional debate, but there is no time for it.

At present, there is almost as much talk on Capitol Hill about getting students into college—by enabling them to secure guar-

anteed loans—as about kicking some of them, the disrupters, out.

But only nine days remain before Congress adjourns for its summer recess, and when the lawmakers reconvene Sept. 3 it will be too late to provide much help for student loan applicants.

By that time, college registration will have begun, and tens of thousands of marginally affluent college hopefuls will find their educational experience limited to a lesson in the politics of economics.

The situation in the Washington area is indicative of the overall problem. The District government has a record amount available for guaranteed loans this year, but fears the ever-increasing number of college students will overwhelm the fund. Maryland is barely holding its head above water. It must make special payments to banks for each student loan. Virginia students are having a particularly rough time obtaining loans.

The crisis was triggered by the rise in the prime interest rate, the interest banks charge their best customers.

Every state, and the District, has a system for guaranteeing loans to students. In some cases the state guarantees the loan, in others the federal government insures the loan, and in still others, a private organization called the United Student Aid Fund makes the guarantee under contract with the state.

Lending institutions contend that they make less money with their money if they lend it to students, because of high handling costs. But because the guarantee system assures them of getting their money back, even if the student defaults or dies, the institutions are willing, in their words, to "perform this public service."

They do insist on breaking even, however, and this is a major factor in the crisis. The amended federal Higher Education Act of 1965 cannot guarantee a loan over 7 percent interest, and the prime rate is currently at 8½ percent.

The result: Lending institutions are claiming they cannot afford to lend money at 7 percent, guaranteed or not, and young applicants are receiving rejection notices instead of money.

Congress is debating remedies to the situation. But observers are afraid that all manner of outside factors—student unrest, fiscal economy, spending priorities, federal subsidies to banks and the like—will be brought into the argument, and nobody sees much chance of legislative relief before the recess.

It is difficult at present to measure the full impact of the crisis, since many students are still in the process of applying for loans. But things are already beginning to look bleak.

The National Council of Higher Education Loan Programs estimates that between 150,000 and 200,000 students will be unable to obtain loans if the government does not act promptly.

This is not necessarily an accurate measure of how many will be denied college, since many of these students can be expected to obtain aid elsewhere or squeeze through on a reduced budget.

Nonetheless, things are at a critical point. Allen Vanderstaay, assistant director of the division of student finance for the Department of Health, Education and Welfare, says banks all around the country are tightening their loan policies.

This is taking two major forms, he says: Some banks are not granting loans to new borrowers, which means incoming freshmen are bearing the brunt of the loan cutdown. And some banks are granting loans only to students whose parents have had long-standing accounts.

Some banks are applying both of these measures, he says, and some have cut off even those students who have borrowed from them in the past.

Washington-area schools have already begun to receive letters from desperate students, although none is willing yet to predict just how bad things will become.

A Georgetown University law student has been unable to obtain a loan from a Maryland bank which has lent him money for the past two years; a George Washington University senior from Costa Mesa, Calif., has been getting the run-around from a bank he has borrowed from for three years and his father has dealt with for 25; a Casper, Wyo., man accepted by GW law school was told the state was unable to guarantee his loan.

Col. Tom W. Sills, director of student aid at American University, says the situation is the worst he's seen in his seven years at AU. William Patterson, Sills' counterpart at GW, says simply, "Things are real tough."

The universities say the general loan situation in the District, Maryland and Virginia is "fair to poor," although the loan directors of the three jurisdictions minimize the difficulties.

Robert A. McCormick, director of the District Loan Insurance Program, says a record $2.4 million is available this year for guaranteed loans, but he still fears demand may exceed supply.

The District program was begun during the 1967–68 school year, and 1550 loans for a total of $1.7 million have been made since. These 1550 students represent 99 percent of eligible applicants, he says.

The District is unique in having a pool of money, contributed by local banks and disbursed directly by the loan office. In effect, each bank holds a piece of each loan.

Originally, 12 of the city's 14 banks participated, but two have recently dropped out. To make matters worse, McCormick complains, none of the city's savings and loan companies will participate in the pool, even though all are authorized by law to do so.

Maryland, according to James Leamer, executive director of the Maryland Higher Education Loan Corp., has been able to hang on because of a special provision, enacted the first of last month, which allows the state to pay a $25 "incentive" fee to banks that agree to make loans.

"This is the only reason we're holding our heads above water," Leamer says. "We're still going to see what crunch develops about the middle of this month.'

Virginia is another story. GWs Patterson labels the state "simply terrible." Charles Hill, director of the Virginia State Educational Assistance Authority, is a little less harsh, but not much.

"Our lenders are being selective, no doubt about it," Hill says. "There's continued (bank) activity, but not at the level we'd like."

Hill says all Virginia banks for the last two years have restricted loans to students whose families are already customers. In addition, the state's banks grant loans only to students attending school in Virginia.

The scramble for guaranteed loans has been increased by a shortage of money available for National Defense Education Assistance loans. NDEA money, which is aimed at low-income students, is allotted to individual colleges after state finance experts determine how much each college in their state needs.

Statistics tell the NDEA story. During the 1968–69 school year, the states requested a total of $247 million in NDEA money. The government appropriated $190 million.

For the coming year, the states have requested $273 million. The outgoing Johnson Administration budgeted far less than this, and the Nixon Administration reduced Johnson's figure even more—to $155 million. The House on Wednesday raised this figure by $40.8 million, but this still leaves only $5.8 million more than last year, and Senate action on this budget before the Aug. 13 recess appears slim.

This throws an increased burden on the guaranteed loan program, and any help here must come from the federal government. The only method seriously considered at this time is for the government to give banks a 3 percent "incentive payment" on each loan, over and above the regular 7 percent interest rate.

U.S. Commissioner of Education James E. Allen, in testimony before the House Special Subcommittee on Education, said the administration favors this method over simply raising the interest ceiling for several reasons.

For one thing, the government would assume any payment over 7 percent, thus relieving the student of additional financial burden. If the interest ceiling were simply raised, the student would be saddled with the entire amount.

Allen also pointed out that the incentive payment rate "may be adjusted accordingly. This avoids locking in both the government and the student to what may be artificially high interest rates."

In addition, he said, this plan is "the least expensive method of the alternatives we have examined."

But some congressmen are unlikely to be impressed. If the administration bill ever gets to the House floor, it may well be blocked by such men as Rep. Wright Patman, D-Tex., a longtime foe of federal subsidies to banks.

Patman testified against raising the interest ceiling from 6 to 7 percent last year to meet a similar prime rate rise (it was done anyway). "The banks are so heavily subsidized anyway," said a member of Patman's office, "he feels 7 percent is plenty."

The bill may encounter the same kind of opposition in the Senate. If the bill makes its way through the Senate Education subcommitee to the full Labor and Public Welfare Committee, chairman Ralph Yarborough of Texas, who agrees largely with Patman on the issue of bank subsidies, may block it.

"The idea of subsidies to the bank instead of the student doesn't especially appeal to us," a Yarborough staff member says.

Harry Hogan, counsel to the House special education subcommittee chaired by Rep. Edith Green of Oregon, notes another potential stumbling block to passage of the bill. Some liberal congressmen, faced with a further amendment to the Higher Education Act, may try to enact changes throughout, such as raising the $1,500 limit on a single guaranteed loan, he says. Debate on such measures could slow things down.

But the bill may never progress even that far. Sen. Claiborne Pell, D-R.I., chairman of the Senate Education subcommittee, is reportedly not particularly enthused about the bill, and may take his time in sending it along to the full committee.

A first step towards alleviating the crisis took place today when the Green subcommittee reported out an amended version of the administration's bill, to the full Education and Labor Committee.

The major change, written in by Rep. John Erlenborn, R-Ill., would be to adjust the incentive rate every three months, instead of every six months as recommended by the administration.

The full committee is scheduled to meet Wednesday morning.

The subcommittee sent a recommendation along with the bill that the committee take steps to rush the bill to the floor.

Banks are repeating their policy of last year and making loan commitments in anticipation of federal action, Vanderstaay says.

"The banks (last year) had every expectation that something was going to be done and went ahead and made the commitments. But they didn't make disbursements (before action was taken). So we're not sure how many of these present commitments will become disbursements," he said.

Is the situation as bad as it looks? Vander-

staay thinks so. "I'm hard put to prove it today," he says, "and I'm afraid we won't be able to prove it until it's a bit too late."

WE MUST REVITALIZE THE GUARANTEED STUDENT LOAN PROGRAM

Mr. CHURCH. Mr. President, today we will vote on S. 2721, a bill which provides for incentive payments to banks who participate in the guaranteed student loan program.

Since its inception, this program has helped thousands of students throughout our Nation to obtain their education. The program allows the student to borrow money from private lending institutions and guarantees those loans to the lender.

Last year, over 2,000 students from Idaho were helped by the program. This year, as a result of high interest rates and the ceiling on interest rates fixed in the original law, many lending institutions have dropped the program. The result is obvious: thousands of students will be placed in a serious financial bind. In some cases, that bind will be so serious that they will be unable to continue and complete their college education.

I have received letters from throughout my State urging me to support some remedial action in light of the current conditions. Since agreement has been reached on this bill, I will support its passage in the hope that this action will help free the funds necessary for these students to continue in college this fall.

I ask unanimous consent that a few of the letters I have received on this issue from concerned residents of Idaho appear at this point in the RECORD.

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

BOISE STATE COLLEGE,
Boise, Idaho, March 28, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: A combination of events has produced a very bleak outlook for Idaho college students to finance their expenses of education for the year 1969–70.

In July, August and September, 1968, Idaho students numbering 1,367 negotiated and were loaned $1,275,592 under the Federally Insured Student Loan Program. This program was one in which most of our larger banks have participated in our state and served the many students who are not from the lowest family income brackets.

With the recent increases in prime interest rates our banks have informed us that they cannot continue to assist students in this program. Facing higher costs of living a large number of Boise State College students who were willing to obligate themselves, acquire an education and skills, and enter the wage-earning, tax-paying world, are now without this method to finance their higher education.

National Defense Student Loans, College Work-Study, and Educational Opportunity Grants have been implemented to assist worthy, needy students. In the current year the programs have provided an economic assist to 474 students at Boise State College.

With National Defense Student Loan funds of $100,501,211 BSC students are now making their way through this academic year 1968–69. Based on our rate of growth as a new state institution, we requested funds to assist 260 students in FY 69–70. Proposed funding for Fiscal Year 1970 at the $155 million level as requested by the President in his budget indicates that our NDSL allocation will be $82,365.

The College Work-Study Program and initial year Educational Opportunity Grants are similarly affected.

Idaho students have demonstrated, not in disruption of our campuses, their ability to plan for their future by borrowing a minimum to get through each year, working and studying as they go, and have followed through on their responsibility by repaying their loans. Won't you use your influence to emphasize this to the Senate Sub Committee on Education and the Senate Appropriations Committee and perhaps achieve an appropriation that meets more closely the needs of our citizens?

Yours sincerely,

RICHARD REED,
Director of Financial Aids.

AUGUST 11, 1969.

DEAR SENATOR CHURCH: At this time, I am a junior at Brigham Young University, a few units shy of being a senior. My problem, like many other peoples, is a lack of funds with which to continue my education. The last academic year of 1968–69 was financed by a low interest bank loan. A successive loan by that bank has been refused me.

To complicate things more, jobs in Idaho, as I am sure you are well aware of, are scarce. At the present I am employed as a salesman. But, this job will not bring me the necessary funds to return to school.

To state what is obvious, I need a loan for school. Any help or information that you might be able to give will be greatly appreciated.

Thank you for your time and consideration.

Sincerely,

MICHEAL R. WARWICK.

CALDWELL, IDAHO.

JUNE 23, 1969.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: I will be a Sophomore in college next year. Last year I was able to obtain one of the government sponsored student loans to help me go to school. However, because of increased interest rates on other loans the banks are not offering them again this year, as I am sure you already know. It will be impossible for me to return to school next fall without financial assistance of some kind.

I would, therefore, like to know if there are any other kinds of government programs for help with student financial assistance or if these loans will be reinstated. Any information or help you can give me in this will be appreciated.

Thank you for your service to Idaho and for your interest in the youth of the country.

Sincerely yours,

WENDY FREEMAN.

RIRIE, IDAHO.

CAMBRIDGE, MASS., *June 29, 1969.*

Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: I feel no little embarassment in writing to you at this time, for it seems that I write to my senator in about the same way that I pray—when I am in trouble. In another year I should be relieved of many of my problems, and perhaps I will be able to write more selflessly.

I have been financing much of the cost of my graduate education through the Federally Insured Guaranteed Loan program. Because I must rely on this source of financing, I was quite disturbed to learn that the banks are not currently granting loans under the program. As one might expect, the increase in the prime rate unaccompanied by a simultaneous increase in government subsidy has resulted in an effective suspension of the program. I would appreciate whatever efforts you might be able to exert on behalf of this program, both because I need the money and because I consider it to be one of the more worthwhile loan programs that the government is currently underwriting. If the prospects should appear dim, however, I would appreciate a note to that effect, as I will need to arrange for some other source of funds prior to September.

Lynn and I sincerely hope that all is well with you and your family. Thank you for your continued concern and kind assistance.

Very truly yours,

KARL V. WILLIG.

TACOMA, WASH., *July 13, 1969.*

Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We are writing to you regarding the funds for a government guaranteed loan for college. We have inquired at our bank in Washington and they tell us that no funds are available in our area. We moved to Tacoma one year ago from Boise, Idaho which we were residents for over twenty years. Hopefully, we will be moving back within the duration of the summer. Our daughter has attended the College of Idaho her freshman year and is trying to return this fall. She was awarded a $1,200 package plan (scholarship, etc.) last year and again for the coming school year. She is working two jobs, nights at a drive-in, and weekends as a receptionist for a real estate office. We need another $1,200 which she will contribute $400 or $500, leaving a balance of $700. If she could obtain even a $500 loan she could go back to school. The school is an expensive one and we are financially unable to help her. But she feels the small size of this private college and the academic program will aid her in the best education and which we feel she is getting. She is very proud of the C of I.

She has a GPA of 3.8 and has been on the Dean's List continually. She is planning a major in secondary education and a minor in psychology. She is very active in school, chosen for the honor board (a student governing body) in Simplot Dormitory, appointed on a senate committee, elected as treasurer in both her sorority and Associated Women Students, and she will be helping the dean as a counselor for incoming students. We, as parents, are very proud of her and feel she is a very worthy student and will complete college if financially able.

We have also written Senator Henry Jackson. Surely there are many students that need aid. What can we do? Without this loan she cannot attend the college. We need your help so please contact us at the earliest possible time.

Thank you.

Sincerely Yours,

Mr. and Mrs. EDWIN M. BARTON.

JULY 25, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SIR: We have recently been informed by local banks that no student loans are being considered this year unless or until Congress adjusts the rate of interest.

As parents of a boy going into his senior year and hoping to teach one year from now, we are vitally concerned about this student loan program continuing. *Surely* economy can begin elsewhere.

Respectfully yours,

ELEANOR F. FORREST.

POCATELLO, IDAHO.

JULY 18, 1969.

Senator FRANK CHURCH,
Washington, D.C.

DEAR SENATOR CHURCH: We are writing in regards to federal money in the amount of sixteen million dollars to be issued to boys

and girls throughout the nation as a loan to go to college. These loans are handled by local banks and are called "student federal-insured loans" issued usually to boys and girls whose families are in the $5,000 to $15,000 income bracket and qualify for the loans.

When we went to the Idaho First National Bank here in Rigby, Idaho they refused to give our daughter JoAnn the loan to enable her to go to college this coming school year 1969–70 even though she was eligible and all papers were in order. The manager of the bank, Allan Dixon, said the reason the loan would not be given was the bank's objection to the 7% interest attached to the loan by the federal government that backs these loans.

We checked with Mr. John Williams, finance officer at Utah State University, Logan, Utah as to the difficulty we were having in regards to the loan for JoAnn. He informed us that this was a general situation with all banks in the United States and they are withholding these federal loans because of the 7% interest. The banks feel it should be higher.

Now Senator Church, this is a terrible injustice to these boys and girls that want to go to college and are depending on these loans to help them get their education. To think that the government has appropriated the money for these girls and boys and they cannot get loans seems to us incredible but it is happening. If the banks deserve more interest give it to them. If they don't, *please* get things rolling and do whatever needs to be done to get this money available to these boys and girls.

If we can help in any way let us know. We are depending upon you as our Senator to help us and others concerned with this vitally important matter.

Thank you very much. Anything you do will be greatly appreciated.

Sincerely,

JOE BODELL.
NORMA BODELL.

RIGBY, IDAHO.

POCATELLO, IDAHO,
July 20, 1969.

SENATOR FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: If I may be so blunt, I would like to ask for your help and assistance in a matter that has arisen concerning college. The subject is Guaranteed Student Loans. None seem to be available due to an interest problem the banks have. The college I plan to attend, Reed in Portland, Oregon, suggested all its students write their Congressmen or Senators and ask them to support a bill now in Congress concerning the possibility of helping banks with this interest rate. This is the favor that I ask—that you support this bill so the loans may become available to me and my fellow students. Your assistance will be greatly appreciated, you may be sure.

Thank you. I am looking forward to serving you again.

Sincerely,

DUANE DEFOGGI.

Mr. PELL. Mr. President, we are today discussing a bill to grant an incentive allowance to banks, so as to insure their participation in the federally sponsored insured student loan program. With this in mind it is gratifying to be able to share with the Senate the text of a telegram sent by my old friend Cornelius C. Moore, president of the Newport National Bank of my home city, Newport, R.I., to Frank Licht, Governor of the State of Rhode Island: The message reads:

The Newport National Bank will continue its plans for assistance to college students under the Rhode Island Higher Education Assistance Plan. The Bank has no intention of modifying its heretofore support of the program and welcomes the opportunity to serve worthy students in pursuing their higher education.

I am happy to report to the Senate that this telegram is not an isolated gesture, but one which has, I am informed, been repeated in my State.

With the rise in the interest rate there was concern that students attempting to finance their education through the Federal programs of tuition assistance would experience difficulties.

Mr. President, I think it heartening to note that in the State of Rhode Island the participants in higher education loan programs—HELP—have shown their willingness to continue to participate in spite of the tight money market, and it should be noted that they did so before the incentive allowance bill was being seriously considered in the Senate.

To my mind this is a story which should be greeted with great approval and appreciation by the citizens of my State. The efforts of Gov. Frank Licht and the participating Rhode Island bankers are laudatory and demonstrate a dedication most welcome. One could also hope that other bankers and governors would take action to meet the crisis.

And to my old and valued friend, Cornelius Moore, I can only say thank you and congratulations on your commitment to the youth of our State.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The bill having been read the third time, the question is: Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 92, nays 1, as follows:

[No. 78 Leg.]

YEAS—92

Aiken	Goodell	Mundt
Allen	Gravel	Murphy
Allott	Griffin	Muskie
Anderson	Gurney	Nelson
Baker	Hansen	Packwood
Bayh	Harris	Pastore
Bellmon	Hart	Pearson
Bennett	Hartke	Pell
Boggs	Hatfield	Percy
Brooke	Holland	Prouty
Burdick	Hollings	Proxmire
Byrd, Va.	Hruska	Randolph
Byrd, W. Va.	Hughes	Ribicoff
Cannon	Inouye	Russell
Case	Jackson	Schweiker
Church	Javits	Scott
Cook	Jordan, N.C.	Smith
Cooper	Jordan, Idaho	Sparkman
Cotton	Kennedy	Spong
Cranston	Long	Stennis
Curtis	Magnuson	Stevens
Dodd	Mansfield	Symington
Dole	Mathias	Talmadge
Dominick	McCarthy	Thurmond
Eagleton	McClellan	Tower
Ellender	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fannin	Miller	Williams, Del.
Fong	Mondale	Young, N. Dak.
Fulbright	Montoya	Young, Ohio
Goldwater	Moss	

NAYS—1

Dirksen

NOT VOTING—7

Bible	McGee	Yarborough
Eastland	Metcalf	
Gore	Saxbe	

So the bill (S. 2721) was passed.

The title was amended, so as to read: "A bill to increase funds for college student loans by increasing the authorization of appropriations for the National Defense Student Loan Program, and by providing for an incentive allowance for insured loans under title IV–B of the Higher Education Act of 1965 on a temporary basis, and for other purposes."

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I wish to pay tribute and acknowledge the cooperation of our subcommittee chairman, the distinguished Senator from Rhode Island (Mr. PELL), who acted with dispatch to meet this emergency situation. He called immediate hearings and convened our subcommittee in executive session with no delay. He furnished excellent guidance, buttressed by the technical assistance of majority professional staff, John Forsythe, Steve Wexler, and Richard Smith. Also Roy Millenson of the minority staff. The chairman of our full committee, the distinguished Senator from Texas (Mr. YARBOROUGH) also merits approbation for his active participation in the formulation of this legislation, his cooperation in securing its consideration, and his openmindedness in our deliberations on its terms.

On the minority side, the distinguished junior Senator from Vermont (Mr. PROUTY), the ranking minority member of the Subcommittee on Education and the principal cosponsor of S. 2721, was most helpful in our deliberations, together with the other minority members

of the subcommittee who also joined as cosponsors—the Senator from Colorado (Mr. DOMINICK), and the Senator from Pennsylvania (Mr. SCHWEIKER).

I would like to express appreciation to the Senator from Colorado (Mr. DOMINICK). Without his agreement in connection with the unanimous-consent request, although he felt deeply about his amendment, we would not have been able to pass the bill.

I also wish to express appreciation to the majority leader and the minority leader. They were extremely helpful.

Also appreciated is the graciousness of the Senator from Indiana (Mr. BAYH), sponsor together with some 17 colleagues of S. 2422, an alternate solution to the guaranteed student loan crisis. The Senator from Indiana in his testimony before our subcommittee was most generous in offering his support to the bill now before us.

Mr. PELL. Mr. President, I wish to thank the Senator from New York for his kind words. Without the work we did together we might have had no bill at all. I wish to thank him for the cooperation he showed. We were glad to help in connection with the bill, which is basically an administration bill. I thank the Senator for his help.

I express my admiration to the Senator from Massachusetts (Mr. KENNEDY). He introduced his amendments, he believed in them strongly, and he urged the committee to adopt them. I think the Senate showed its good judgment in supporting the amendments offered by the Senator from Massachusetts. They would not have been in the bill if he had not presented them and fought for them as hard as he did.

I extend congratulations to the Senator from Indiana (Mr. BAYH) for the way he was willing to forgo his own bill and interests for the sake of relieving the pressure on the students to try to get a bill passed.

Finally, without the work of Steve Wexler and Roy Millenson, or Bob Harris and Richard Smith, who know more about this matter than I do, we could not have gotten the bill passed.

Mr. KENNEDY. Mr. President, I wish to congratulate and commend the chairman of the committee. This is the first matter that has been brought to the floor under his leadership. All of us who serve on the Subcommittee on Education and on the full committee are deeply impressed by his courtesy and understanding to all who have ideas, suggestions, and amendments. We are grateful for the way he conducted the hearings. He was extremely considerate of all of our interests. I know the Senator from Rhode Island follows a great Senator who made an extraordinary contribution in the field of education, former Senator Morse of Oregon.

The Senator from Rhode Island developed a great grasp of the problems and the goals. I think the Subcommittee on Education and the full committee were greatly benefited by his energy. I commend the Senator.

Mr. PELL. I thank the Senator.

Mr. President, I was remiss in not having extended thanks to the chairman of the committee, the Senator from Texas (Mr. YARBOROUGH), who scheduled hearings and did all he could to further this matter along the road.

S. 2830—INTRODUCTION OF A BILL TO INCREASE SOCIAL SECURITY BENEFITS BY 10 PERCENT

Mr. AIKEN. Mr. President, in recent weeks we have seen generous pay increases for persons employed in private industry and in Government.

The Nixon administration, in a bold and progressive move, has proposed a guaranteed annual wage of some $1,600, geared to work incentives and training programs to encourage workers to advance to the point where a guaranteed income is no longer necessary.

In the Federal Government, classified workers, postal employees, and the military have all received increases.

These increases have been necessary, Mr. President.

It is the only way our people can hope to keep up with rising costs brought on by inflation.

Unfortunately, in our haste to look out for Government employees we have overlooked some 25 million men and women who are trying to live on social security benefits.

They are struggling to get by on low fixed incomes while the prices for everything they buy are skyrocketing.

The latest Consumer Price Index shows prices in May 1969 are 5.4 percent higher than in May of last year.

The cost of food is up 4.1 percent.

Rent is up 3.1 percent.

Fuel and utilities have risen 2.1 percent.

The cost of medical care, which is so important to persons over 65 years of age, has risen 7.3 percent in the last year and is 50 percent higher than it was 10 years ago.

Clothing is up 5.9 percent.

The average social security benefit, Mr. President, is below the official Government poverty line.

Most of these 25 million people just do not get income enough to get by.

Since the last social security benefits increase in February 1968, the cost of living has risen nearly 7.2 percent and wages in private industry have gone up 10 percent.

I know that the members of the Senate Finance Committee are acutely aware of this situation and I know they want to do something about it now, not next year.

I know also that the President has spoken out in favor of an increase for these unfortunate members of our society.

However, a specific proposal is needed at this time.

I, therefore, introduce, Mr. President, a bill proposing a 10-percent increase in social security benefits.

This is a flat 10-percent rise across the board.

I urge that as soon as an appropriate bill is received from the House that the Finance Committee give the proposal favorable action.

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

The bill (S. 2830) to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in the monthly benefits payable thereunder, introduced by Mr. AIKEN, was received, read twice by its title, and referred to the Committee on Finance.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

MANPOWER TRAINING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-147)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

A job is one rung on the ladder of a lifelong career of work.

That is why we must look at manpower training with new eyes: as a continuing process to help people to get started in a job and to get ahead in a career.

"Manpower training" is one of those phrases with a fine ring and an imprecise meaning. Before a fresh approach can be taken, a clear definition is needed.

Manpower training means: (1) making it possible for those who are unemployed or on the fringes of the labor force to become permanent, full-time workers; (2) giving those who are now employed at low income the training and the opportunity they need to become more productive and more successful; (3) discovering the potential in those people who are now considered unemployable, removing many of the barriers now blocking their way.

Manpower training, in order to work on all rungs of the ladder, requires the efficient allocation by private enterprise and government of these human resources. We must develop skills in a place, in a quantity and in a way to ensure that they are used effectively and constantly improved.

Today, government spends approximately 3 billion dollars in a wide variety of manpower programs, with half directly devoted to job training; private enterprise spends much more on job training alone. The investment by private industry—given impetus by the profit motive as well as a sense of social responsibility—is the fundamental means of developing the nation's labor force. But the government's investment has failed to achieve its potential for many reasons, including duplication of effort, inflexible funding arrangements and an endless ribbon of red tape. For example:

—*A jobless man* goes to the local skill training center to seek help. He has the aptitudes for training in blue collar mechanical work, but no suitable training opportunities are available. At the same time, vacancies exist in a white collar New Careers project and in the Neighborhood Youth Corps. But the resources of these programs cannot be

turned over to the training program that has the most local demand.

—*A 17-year old boy wants to take job training.* The only manpower program available to him is the Job Corps, but its nearest camp is hundreds of miles away. With no other choice, he leaves home; within 30 days he has become homesick or feels his family needs him; he drops out of the Corps and has suffered "failure" which reinforces his self-image of defeat.

—*A big-city Mayor* takes the lead in trying to put together a cohesive manpower program for the entire labor market area—tying together jobless workers in the inner city with job openings outside the "beltway." He finds it difficult to assemble a coherent picture of what's going on. Manpower programs funded by different agencies follow different reporting rules, so that the statistics cannot be added up. Moreover, there is no single agency which maintains an inventory of all currently operating manpower programs. He knows that help is available—but where does he turn?

—*An unemployed high school dropout* in a small town wants to learn a trade in the electronics field. His local employment office tells him that there is not enough demand in his town for qualified technicians to warrant setting up a special training class in a local public school. He is also told that "administrative procedures" do not lend themselves to the use of a local private technical institute which offers the very course he wants. This youngster walks the streets and wonders what happened to all those promises of "equal opportunity."

This confused state of affairs in the development of human resources can no longer be tolerated. Government exists to serve the needs of people, not the other way around. The idea of creating a set of "programs," and then expecting people to fit themselves into those programs, is contrary to the American spirit; we must redirect our efforts to tailor government aid to individual need.

This government has a major responsibility to make certain that the means to learn a job skill and improve that skill are available to those who need it.

Manpower training is central to our commitment to aid the disadvantaged and to help people off welfare rolls and onto payrolls. Intelligently organized, it will save tax dollars now spent on welfare, increase revenues by widening the base of the taxpaying public, and—most important—lift human beings into lives of greater dignity.

I propose a comprehensive new Manpower Training Act that would pull together much of the array of Federal training services and make it possible for State and local government to respond to the needs of the individual trainee.

The Nation must have a Manpower System that will enable each individual to take part in a sequence of activities—tailored to his unique needs—to prepare for and secure a good job. The various services people need are afforded in laws already on the books. The need today is to knit together all the appropriate services in one readily available system. By taking this step we can better help the disadvantaged gain control and direction of their own lives.

A first step was taken in this direction in March when I announced the reorganization of the Manpower Administration of the U.S. Department of Labor. This reorganization consolidated the agencies that had fragmented responsibility for carrying out most of the Nation's manpower training program. We must now complete the job by streamlining the statutory framework for our manpower training efforts.

In specific terms, the Act which I propose would:

1. *Consolidate major manpower development programs* administered by the Department of Labor—namely, the Manpower Development and Training Act and Title I–A (Job Corps) and I–B (Community Work and Training Program) of the Economic Opportunity Act. These programs, operated in conjunction with strengthened State manpower agencies, will provide training activities in a cohesive manpower services system. The Office of Economic Opportunity, without major manpower operational responsibilities, will continue its role in research work and program development working with the Department of Labor in pioneering new manpower training approaches.

2. *Provide flexible funding* of manpower training services so that they can be sensitive to and focused on local needs; this will ensure the most efficient use of available resources.

3. *Decentralize administration of manpower services* to States and metropolitan areas, as Governors and Mayors evidence interest, build managerial capacity, and demonstrate effective performance. This process will take place in three stages. First, a State will administer 25 per cent of the funds apportioned to it when it develops a comprehensive manpower planning capability; second, it will exercise discretion over 66⅔ per cent when it establishes a comprehensive Manpower Training Agency to administer the unified programs; and, third, it will administer 100 per cent when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

The proposed Act will assure that equitable distribution of the manpower training dollars is made to the large metropolitan areas and to rural districts, working through a State grant system.

By placing greater reliance on State and local elected officials, the day-to-day planning and administration of manpower programs will become more responsive to individual job training needs. A dozen States have already taken steps to reshape administrative agencies and to unify manpower and related programs.

To qualify for full participation under the proposed Act, each State and the major cities in a State would unify its manpower administration under State and local prime sponsors. These agencies would administer the programs funded by the Federal Government; be responsible for other State and local activities to help people secure employment; help employers find manpower; and work in close liaison with State and local vocational education, vocational rehabilitation and welfare programs, for which leadership will be provided at the national level by the Department of Health, Education, and Welfare.

In addition, the State and local prime sponsors would establish advisory bodies, including employees, employers and representatives of the local populations to be served, to assist in developing local policy. In this manner, the units of government would be able to benefit continually from the experience and counsel of the private sector.

4. *Provide more equitable allowances for trainees,* simplifying the present schedule to provide an incentive for a trainee to choose the training best suited to his own future, and not the training that "pays" most.

As an incentive to move from welfare rolls to payrolls, the allowance to welfare recipients who go into training would be increased to $30 per month above their present welfare payments. These increased training allowances carefully dovetail into the work incentives outlined in my message to the Congress regarding the transformation of the welfare system. As the welfare recipient moves up the ladder from training to work, the first $60 per month of earnings would result in no deductions from Federally-financed payments.

5. *Create a career development plan for trainees,* tailored to suit their individual capabilities and ambitions.

Eligible applicants—in general, those over 16 who need training—would be provided a combination of services that would help them to train, to find work, and to move on up the ladder. These services will include counseling, basic vocational education, medical care, work experience, institutional and on-the-job training, and job referral. Manpower services will also be available for those who are presently employed but whose skill deficiencies hold them in low-income, dead-end jobs.

6. *Establish a National Computerized Job Bank* to match job seekers with job vacancies. It would operate in each State, with regional and national activities undertaken by the Secretary of Labor, who would also set technical standards.

The computers of the Job Bank would be programmed with constantly changing data on available jobs. A job seeker would tell an employment counselor his training or employment background, his skills and career plans, which could be matched with a variety of available job options. This would expand the potential worker's freedom of choice and help him make best use of his particular talents.

7. *Authorize the use of the comprehensive manpower training system as an economic stabilizer.* If rising unemployment were ever to suggest the possibility of a serious economic downturn, a countercyclical automatic "trigger" would be provided. Appropriations for manpower services would be increased by 10 percent if the national unemployment rate

equals or exceeds 4.5 percent for three consecutive months. People without the prospect of immediate employment could use this period to enhance their skills—and the productive capacity of the nation.

I proposed a similar measure in my message to the Congress on expansion of the unemployment insurance system.

The proposed comprehensive Manpower Training Act is a good example of a new direction in making Federalism work. Working together, we can bring order and efficiency to a tangle of Federal programs.

We can answer a national need by decentralizing power, setting national standards, and assigning administrative responsibility to the States and localities in touch with community needs.

We can relate substantial Federal-State manpower efforts to other efforts in welfare reform, tax sharing and economic opportunity, marshaling the resources of the departments and agencies involved to accomplish a broad mission.

We can meet individual human needs without encroaching on personal freedom, which is perhaps the most exciting challenge to government today.

With these proposals, which I strongly urge the Congress to enact, we can enhance America's human resources. By opening up the opportunity for manpower training on a large scale, we build a person's will to work; in so doing, we build a bridge to human dignity.

RICHARD NIXON.

THE WHITE HOUSE, *August 12, 1969.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 10107) to continue for a temporary period the existing suspension of duty on certain istle.

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

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Chair lays before the Senate the unfinished business, which will be stated.

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

The Senate resumed the consideration of the bill.

Mr. McINTYRE. Mr. President, I yield myself 40 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 40 minutes.

Mr. McINTYRE. Mr. President, I have a prepared statement here that defends and replies to the thrust of the amendment being offered by the distinguished Senator from Arkansas (Mr. FULBRIGHT).

I want to make it clear that I do not plan to yield for questions or any colloquy during the presentation of this proposed statement, with one exception. I shall be glad to yield to the distinguished Senator from Virginia (Mr. BYRD) who is a member of the Subcommittee on Research and Development of the Armed Services Committee, since I will be referring directly to actions which took place in that subcommittee and in the full committee.

Mr. President, this amendment would make a further reduction of $45,614,000 of the R.D.T. & E. portion of the authorization bill. I would call the Senate's attention to the fact that the bill, as reported by the Armed Services Committee, has already reduced the $8.2 billion request by $1 billion and $43 million. This represents a total reduction of some 12½ percent of the funds requested for R.D.T. & E.

The areas in the field of military research that the Senator's amendment seeks to reach and further reduce over and beyond the committee's recommendation are:

First, Federal contract research centers;

Second, DOD contracts with foreign research institutions;

Third, policy planning studies with foreign policy implications;

Fourth, the Themis program; and

Fifth, Project Agile—R. & D. on low level conflict.

The Armed Services Committee has already cut this overall field of military science research by $50.5 million. Most of this cut will be absorbed by the five programs under attack in the Fulbright amendment—about $40 million.

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

Mr. McINTYRE. I have already indicated that I do not plan to yield.

Mr. FULBRIGHT. This is not for a question. I wanted to modify my amendment, so the Senator will know what I have in mind.

Mr. McINTYRE. I yield for that purpose.

Mr. FULBRIGHT. Mr. President, I wish to modify my amendment on page 3, line 24, to add the following new section:

SEC. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

The PRESIDING OFFICER. The amendment will be so modified.

FEDERAL CONTRACT RESEARCH CENTERS

Mr. McINTYRE. Mr. President, let me first discuss the Federal contract research centers. These are the so-called "think tanks." These are one of the resources which gives the Department of Defense a capability to meet the challenging requirements for new system concepts and their orderly and timely development into operational military systems. Other parts of the mix of resources for doing this job include in-house laboratories and contracts with profit-oriented industry. During the past 5 years the R.D.T. & E. funding for the nonprofits or Federal contract research centers has been decreased significantly in an orderly, but programed fashion. I would caution against a precipitate reduction without proper planing and laying of the groundwork for transfer of tasks being performed by these FCRC's to other scientists and engineers—either in-house or contractor employed. Large reductions without preplanning will probably result in the disbanding of talented teams of scientists and engineers with a consequent serious impact on many high priority programs. The time lost and the added cost of recreating these teams at a later date would nullify the cost savings achieved by this reduction.

It was the feeling of the subcommittee that these nonprofit corporations serve a useful purpose in three areas: System planning and systems engineering and technical direction of system developments; operations analysis and long-range military planning; and general and continuing research and experimentation in support of military R. & D.

Our study of the nonprofits, including a Defense Department briefing, indicates that there has been a general tightening of management and control of the defense FCRC's, including a noticeable reduction in the fees which have been paid to the major FCRC's. However, the subcommittee took issue with the Defense Department criteria for determining the reasonableness of FCRC executive compensation rates. It does not seem appropriate to the subcommittee that executive salaries for these nonprofit, no-risk Government-sponsored and Government-funded activities should be equated to compensation for profitmaking organizations in private enterprise having the same operating budget or the same "sales." We found it difficult to justify a salary of $97,500 for the chief executive of an FCRC when the salary of the Secretary of Defense is only $60,000. That was the basis for the recommendation by Senator HARRY BYRD of the restrictive language in limiting such executive compensation. Senator BYRD's amendment is contained in section 204(a) of the authorization bill.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to my colleague on the Armed Services Committee and also my colleague on the Research and Development Subcommittee.

Mr. BYRD of Virginia. Mr. President, first may I congratulate the distinguished Senator from New Hampshire for the tremendous amount of work that he has put into the handling of this legislation as chairman of the Subcommittee on Research and Development. He has handled it with great ability and great industry.

In regard to the amendment the Senator from New Hampshire just mentioned, I think we should emphasize for a moment just what it will do and what it will not do.

It does not prevent the payment of salaries in excess of $45,000, but it does make mandatory that any such salaries above the figure of $45,000 must be approved by the President of the United States.

As it is now, the salaries for these Government-sponsored, nonprofit organizations are in effect determined by self-perpetuating boards of trustees, and then those salaries, set by the boards of trustees, must be approved by the Department of the Air Force or the appropriate department in the Department of Defense.

So this provision would take away from the Department of Defense the right to establish salaries in excess of $45,000, and would require that they have the approval of the President of the United States.

The reason why both the subcommittee and the committee felt such a provision was desirable was that, as a practical matter, all of the funds for the Government-sponsored, nonprofit organizations come from the American taxpayers.

That being the case, the committee felt that the salaries should be more in line with those paid by the Government for positions of great responsibility, such as the Secretary of Defense and other Cabinet officials.

But the committee recognized that there are many technical experts whose services are needed, and in those cases higher salaries may be set if they have the approval of the President of the United States.

I will take just one corporation, the Aerospace Corp. In fiscal 1969 its operating budget was $74,272,000. Of that amount, it received its entire funding, $74,272,000, from the Department of Defense.

In regard to Aerospace, the information submitted to the committee shows that there are 68 persons in Aerospace earning in excess of $30,000 per year. There are 19 who earned in excess of $42,500.

To give the Senate the range of salaries, the President was paid last year $97,500. A senior vice president was paid $66,000. A vice president for operations was paid $65,000. Another vice president for operations was paid $58,000. Another vice president and general manager was paid $55,000. Another vice president was paid $50,000. Another vice president was paid $50,000. Another vice president was paid $50,000. Another vice president was paid $45,000. Another vice president was paid $45,500.

The committee went into this matter very carefully. It felt that there should be some restraint with regard to what is done with respect to these 16 Government-sponsored, nonprofit research organizations.

With that in mind, the amendment which is included in the bill was developed and was approved by the committee.

I thank the distinguished Senator from New Hampshire for yielding to me at this point.

Mr. McINTYRE. Mr. President, I compliment the Senator from Virginia for his work, not only on the particular amendment he has been discussing, but generally for his help, counsel, and advice on the subcommittee, and, of course, his activities on the full committee. It has been a pleasure to be associated with him, particularly as we have delved into this matter of research and development during the past year.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McINTYRE. For what purpose?

Mr. BYRD of West Virginia. I wish to compliment the Senator.

Mr. McINTYRE. Oh. I always yield for that.

The PRESIDING OFFICER. The Senator yields for a compliment.

Mr. BYRD of West Virginia. Mr. President, the Senator yields for a compliment that is well deserved. I have been greatly impressed by the presentations that have been made during the debate on this bill by the able junior Senator from New Hampshire. I think that he has been exceedingly diligent in his work as chairman of the subcommittee; and the statements that he has made, his participation in colloquies on the floor, and his answers to questions have indicated that he has a very thorough grasp of the subject matter. I know that one can only acquire the knowledge with respect to a bill that he obviously has acquired with respect to this bill through a great deal of hard work, effort, and diligence. It is gratifying to see Senators come to the floor who are so well prepared to present their case on a bill, and the Senator from New Hampshire has certainly set an extremely fine example.

Mr. McINTYRE. Mr. President, I thank the Senator from West Virginia for his very kind remarks, but I would add that, as one of the so-called junior Senators, I have learned much and have profited greatly from watching my distinguished colleague from West Virginia in his presentations, because I think it is generally recognized that there is no harder-working Member of this body than my distinguished friend from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator. I think the Senate is indebted to him, and he has done a great service for the country, on the subject matter of the legislation which his subcommittee has delved into. It is a very difficult subject matter, and I have listened to his presentation with interest.

I wanted to pay him this tribute because I felt it was well deserved, and again I say the Senate is indebted to him. I congratulate him, and I know he will continue to do great work on the Committee on Armed Services.

Mr. McINTYRE. I thank the Senator very much.

Furthermore, the subcommittee felt that there should be a general reduction in the level of effort of FCRC's, particularly since we see an overall reduction in the total DOD research and development budget. In addition, we noted that the Defense Department has instituted a policy authorizing Defense-sponsored FCRC's to invite them to take up to 20 percent of their business from non-DOD sources.

The subcommittee recognized that the total operating budget of the Federal Contract Research Centers is not necessarily, indeed not usually, funded from a single account. For example, the line item for Aerospace Corp. under Military Astronautics and related equipment is $24.7 million, whereas its operating budget planned for fiscal year 1970 is $78 million. The rest of the funding is provided from various programs for which Aerospace Corp. provides system engineering and technical services. We recognize the difficulty of identifying appropriate accounts to which a reduction should be charged. It is expected that the impact on the FCRC's will be in excess of the recommended cut.

The efforts of the Federal Contract Research Centers are generally characterized by two attributes. First, each center has a "mission oriented" rather than a "scientific discipline-oriented" charter; that is, each center is given tasks directly connected to the Services' operational needs. To carry out these tasks, an FCRC must involve many kinds of scientists and engineers. Thus, the contributions of any one center are quite varied—in terms of scientific disciplines and areas of technology, and in terms of the duration and scope of effort leading to a contribution.

Second, many investigations are conducted concurrently within each center, and the culmination dates of investigations are widely staggered. Thus, a small sampling of the contributions made by all FCRC's during a given short period of time is not representative of their long-term cumulative value.

Because of these two characteristics, what I wish to point out is: First, a rather detailed listing of some of the important developments from one FCRC, the Applied Physics Laboratory, Johns Hopkins University; and second, a sampling of illustrative contributions by other FCRC's. This should provide a "feel" for both the range of the center's activity as well as the larger range of work accomplished by this entire category of R. & D. organizations.

APPLIED PHYSICS LABORATORY

The Applied Physics Laboratory, Johns Hopkins University, working primarily for the U.S. Navy, has long been a productive member of the DOD's research and development team. The fiscal year 1967 DOD funding of this organization was $31.4 million. The level of technical effort has been reasonably constant over the past several years. In return for this investment the Applied Physics Laboratory has:

Developed the basic surface-to-air missiles, Terrier, Tartar, and Talos, which are now deployed on upward of 60 ships and has undertaken the job of improving the capabilities of these systems against new threats, countermeasures, and other environmental factors.

Released to production, in December 1966, design modifications for the Terrier

and Tartar missiles to extend the capabilities of the missile.

Mr. President, I am now talking about the missiles on our warships today, on the high seas of the world.

Formulated testing methods and developed the necessary ancillary test equipment to permit the rapid determination of the state of operability of the shipboard weapon systems of the Tartar and Terrier ships. A system dynamic tester has been developed that provides realistic target simulation for the fire control system and generates a test problem similar to that of engaging a stringent target. The functioning of the fire control system is automatically evaluated and a scoring is displayed. The first model of this equipment was successfully tested aboard the U.S.S. *Berkeley* in the fall of 1966. A further advance in operability testing involved the design of automatic equipment for the evaluation of the Navy tactical data system computer complex already aboard Terrier ships of the DLG–26 class. This computerized test program was successfully demonstrated aboard the U.S.S. *Wainwright* and work is proceeding for the installation of the test program aboard all the Terrier ships having the NTDS system. The testing programs materially contribute to the online readiness of the shipboard weapon systems.

Conceived and developed the Navy navigation satellite system. This system provides extremely accurate navigation fixes for the Polaris submarine fleet, independent of weather conditions. The entire development, including the concepts, the computing programs, detailed satellite design, construction and checkout, the development of the shipboard navigation receivers and computers, and the development of the supporting ground system for tracking, commanding, and controlling the satellite was accomplished by the Applied Physics Laboratory.

AEROSPACE CORP.

Aerospace Corp.: They devised a program for modifying formerly operational Atlas E and Atlas F missiles into configuration suitable for target vehicle boosters for the advanced ballistic reentry system program and the Nike ABM test programs. The total projected cost saving of modifying 134 boosters over procurement cost of that many new target vehicle boosters is estimated at $1.47 billion.

Within the past 2 years Aerospace Corp. has developed an analytic method for predicting radio frequency attenuation caused by the plasma-sheath sursounding reentry vehicles. This is a significant contribution in the efforts to overcome the problems resulting from radar and telemetry signal attenuation during a critical portion of the missile or space capsule flight profile.

HUMAN RESOURCES RESEARCH OFFICE

Human Resources Research Office, George Washington University: During the last 12 months they have conceived and designed a radically new training device for aviators. This device will reduce required instrument training flight time from the present 50 hours to 40 hours. The savings in projected flight costs are estimated as $1,700 million per year.

MITRE CORP.

Mitre Corp.: They developed an interferometer radar technique to provide a capability for rapid and precise determination of satellite orbits and ballistic missile trajectories and information regarding the physical configuration of the target satellite or missile.

This gives an idea of some of the tremendous research advances that these so-called think tanks have come up with.

I now turn my attention to the Department of Defense contracts with foreign research institutions. This is another area that the Fulbright amendment attacks.

DOD CONTRACTS WITH FOREIGN RESEARCH INSTITUTIONS

The amendment by the Senator from Arkansas would reduce the authorization for Defense Department contracts at foreign institutions by $2 million.

The Department of Defense has continuing priority needs for certain selected foreign research and development projects. One very important area is that of long-range radio communications required for our worldwide communications network. Interaction of solar radiation with the earth's upper atmosphere produces global extent ionization of the region called the ionosphere. The rapidly changing conditions of the ionosphere affect in a primary way Defense communications. For this reason we support ionospheric and radio propagation research in Australia, Canada, and Norway to acquire essential data not obtainable within the United States.

A second area of prime importance is that of military medicine in foreign countries where our American troops are stationed or operating. Many diseases are endemic to a specific geographic locale and their presence greatly affects the force strength of our command and force units. It is not desirable nor feasible to pursue stateside research on many of these diseases since it is not desired to bring them into the United States. Therefore Defense supports selected research projects in military medicine in such countries as Japan, Israel, Italy, and Brazil.

A third area of key importance is that of environmental and meteorological phenomena related to the land, sea, and air that our Defense units operate on or over the globe. It is simply not possible to carry out the required research from stateside alone. Foreign investigators having a daily presence and long established experience in specific geographical areas are important contributors to the basic knowledge that we require about terrestrial sciences in foreign lands, about the oceans and seas far distant from the United States and about atmospheric weather phenomena in foreign areas. To meet priority Defense requirements, selected research projects are supported in Berlin, Canada, Denmark, Greece, and other countries.

Defense has established stringent criteria for selection of research and development projects by foreign performers. All ongoing or further research and exploratory development by foreign performers shall be supported by DOD only when it has been determined that, first, it is clearly significant in meeting urgent defense needs of the United States; second, it cannot be deferred for later action; third, the proposed foreign investigator certifies that he is unable to obtain support from any other source for the proposed project, and fourth, at least one of the following special conditions is inherent in the proposed work:

First. The research or development involves geographical, environmental, or cultural conditions, fauna, or flora not found and not feasible to duplicate or simulate within the United States and its territories.

Second. The work involves diseases, epidemiological situations, or availability or clinical material which are not present within the United States.

Third. The work involves a unique research idea highly relevant to DOD needs.

In this fiscal year 1970 budget the Department of Defense requested $5,700,000 for work in this important field of research, the field of research which is devoted almost entirely to physical sciences, otherwise called the hard sciences. The Armed Services Committee has reduced this request by some $513,000 leaving a total authorization of approximately $5.2 billion. The amendment of the Senator from Arkansas calls for a further reduction of $2,000,000 reducing this program to a figure of $3.7 million or in effect practically gutting this type of work, for the reduction overall would be greater than one-third. The reduction of one-third of these high priority research investigations which can only be carried out abroad include, as I have said, investigation of parasitic diseases of relevancy to naval and military personnel in foreign areas, to long-range global communications and of environment in foreign areas of importance to our military. A reduction of this scope would eliminate further progress on more than 100 projects planned for foreign investigators.

Last year, fiscal year 1969, there were 451 research undertakings in 44 countries at a cost of $9.2 million. The cost of this program of fiscal year 1970, after the committee reduction, has reduced it to $5.7 million, in which there will be 207 projects. This is the present plan but not all the projects have been approved and there may well be some changes in these numbers because of the cut already made. Of the $5.7 million only $300,000 at the very outside that could possibly be labeled social and behavioral sciences and all these may not be programed during the year.

I ask unanimous consent that a complete list of the projects planned for fiscal year 1970—their contracts for research—for foreign institutions along with the nature of the research and the amounts of funds be printed in the RECORD.

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

	Military department and contract agency	Title	Funds planned for fiscal year 1970
Argentina:			
N	Universidad de Buenos Aires	Development of effective protective and therapeutic drugs for radiation sickness.	10.0
F	Consejo National de Invest. Cient.	X-ray spectrometry of galactic sources from Southern Hemisphere.	24.0
F	National University of La Plata.	Research in stellar spectroscopy	12.0
F	Consejo Nacional de Investigaciones.	Molecular mechanisms of steroids action on respiratory systems.	16.0
Australia:			
A	Monash University	Microbiological and immunological studies of pathogenesis and virulence in leptospirosis.	18.0
N	University of Queensland	Nature and pharmacological action in toxin from deadly jellyfish.	12.0
F	University of Sydney	Study of cosmic radiations at extremely high energy.	50.0
F	University of Adelaide	Research directed toward propagation of solar particles.	25.0
F	University of Sydney	Stellar intensity interferometer	60.0
Austria:			
A	Institute of Hygiene, University of Vienna.	Epidemiology, virology, and immunology of tick-borne encephalitis and other tick-borne diseases.	20.0
F	University of Vienna	Composition and content of meteorites	17.0
Belgium:			
A	Von Karman Institute	Flow characteristics associated with V/STOL model testing in wind tunnel.	10.0
F	Von Karman Institute for Fluid Dynamics, Rhode Saint/Genese.	The influence of cross flow on 2-dimensional separation.	15.0
F	Von Karman Institute for Dynamics, Rhode Saint/Genese.	Application of the blunt-trailing edge blade concept.	20.0
F	Von Karman Institute for Fluid Dynamics, Rhode Saint/Genese.	Laminar separation in hypersonic flows	15.0
	Do	Low-density high-temperature gas dynamics	15.0
F	Von Karman Institute for Fluid Waterloorhode-St Genese.	Experimental aerodynamics	20.0
F	University of Liege	High resolution atmospheric IR absorption and sky background emission interfermoetric studies.	30.0
F	Born-Bunge Foundation	Development of sleep patterns, women doctor expertise.	10.0
Bolivia:			
D	Colegio San Calixto	Spectral characteristics of infrasonic acoustic waves and related seismic research.	50.0
F	San Andres University	Cosmic ray research at high altitude	14.0
Brazil:			
A	University of Sao Paulo	Control of ribonucleic acid synthesis in gian chromosomes.	15.8
A	Minas Gerais University	Schistosomiasis drug screening	12.0
A	Federal University of Bahia	Pathogenesis of diarrhea in severe strongyloidiasis.	5.0
A	Universidad Mackensie	VLF atmospheric studies LA 60	8.0
	Do	Solar microwave radio emission LA61	5.0
A	Institute Adolfo Lutz	Arbouirus studies in Sao Paulo, Brazil	15.0
N	University of Sao Paulo	Mathematical investigations of problems of ocean surveillance of navigation.	20.9
F	Comissao Nacional De Atividades Espac, J Dos Campos.	Measurements of the earth's total magnetic field and its variations.	7.0
F	Fundacao Servico Especial de Saude Publica.	Epidemiological studies of Amapari virus	8.0
Canada:			
A	York University	Kinetics of atmospheric constituents	12.0
A	McGill University	Extremely low frequency electromagnetic phenomena.	15.0
A	Royal Victoria Hospital	Investigation of pathogenesis and treatment of shock.	25.0
A	University of Manitoba	Study of factors influencing the passage of drugs into the malarial parasite plasmodium Berghri.	20.0
N	McGill University	Electric properties of ice	10.0
	Do	Arctic plankton ecology	15.0
	Do	HF audio absorption in ice	20.0
	Do	Energy budget and other tropical microclimatological research.	20.0
N	Computing Devices of Canada	Automatic detection and classification	150.0
A	Manitoba University	Investigations of pheromones as chemosterilants for insects with special reference to synthetic queen substance and its analogs.	20.0
N	Institute of Oceanography	Systematics biology and hydrographic relations of some species of calanus.	13.0
N	British Columbia Research Council.	Marine borer biology	10.0
N	York University	Brain nucleic acid changes during learning	15.0
N	McGill University	Mechanisms of polymer degradation	26.0
N	McGill University	High magnetic fields and insulators	11.0
N	University of Toronto	Very high altitude missile and decoy gas dynamics; missile aerodynamics for broad altitude ranges.	15.0
N	University of British Columbia.	Fundamental air-sea exchange processes and their relation to wind wave generation: Oceanic turbulence.	50.0
F	Laval University	Neurohumoral control of thyrotrophic activity	15.0
D	McGill University	Psychological processes of the central nervous system.	140.0
D	Canadian Armament Research and Development Establishment.	Hypervelocity Research program	700.0
D	RCA Victor, Limited	Radar backscatter studies	100.0
Ceylon: A	Medical Research Institute.	Leptospirosis-A serological survey of occupational groups in Ceylon.	1.0
Chile:			
A	Comision Nacional de Investigacion.	Structure function relationships in human and high elevation adapted mammal hemoglobin.	20.0
F	Universidad de Chile	Form and function invariants in the visual system.	21.0
F	Catholic University of Chile	Nervous connections in the vestibular system	8.0
F	Catholic University of Chile	Studies in synaptic mechanisms	7.0
F	Comision Nactional de Investigacion Cientifica y Technologica.	Biochemical properties of nerve membrances	8.0
Colombia:			
F	Universidad Nacional de Colombia.	Studies of ecology and disease transmission	6.0
F	Universidad del Valle	Disease ecology of tacaribe group viruses	30.0
Costa Rica:			
A	University of Costa Rica	Physiological studies of leishmania	7.0
Denmark:			
N	Marine Biological Laborto	Ecological investigations on bottom living marine animals.	10.0
F	Danske Meteorologiske Institute.	Ionospheric research using active satellite transmissions.	14.0
F	Do	Arctic geomagnetic observations	3.0
Equador:			
F	Universidad Central del Equador.	Studies of psychotomimetics	6.0
Finland:			
F	Institute of Occupational Health.	Mathematical and electrical analogs of heat transfer in man.	10.0
France:			
A	Ecole Pratique des Hautes Estudes-Sorbonne.	Metabolic and sensory stimuli in the regulation of food intake—behavioral and electrophysiological study.	20.0
A	Institute for Cell Pathology	Laser action on living cells	20.0
N	Campagne de Recherches et d'Etudes Aeronautiques.	Rheo-electrical apalogy: Supercavitating propeller design.	10.0
F	Observatorie de Paris	Research directed toward the improvement of planetary photogrammetry.	18.0
F	University of Lyon	Neurophysiological mechanisms of the states of sleep.	10.0
Germany:			
A	Institute for Animal Physiology, J. W. Goethe University.	Microcirculatory behavior in shock	6.0
A	Free University of Berlin	Daily analysis of circumpolar 30 and 10 mb maps E486.	20.0
A	Research Office for Physical Bioclimatology.	Atmospheric aerosols between 700 and 3,000 meters, E-1127.	10.0
A	Rheinisch-Westfailische Technische Hochschule.	Measurement of thoron concentration of lower atmosphere.	15.0
F	Bochum Radio Observatory	Ionospheric studies using active synchronous satellite transmissions.	7.0
F	Technische Hochschule Munchen, Munich.	Investigation of spectral radiation properties of Atmosphere and earth.	10.0
Ghana:			
F	University of Ghana, Accra	Ionospheric studies using active satellite transmissions.	7.0
Greece:			
F	University of Athens	Ionospheric research using active satellite transmissions.	15.0
D	Seismological Institute of Athens University.	Aftershocks and crustal structure in Greece	20.0
Iceland:			
N	Surtsay Research Society	Ecological succession of biota on a newly formed oceanic land mass.	25.0
India:			
A	Bombay National History	Studies of the bionomics and taxonomy of the birds of India, taxonomy of the birds of Bhutan.	7.0
F	University of Calcutta	Radio, astronomical and satellite studies of the ionosphere.	15.0
Indonesia:			
A	Lembaga Biologi Nasional	Migratory animal pathological survey (indonesia), avian studies in Indonesia.	6.0
Iran:			
D	Pahlavi University	Nutritional studies—Iran	50.0
Israel:			
A	Israel Institute of Applied Social Research.	Investigation of leadership qualities of kibbutz-raised young men.	20.0
A	Rogoff-Wellcome Medicine Research Institute.	Isolation of snake venom toxins and study of their mechanism of action.	20.0
A	Technion Institute of Technology	Photochemistry of antimalarial drugs.	15.0
N	Institute of Technology Technion-Israel	Cross-stresses in the flow of gases (Reiner-effect).	15.0
N	Hebrew University	Basic theories for nonnumerical data processing.	20.0
F	Hebrew University	Effects of heat sources on planetary circulation.	20.0
F	National Commission for Space Research	Ionospheric research using Satellites.	10.0
D	Weizmann Institute of Science	Seismic source identification techniques.	20.0
Italy:			
A	Pharmacological Research Institute	Pharmacological and biochemical changes in animals made agressive by isolation.	15.0
A	University of Genoa	Immunological reactions in viral hepatitis.	20.0

Military department and contract agency		Title	Funds planned for fiscal year 1970
Italy—Continued			
A	Chemical Institute of University of Rome	Individual activity coefficients of ionic species.	10.0
F	University Degli Studi di Pisa	Comparative neurophysiology of vision.	15.0
F	University of Ferrara	Research on mechanics of breathing.	10.0
F	National Institute of Optics	Problems in visual performance of pilots	6.0
F	University of Milan	Neutron flux of earth's radiation environment	10.0
F	University of Sassari	Identification of photodynamic systems in the retina.	3.0
F	Arcetri Astrophysical Observatory.	Solar radio spectroscopy and detection of sun spectral lines.	10.0
F	University of Milan	Physiology of cerebrospinal fluid	15.0
Jamaica:			
F	University of West Indies	Ionospheric studies using active satellite transmissions.	4.0
Japan:			
A	National Cancer Center Research Institute.	Measurement of human complement components in dengue shock syndrome.	10.0
A	Kyushu University	Taxonomical and ecological studies on lung fluke, paragonimus in Pacific area; with special reference to Southeast Asia.	7.0
A	Institute of Microbial Chemistry.	Microbial drug resistance (genetics and evolution of R factor and plasmids).	12.0
A	Nara Medical College	Polymeric structure of hemoglobin and its relation to function.	3.0
A	Do	Localization by electron microscopy of several phosphatase activities.	3.0
A	Kitasato University	Nature and mode of action of local antibody in intestine.	7.0
A	Sasaki Institute	Investigation of cell component structural changes in homologous transplants compared with normal cells.	7.0
A	Nara Medical College	Electron microscope studies on several phosphatase activities in neurons and gliacytes infected with Japanese encephalitis virus.	3.0
A	Japanese Foundation for Cancer Research.	Differences in antigenic specificity and immunogenicity of tissue transplants.	6.0
A	Kitasato Institute	Cytochemical studies on ultrastructures of toxoplasma gondii and allied organisms.	10.0
A	National Institutes of Health	Mode of infection of scrub typhus	15.0
A	Do	Immunological studies on scrub typhus and its contol in Japan.	15.0
A	Kitasato Institute	Studies on encephalitozoon (nosema cuniculi) infections in man.	20.0
A	Yamashina Institute or Ornithology.	Migratory animal pathological survey	5.0
A	Kanazawa University	Neuronal activities on the regulation of feeding.	8.0
A	Hokkaido University	Physiological activity of the brown adipose tissue.	6.0
A	Kumamoto University	Biological reactions to cellular antibodies with special reference to their immunopathological and immuno-chemical properties.	6.0
A	Do	Endogenous mechanism of vascular response in inflammation, with special reference to biologic significance of specific permability factors and their inhibitors newly isolated from inflammed sites.	12.0
A	Kirume University	Interaction between arbovirus and myxovirus	5.0
A	Shi-Ehime Preparatory of Japan.	Life cycle and control of paragoniumus in Shikoku area.	5.0
F	Tokyo Medical and Dental University.	Gamma-aminobutyric acid in sensory physiology.	8.0
F	Kumamoto University	Neural organization of sensory information for taste.	5.0
Kenya:			
F	College of Nairobi, Kenya	Ionospheric studies of radio emissions	10.0
Korea:			
A	Seoul National University	Multiplication and antibody formation of Japanese encephalitis virus in snakes.	13.0
A	Kyung-HEB University	Migratory animal pathological survey (Korea)	5.0
A	Seoul National University	Ecological survey and mass chemotherapy of filariasis on Che Do, Korea.	15.0
Malaysia:			
A	University of Malya	Mosquitoes of Malaysia	20.0
A	Do	Weathering of rocks under humid tropical conditions.	20.0
Netherlands:			
A	International Training Center for Aerial Survey.	Role of image quality of photogrammetric pointing accuracy.	4.0
N	Central Laboratory, T.N.O	Mechanical strength of filled elastomers of the types used as solid propellants in rocket motors.	20.0
F	Radiobiological Institute of the Organization for Health Research.	Antilymphocyte serum, homologous bone marrow transplantation and irradiation.	15.0
Norway:			
A	Electroencephalographic Laboratory.	Brain, behavior and intracerebral blood flow	20.0
A	University of Oslo	Neuropsychological studies of mechanisms of visual discrimination.	5.0
A	Do	Photochemical atmosphere model containing oxygen and hydrogen.	5.0
N	University of Bergen	Degradation of marine surfaces by salt requiring bacteria.	20.0
F	Auroral Observatory	Ionospheric studies using satellite transmissions.	10.0
F	University of Oslo	The investigation of variable radio and optical solar phenomena.	13.0
F	University of Bergen	X-ray and particle radiations at high altitudes in the auroral zone.	15.0
D	University of Bergen	Detection seismology	35.0
D	Norwegian Defense Research Establishment.	Norwegian seismic system phase II	675.0
Peru:			
A	University Peruvian Cayetano Heredia.	Physiologic changes in the cardiopulmonary system by ascending to high altitudes.	15.0
A	Do	Endocrine alterations at high altitude	8.0
A	Do	Coagulation studies in newcomers to high elevations LA-134.	5.0
A	Do	Hormone metabolism in men exposed to high elevation LA-128.	10.0
A	Do	Respiratory physiology on ascent to high altitudes.	15.0
A	Do	Role of adrenal cortex in process of acclimatization to high elevation.	20.0
F	Instituto Geofisico Del Peru Lima.	Equatorial ionospheric effects study	10.0
F	Do	Research directed toward the study of the airglow at low latitudes.	20.0
F	Geophysical Institute of Peru	Radio solar measurements	9.0
F	Instituto Geofisico Del Peru	Observations of earth magnetic field	5.0
D	Instituto Geofisical Del Peru	Observation and study of infrasonic waves in the atmosphere.	30.0
Philippines:			
A	Mindanao State University.	Migratory animal pathological survey (South Philippines).	5.0
A	National Museum	Migratory animal pathological survey (North Philippines).	5.0
A	University of Philippines	Filariasis studies in the Philippines	7.0
A	Do	Fluorescent antibody test in measurement of malarial immunity.	7.0
A	National Museum	Ecology of Southern Samar	15.0
A	University of Philippines	Determination of malaria vector on Panguitaran Island Sulu Archipelago.	9.0
A	Do	Determination of choloroquine resistant P. Falciparum Parasitas Impalawan and other Provinces of the Philippines.	8.0
F	Manila Observatory	Conduct radio observations of the sun	30.0
Spain:			
F	Observatory of Ebro	Ionospheric studies using active satellite transmissions.	3.0
F	University of Salamanca	Morphobiochemical correlations involved in the differentiation eye lens.	6.0
Sweden:			
A	Sahlgrens Hospital University of Goteborg.	Newer advances in treatment of shock in man	10.0
N	University of Goteborg, Medical.	Effects of noise on inner ear cells	30.0
F	Stockholms Universitet Stockholm.	Rocket sampling of solid particles in the mesosphere.	2.0
F	Kiruna Geophysical Observatory Kiruna.	Study of characteristics of auroral ionosphere and its irregularities.	10.0
F	Royal University of Uppsala.	Research, design and development refraction and gravity experiments.	33.0
	Do	Evaluation of high latitude cosmic ray data	7.0
F	Kiruna Geophysical Observatory.	High latitude geomagnetic data	4.0
F	University of Goteborgs	Integrated nervous control of the cardiovascular and gastrointestinal systems.	18.0
D	University of Uppsala	Seismic body waves and surface waves	15.0
Switzerland:			
A	University of Lausanne	Investigation on structure and biological activities of human immunoglobins M. & D. (IGM and IGD).	12.0
A	University of Basel	Variation-resistant matrices and related mathematical topics.	5.0
A	Physiklisch-Meteorologische Observatorium.	Measure of direct solar radiation and sky-brightness in UV and visible part of spectrum.	5.0
F	Universitat Bern	Pulmonary pathology of oxygen toxicity	12.0
F	Universitat Zurich	Sugar and peptide intestinal digestion and absorption.	10.0
Taiwan:			
A	Tunghai University	Migratory animal pathological survey	5.0
A	Kaohsiung Medical College	Biochemical studies on toxic nature of snake venoms.	10.0
A	Tunghai University	Biology and pathophoricity of biting midges (Diptera: Ceratopogonidae) in Taiwan.	7.0
A	National Taiwan University	Host-parasite relationships of Schistosoma Japonicum in Taiwan.	8.0
A	Do	Studies of cardiotoxin and vasoactive substance releasing components of cobra venom.	20.0
Thailand:			
A	Applied Scientific Research Corp.	Migratory animal pathological survey (Thailand FE 315).	8.0
A	Do	Migratory animal pathological survey (Thailand FE 316).	5.0
A	Medica Sciences University Facility for Tropical Medicine.	Investigation of filariasis in Thailand	10.0
A	Bangkok School of Tropical Medicine.	Leptospirosis in Thailand, with special reference to epidemiology, pathology and C.	5.0
	University of Medical Sciences.	Investigations on the patterns of epidemiology and endemicity of diseases occurring due to largescale environmental changes in northeast Thailand.	15.0
A	Do	Schistosomiasis in Thailand, studies on incidence, epidemiology, life cycles and its causing cercarial dermatitis (carry-on and redirection of above).	20.0
D	Applied Scientific Research Corp.	Research on tropical environmental data (trend) and basic environmental data (bend) in Thailand	200.0
United Kingdom:			
A	Liverpool School of Tropical Medicine.	Chemotherapy of rodent malaria drug action against exoerythrocytic stages and drug resistant strains.	20.0

	Military department and contract agency	Title	Funds planned for fiscal year 1970
United Kingdom—Continued			
A	Maybridge Chemical Co	Potential antimalarials based on quinoline-7-carboxylic acid.	10.0
A	Royal College of Art	Experimental cartography	20.0
F	U. College	Research for determination of air density temperature and winds at high altitudes.	10.0
F	Imperial College	Origin of auroral primaries	7.0
N	University of Cambridge, Department of Pathology.	Cryoprotective mechanism	6.0
N	Oxford University, Pharmacology and Physical Chemistry Departments.	Studies on decompression sickness and inert gas narcosis.	12.0
N	Sir William Dunn School of Pathology, University of Oxford.	Methods of protecting Navy personnel against biological toxins.	20.0
N	University of Sussex	Visual pattern recognition in naval tasks	10.0
N	Royal College of Advanced Technology.	The absorption of sound by polymer solutions	9.0
N	University of Keele	Recombination reactions of importance to propulsion.	7.0
N	Cambridge Language Resident Unit.	Semantic research for automatized language translation and information retrieval.	8.0
F	University of London	Ion mass spectrometry of the lower ionosphere	50.0
F	Kings College	Gravitational physics	10.0
N	Trinity College, University of Dublin.	Body temperature regulation	10.0
F	University College, Dublin	Radio and optical emission from high energy cosmic rays.	20.0
Uruguay:			
A	Universidad de la Republica	Relationship between wild entourages and mycoses, especially S. American blastomycoses.	4.0

Mr. McINTYRE. Mr. President, the subcommittee and committee have gone over this list and scrutinized it carefully and find strong justification for the continuation of this program at the level of $5.7 million as approved.

Mr. President, I turn now to policy planning studies.

The amendment of the Senator from Arkansas is also aimed at policy planning studies with foreign affairs implications carried out by DOD. The total requested for such studies was $6.4 million.

The Armed Services Committee has already recommended a cut of $0.7 million from this amount. The additional cut proposed by the Senator from Arkansas would reduce the program to $2.7 million, or a total cut of 58 percent. Clearly the cut suggested by Senator FULBRIGHT would severely curtail the policy planning effort.

Policy planning studies seek to insure that military strategy does not lag behind social and political change and behind weapons technology and weapons development.

Through it we try to better understand the circumstances, situations, and environments that may be controlling in the future application of military resources.

Because this is such a nebulous area, it requires particularly intense, professional exploration of the problems to arrive at judgments which materially enhance national capacity and effectiveness.

Yesterday and, I am sure, on many other days, we heard the distinguished Senator from Arkansas talk about programs, projects, and studies of the Turkish Revolution from 1916 to 1921, the Ataturk revolution. The Senator mentioned a program effort involving Ceylon.

In the colloquy had between the Senator and me, I tried to point out that he was really nitpicking, picking on what I call horrible examples so as to intimidate the opponents and picture the entire program in a manner that I consider to be completely unfair.

I point out for the RECORD that this is a sample I have chosen of some of the programs that would be considered under this area. The following are typical broad subject areas:

PROJECT TITLE

Japanese Rearmament, Nuclear, and Space Programs.

PROJECT DESCRIPTION

A study of factors and developments affecting the Japanese military contribution to the U.S. effort in Asia, including the security pact.

PROJECT TITLE

Soviet Military and Foreign Policy.

PROJECT DESCRIPTION

A continuing study of Soviet military doctrine, use of military strength for political purposes, foreign policy, and political institutions in the Soviet Union and East European states.

PROJECT TITLE

Strategic Analysis of Southeast Asia—1969 (SALA).

PROJECT DESCRIPTION

Includes analyses of Malaysian foreign policy, regional military cooperation, and Australian foreign and military policy.

PROJECT TITLE

Strategic Postures Study (SPOST).

PROJECT DESCRIPTION

Work supporting a continuing Army staff study effort to analyze and evaluate alternative postures for the US, the USSR, and CPR in the 1968–80 period.

PROJECT TITLE

Navy Policy Planning Study.

PROJECT DESCRIPTION

To identify tasks the Navy would be responsible for in the post-1975 period for improved inputs into the Navy Strategic Planning process.

PROJECT TITLE

Navy Role in Exploitation of the Ocean Resources.

PROJECT DESCRIPTION

To define the Navy's interests, objectives and options in the exploitation of the oceans' resources.

PROJECT TITLE

The Future Security Posture of Japan 1970–1985.

PROJECT DESCRIPTION

Assesses the likely security postures of Japan during 1970–85 and the implications for USAF long-range planning.

PROJECT TITLE

Strategy, Concepts and Military Objectives Studies to Support Air Force Long-Range Planning.

PROJECT DESCRIPTION

Analyzes future changing political economic and military trends to insure that the Air Force is responsive to U.S. security needs.

PROJECT TITLE

Sino-Soviet Economic Potential.

PROJECT DESCRIPTION

A continuing study of the economic background of Soviet and Communist Chinese military power. Presently it includes studies of outlays, employment, and organizational problems in Soviet R&D, Soviet foreign economic relations and Chinese civil aviation.

PROJECT TITLE

European Security Issues.

PROJECT DESCRIPTION

An examination of a range of alternative security arrangements and the role of the U.S. presence in Europe.

PROJECT TITLE

Command & Control Problems for the National Command Authority.

PROJECT DESCRIPTION

A study of information and control facilities, systems and procedures required for management of crises and control of conflicts.

PROJECT TITLE

Communist China.

PROJECT DESCRIPTION

A broad effort to correlate and evaluate data on Communist China's political, economic, military objectives and to determine the foreign policy implications for the U.S.

These are the types of studies that chew up the money. These are not the funny, horrible examples that the Senator from Arkansas dragged out last year and this year. These are the types of studies and programs that I would think the present occupant of the chair or the Secretary of State would like to know are ongoing in the event a decision has to be made involving this area. I think I would want it.

I cite these in order to present a better idea of just what this program is about.

It was clear to the committee that most of these studies are more properly a responsibility of Federal agencies other than the Department of Defense. Specifically, most of these policy planning studies would appear to be more logically a responsibility of the Department of State. We have recommended that these projects be taken over expeditiously—this year—by the appropriate agency and that the Defense Department phase itself out of this area of research except in cases that are direcly defense related. I think that the Senator from Arkansas should recognize that if the Defense funding for these studies is withdrawn, the plans of the Armed Services Committee to transfer rather than eliminate these studies will be thwarted. There would be no funds with which to continue many programs previously initiated, since it is too late this year to include them in any other agency's budget.

As the Senator from Arkansas is aware, the Defense Department has made a

variety of efforts to decrease its role in social science studies related to foreign policy and to increase the role of other agencies. These include cuts in the level of effort, curtailed field work overseas, offers to transfer funds to the Department of State, and proposals for a high-level interagency committee under non-DOD leadership to develop priorities and responsibilities for knowledge and analysis dealing with the external world. However, the ability of the Department of Defense to affect what other agencies do is appropriately limited.

I know that the Senator shares my belief that our foreign and defense policies need to be better informed about the external world, not less. In recent hearings under his direction, the important point was made that we need a strong effort to understand how the world looks to others and to avoid imposing our particular cultural views on others. I suggest that we miss the point when we limit our efforts to curtailing the activities of the Department of Defense alone. Instead, I invite the Senator from Arkansas to join with me and my colleagues on the Armed Services Committee to see to it that national needs for rational understanding of the world are met by the government as a whole with an appropriately diminished role for the Department of Defense.

THE THEMIS PROGRAM

Mr. President, on the subject of the Project Themis, which is the fourth area under attack in the amendment of the distinguished Senator from Arkansas, this is a recommended cut in this amendment of some $8 million. I would want to put this proposed cut in the full context of what the Research and Development Subcommittee and full Committee of the Armed Services have already done.

This program is based upon a 1965 Presidential request to all executive departments requesting more emphasis on establishing new centers of research excellence at universities in fields relevant to the Department's missions. DOD's plan provided for starting 200 new university programs over the four-year period from fiscal year 1967 through fiscal year 1970, an average of 50 new programs each year. The university response was very enthusiastic; more than 1,000 proposals were submitted by universities in the first 3 years, from which 118 projects were selected and funded. In the fourth and final year of new starts in fiscal year 1970, 25 new starts are planned which require $10 million of funds.

Since the cut in this amendment superimposes itself on a reduction of some 12 percent already made by the Armed Services Committee, this cut of $8 million would cause:

First. The elimination—if it has not been eliminated already—of the 25 new fiscal year 1970 starts. This will defer the growth of research skills in the important defense-related areas of detection and surveillance, structural mechanics of defense vehicles, oceanography, and resuscitation and treatment of the wounded.

Second. Will also be the termination of approximately 10 of the 118 ongoing Project Themis contracts all of which are progressing satisfactorily and contributing significant new knowledge and techniques to established defense requirements. This would diminish the contributive research efforts of approximately 60 university faculty members and 120 graduate students on important defense related research problems in 10 different universities and colleges.

The issue here is whether it is desirable to encourage new centers for research. A good start has been made in this direction by Project Themis, and the evaluation of results so far is promising. The Armed Services Committee did not believe that the Themis project should be completely canceled nor suffer such reduction as this amendment calls for.

The Themis program for fiscal year 1970 requested $33 million.

A 12-percent reduction of the Armed Services Committee reduced this by approximately $4 million. The Fulbright amendment would now add $8 million to the $4 million reduction recommended by the full committee.

This will reduce the program a total of about $12 million, to a total of $21 million, and would cut it 36 percent.

In view of the fact that this is the last year of new starts for the program, the total reduction of $12 million will mean that there will be no new starts this year.

I wish to state, too—with emphasis—that the Themis program is concerned only with unclassified subject matter—and deals exclusively in basic research. It is the opinion of the committee that the Fulbright amendment is too drastic and should be defeated.

THE AGILE PROGRAM

The Senator from Arkansas would reduce Agile by an additional $5 million. Agile is one of the elements of the budget activity which is "other equipment" in the Defense agencies budget. The Armed Services Committee reduced that budget activity by $25 million. In making this reduction, the committee recognized that because this budget activity funds a number of very high priority programs—I am now talking about the category "other equipment"—the $25 million reduction ordered by the Committee on Armed Services would be reflected by substantial cuts in the Agile program.

"Other equipment" includes such programs as intelligence data-handling systems, advanced sensors, cryptologic activities, and a number of classified programs which are vital to our national security. For example, one program which is included is the provision of $74 million for nuclear weapons effects tests. Senators will recall that this activity is part of the program to provide safeguards to the Nuclear Test Ban Treaty. In 1963 when the Senate advised and consented to the treaty it insisted that these safeguards be instituted. I, personally, would not like to see our efforts in this field reduced by action of the Senate. The Test Ban Treaty requires these tests to be conducted underground, and underground nuclear testing is expensive. It is one of the prices we pay for the reduced tensions which grow out of limitations on atmospheric nuclear testing.

Some of the research and development programs which would have to be reduced or canceled in the event of an additional cut, which the Senator from Arkansas is suggesting, in the Agile funds include:

A reduction in vital equipment development and field experimentation in the small independent action forces. This is a system approach toward the need of patrol size operations being undertaken by Advanced Research Projects Agency jointly with the Army and Marine Corps.

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

Mr. McINTYRE. I yield myself 5 additional minutes.

There is a great need for a systematic and integrated study of the small independent action force—the patrol—with a view toward making this most hazardous, but vital, military operation a more effective and less risky venture. This program is examining the various components of the small independent action force—the man, equipment, environment, techniques, and the interaction of these components to determine how they can be improved.

The proposed reduction would have a serious impact upon a major element of the Agile budget, namely border control systems. Research in this critically important area in order to advise friendly nations to effectively protect the integrity of their borders and desist from offensive actions is highly significant to the United States. For example, a major fraction of the current activity is related to Korea which is now facing increased North Korean infiltration attempts which, if not halted, could embroil the United States in an undesirable confrontation. This effort which ARPA recently initiated is a direct result of a request for assistance from General Bonesteel, Commander of U.S. Forces in Korea. The lessons learned could also be applicable to other areas in support of U.S. policy, if necessary.

A third example of research which would be adversely affected by a substantial Agile reduction is the study, in Thailand, of Communist terrorists' lines of supply and their mode of operation.

In conversation with Dr. Foster yesterday, which was substantiated today, Dr. Foster, who is No. 3 in the Department of Defense, the Chief of Research, Testing, Evaluation, and Development, assured me that if this further cut advanced by the Senator from Arkansas (Mr. FULBRIGHT) is agreed to, it would have a substantial impact on the Agile program.

These are directly relevant and important applications of research to improving our ability to cope with existing threats to our Armed Forces. I believe this kind of research deserves our support.

Mr. President, the point here is that Agile has already sustained a reduction in its funding in this bill by action of the Armed Services Committee which reduced the "other equipment" category by $25 million. This additional reduc-

tion now recommended would cut deep into valuable programs.

Mr. President, in summary, let me say that the amendment we are considering here would reduce research efforts by an additional $45 million. These same research efforts have already been cut by the Senate Armed Services Committee by more than $50 million.

Many of the programs which are of particular concern to the Senator from Arkansas will be cut in the reduction made by the Armed Services Committee.

It is my feeling, Mr. President, that further cuts in the Federal Contract Research Centers, beyond those made by the Senate Armed Services Committee including the efforts made by the Department of Defense to further reduce FCRC expenditures by taking more of their income from non-DOD sources, is as far as we should go at this time.

As with all of the questions raised in connection with the research programs we have under consideration here, the Research and Development Subcommittee, which I chair, is going to consider these programs in great depth during the coming year. We will be in a better condition at this time next year to provide the Senate with a more comprehensive understanding of these programs and their meaning to the total DOD mission.

But, continuing. This amendment would severely cut away great parts of the research at foreign institutions. Since 1968, the DOD has cut the funds for this research from $13.1 million to the $5.7 million requested this year. We need this research, Mr. President, because it involves conditions of geography, culture, disease and expertise which are not possible of study in the United States or not available in this country.

This amendment proposes a $3 million cut in policy planning research. The DOD is quite willing to have much of this research done elsewhere but the imposition of the cut made by the Senator from Arkansas would eliminate the research and that would leave the DOD without much valuable information which is available in no other place.

The amendment by the Senator from Arkansas would kill all new starts in the Themis program and severely hamper some of the ongoing programs. This program was established to provide new centers of excellence with a broad geographical representation in fields relevant to the DOD mission. All of these advantages would be practically eliminated by the pending amendment.

The Agile program has received a major reduction from the action of the Armed Services Committee. The proposed amendment would reduce funds for Agile by an additional $5 million. Since there is only $27 million in Agile in the beginning, it is obvious that this additional cut will severely cripple a program dealing with counterinfiltraton systems, new intrusion detection sensors, border control analysis, border area security systems, pacification efforts, and village defense corps selection and training.

Mr. President, I urge that the amendment by the Senator from Arkansas be defeated. We must be austere. We have been austere. We must not go beyond prudence.

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

Mr. McINTYRE. I am happy to yield to the distinguished chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, in spite of my contact with the subject already this year to some extent, I have been very much interested in what the Senator has had to say about these projects.

I do not see how anyone could listen to his statement of facts—and I know it is correct—without being most favorably impressed with these programs.

Like everything else these programs need regulation, they need thorough surveillance, and they need annual review. I appreciate the statement made by the Senator that it is his purpose as the chairman of the subcommittee to continue surveillance over the various programs and the multitude of other items that are not included in the amendment.

I thank the Senator, and I salute him and congratulate him for a very fine job in a tedious and sticky area where it is very difficult to get the real merits of the situation.

I also reiterate my interest with reference to all of these projects to see if the executive branch cannot review them, pick them out, and place some of them so that those they wish continued, can be placed somewhere else in the budget, in some other department, so that better surveillance over them can be had.

I thank the Senator.

Mr. McINTYRE. Mr. President, certainly under the leadership of the chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), the committee has given this military authorization bill the best study in depth I have seen in the short time I have been in the Senate.

The Fulbright amendment attacks areas we have already acted on and where we continue to work, as the Senator has emphasized. It is apparent that these projects are being scrubbed down and scaled down. It is important that the Senator realizes that this matter has been looked into carefully.

Mr. STENNIS. I thank the Senator again. I express my regret that more Senators cannot be present to hear these matters discussed by each side in order to hear the arguments pro and con. I do not see how it is possible to vote on a matter so involved as this matter without having a chance to hear more of the arguments.

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

Mr. McINTYRE. I yield.

Mr. FULBRIGHT. Mr. President, I certainly agree with the Senator from Mississippi on what he has just said. Some Senators have reverted to their old customs too quickly. We were able to get quite a bit of interest in connection with the ABM discussion, but now we have the same attendance on these amendments that we used to have on the old bill. I wish Senators would remain in the Chamber. We would make much better progress. I share the Senator's regret that more Senators are not present.

Mr. STENNIS. I thank the Senator. However, I wish to add that they do have many other duties.

Mr. FULBRIGHT. The Senator is correct.

Mr. STENNIS. There really is not enough time. However, we cannot pass on these matters unless we hear the arguments.

Mr. FULBRIGHT. I think the Senator is correct.

Mr. McINTYRE. I yield the floor.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. HART. Mr. President, first, I wish to repeat what I have said before about the Senator from New Hampshire. He has done a magnificent job in scaling down or, to use his own expression, scrubbing out or cleaning up, some of the aspects of the bill. We are all in his debt. The taxpayers are in his debt. Having said that, I wish to disagree with his characterization of the action of our friend from Arkansas (Mr. FULBRIGHT) as "nit picking."

I disagree completely that the Senator from Arkansas yesterday, in commenting on some of the research projects, was trying to endanger the whole program unfairly. The programs that the Senator from Arkansas discussed are a part of the package. This is what we are being asked to authorize money for. If in the eyes of any of us some of the items make something less than good sense, then our responsibility is to talk about them.

Just as I have commended the Senator from New Hampshire for scrubbing up or scaling down, I commend the Senator from Arkansas for putting his finger on something that, to us, does not make sense. Nobody will be intimidated by that.

We are talking about an item of $7 billion-plus. We are suggesting that in that reach of $7 billion is some money that does not have to be authorized or some proposal that need not be undertaken.

Each of us has a family budget. Unless we are operating on the poorest poverty base, we all know that the budget contains some money that really does not have to be spent, and the survival of the family would not be destroyed or even seriously jeopardized if we did not spend some of the money that we have set aside to spend.

We might ask ourselves what it would be like if we had a family budget of $7 billion. Is it not likely that somewhere there would be certain expenditures that really need not be undertaken? One does not have to be a Ph. D. in domestic science, home economics, or general economics to know that if we are given $7 billion a year, we probably do not have to spend all of it, and that the economy might even be stronger if we did not spend all of it.

The Senator from Arkansas yesterday gave a list of some projects that struck him, and struck others of us, as examples of why it is not necessary to go all that way. I think it is not an unfairness to the program to hold that view.

Mr. McINTYRE. Mr. President, will the Senator from Arkansas yield to me on my own time?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. Let me try to give an

example to the distinguished Senator from Michigan.

Mr. HART. Take the proposal that the distinguished Senator from Arkansas was discussing. Those are the ones I am saying were not used to intimidate anyone——

Mr. McINTYRE. I do not know——

Mr. HART. To respond to this.

Mr. McINTYRE. Here are some of the programs discussed yesterday by the Senator from Arkansas:

First. "The Ataturk Revolution in Turkey."

Second. "Gandhi, Nonviolence, and the Struggle for Indian Independence."

Third. "The Sinhalese Buddhist Revolution of Ceylon."

Fourth. "The Egyptian Revolution, Nasserism, and Islam."

Fifth. "Militant Hindu Nationalism: The Early Phase."

Mr. HART. Now, with respect to that——

Mr. McINTYRE. All right. Just a minute now. I have the floor. There is absolutely not one nickel in the 1970 budget for these programs. What is the Senator bringing them up for? What is he bringing them up for but to intimidate and scare the rest of Congress into thinking they are spending that money this foolishly? My statement has a number of examples in it of the type of ongoing programs and projects that we are making today; otherwise spotlighting these other programs the Senator from Arkansas has mentioned, in my opinion, is nit picking.

Mr. HART. I think we could more aptly say that he is talking about mistakes we have already made. Does not the Senator agree with that?

Mr. McINTYRE. I am not prepared to defend the 1968 budget here. I am here to talk about the 1970 budget.

Mr. HART. Maybe we cannot agree on the characterization of the studies the Senator has just enumerated and which were discussed yesterday, but if we had to do it all over again, would we really buy a book on Ataturk? If we had it to do all over again, would we really do any of those things which, in my book, represent the kind of thing that the national family budget really does not have to spend money on to get?

Mr. McINTYRE. I cannot judge what determination was made prior to 1968. Those we talk about now have not been funded at all since 1968. Maybe if it seemed important to study the theories of revolution. It may well be interesting to have some scholarly expertise study into the Ataturk Revolution, or the revolutionary process in Ceylon. The point I want to make is that we are here talking about the fiscal year 1970 budget. Why do we not talk about the programs in 1970 instead of pulling these things out of the past trying to scare the rest of the Senate into voting against the bill?

Mr. HART. What about providing empirical trade conclusions about ideological goals which support insurgency? We are funding that and that has been an ongoing one. That was mentioned.

Mr. McINTYRE. Insurgency has been quite a problem for the Department of Defense during the past 3 or 4 years in a place called Vietnam.

Mr. HART. Does the Senator think that the University of Massachusetts under this contract will either get us out of Vietnam or keep us out of another one like it by this kind of study?

Mr. McINTYRE. I am not going to indulge in what the University of Massachusetts can do. The able Senator from Massachusetts (Mr. BROOKE) is now in the Chamber. Perhaps he can reply to that.

Mr. HART. No; if there is still time remaining——

Mr. FULBRIGHT. Mr. President, I yield 5 additional minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. HART. Let me explain why I rose to react as I did. It is not nit picking. Whatever it is, it is a discussion of chapter and verse on projects which were authorized by Congress for the Department of Defense to undertake. There are those of us who hold a deep conviction that whatever else it is relevant for, or to, whatever agency of the Government, if any, should be buying; the Military Establishment should not.

If there is any nit picking, it is nit picking of ourselves because routinely over the years we have said to them, "Go ahead, if you think you need it. Here is the money."

The Senator from Arkansas and others are saying, and I too think it is not inappropriate, in the review of military requests, to review what some of us believe to have been mistakes made by the military. Heaven knows, when we come in here looking for money for school feeding programs, or when we try to get aid started or even to maintain it, we are lectured at considerable length about what happened last year and the year before with some of the money we gave them then. In a sense, that is what we are doing with the Department of Defense right now. I think the Senator from Arkansas performs a very useful service in attempting to do just that.

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

Mr. HART. I yield.

Mr. FULBRIGHT. I appreciate what the Senator has said. I repeat, I think the Senator from New Hampshire has done a good job in undertaking to criticize it at all. It has never been done before, to my knowledge. He has been a tower of strength in getting anything underway. But the situation here, as I see it, has been built up over a number of years before the Senator was even on the committee or even a Member of the Senate.

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

Mr. FULBRIGHT. Mr. President, I yield myself, or the Senator from Michigan, 5 minutes and then I will let him yield to me because I want him to participate in this colloquy. I yield 5 minutes to the Senator from Michigan so that he may yield to me.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. FULBRIGHT. Does the Senator from Michigan yield to me for an observation?

Mr. HART. Indeed I do.

Mr. FULBRIGHT. Mr. President, the Senator from New Hampshire does not deserve any criticism at all, even though the Senator from New Hampshire did cut these programs by 8 percent from the budget request, I believe. But the budget went up on most of these items, contrary to most Government programs that I am familiar with on the civilian side.

The amount for Federal contract research centers, for example, in 1969, I am informed was $263.3 million. The 1970 request is $277.4 million. That is a 5-percent increase.

On social behavioral science research, the 1969 figure is $45.4 million and for 1970 it is $48.6 million, a 7-percent increase.

If I understand correctly, the Senator from New Hampshire did cut back the budget request, but actual cut over what it was in actual expenditures last year is not quite that much. But, in any case, I agree with the Senator that it looks like nit picking when we are talking about $45 million in a budget of $80 billion. But in practically any other program before this Congress, $45 million would look like quite a substantial amount. $45 million would be a great deal for a project on the White River or the St. Francis River in my State, for example. My senior colleague, Mr. MCCLELLAN, and I—he in particular—have often put out a great deal of energy to get $45 million for a natural resource development.

Just because this is only a small part in such a huge appropriation request, only $45 million, we can call it peanuts or we can call it nit picking, but only in the sense that it is small in comparison to the total.

But it is not small relative to any other standard in this country but the standard of the Pentagon and the Defense Department.

In a letter which I put in the RECORD yesterday, dated July 24, and which is from John S. Foster, Jr., of the Defense Department, it was stated, after considerable discussion, that it is not possible to arrive at the cost of the projects. We are met with that argument very often. In reply to the Senator from New Hampshire's question as to why we do not discuss current projects, I asked Mr. Foster in my letter of June 10, why we could not get the cost. He said:

> The funding of these projects is based on a total project cost, with such multiple outputs anticipated. Any effort to isolate a cost figure for a given report would be arbitrary and probably not represent the actual costs involved. Nor would such a cost estimate represent a measure of the payoffs from the research.

Then in the next paragraph, which is a significant one and which is the type of thing which is ongoing—I believe it is ongoing, in the words of the Senator from New Hampshire, and which I think ought to be stopped—Mr. Foster says:

> In the case of projects not yet completed and for which only interim reports are avail-

able, significant results can be expected in the future. In the case of completed projects, the final report represents only a portion of the total output. For example, in one project funded over a period of nine years, a total of 29 technical reports, 12 scientific journal publications, and significant contributions to a book were produced in addition to the final report which you received.

That is the sort of thing which I think is beyond the normal or proper activities of the Department of Defense. It is not a literary institution created to produce books. In my view, it is not supposed to go out and produce research works on Ataturk or warlordism, or Islam, or the Sinhalese Revolution in Ceylon. These studies are irrevelant to and beyond the proper scope of the Defense Department. That is the main point.

Actually, the cut I am proposing is relatively very small as compared with the basic research total in the bill which is $430 million. That is a large amount of money for basic research. By "basic" I mean not related to any specific project in the Defense Department. Of course, the nonbasic research is far greater than that. But basic research is the type of research we would expect to be done in a graduate school at Harvard or Yale or Princeton, and so on, generally. It is sometimes called pure science. It has nothing specific in mind.

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

Mr. FULBRIGHT. I yield myself 5 minutes more.

I hope the Senator from New Hampshire and the Senator from Mississippi would inform me if there is anything that they especially do not like in the amendment. I would certainly entertain some revisions to it. Otherwise, I would like to have a vote on it. It is a worthwhile amendment.

As I said before, it is the first time in 25 years that we have made a serious effort to bring the whole authorization for the Pentagon under review.

I was just handed the annual report of the Rand Corp., for 1968. Over 10,000 publications have been produced, with some 500 new titles published each year. It sounds like a big publishing house such as they have in New York, publishing fiction and other paperback books. Most of these titles that I have read have nothing to do with the proper responsibilities of the Defense Department. So I hope the Senator from New Hampshire would consider going a little further in his cut.

Mr. HART. Mr. President, of course I share that hope.

The effort we are making to reduce the authorization for research and development and evaluation began actually more than a year ago. On April 18, 1968, the Senate defeated an amendment that I proposed reducing the defense authorization for those activities from the committee-approved total of $7.8 billion to $7.3 billion. That was a reduction of $508 million. That defeat was on a rollcall vote, and we lost 28 to 30.

If the amendment had been approved, the Department of Defense would have had about the same amount of money available for R. & D. this current year that it had the previous year.

Looking at the request the Department of Defense made for research this year, $8.2 billion, apparently the Department does not understand the meaning of the close vote on that amendment. But, to its great credit, the Armed Services Committee has responded in, I think, as has been said several times before, very effective fashion.

The Defense Department this year requested an authorization of $8.2 billion. The committee reduced the figure to $7.1 billion, more than $1 billion less than the Department sought, which is more than $600 million less than authorized the last fiscal year and about $400 million less than was appropriated last fiscal year.

Again I commend the committee for its review and its recommendations, but I think the further reduction, modest as it is, proposed by the Senator from Arkansas is possible.

None of us is sure what causes unrest on the campuses, but to the extent that the student knows that research and development by the Federal Government is overwhelmingly entrusted to the Department of Defense——

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

Mr. HART. Mr. President, will the Senator yield me 1 additional minute?

Mr. FULBRIGHT. Yes.

Mr. HART. That those engaged in research, contrary to general assumptions, are not the universities primarily, but the think tanks as the Senator from Arkansas has developed, if they see the ratio of the Federal Government's allocations of research and development for the military and then compares it to the amount of money the Federal Government allocates for research in new techniques for housing, for antipollution efforts, and so on, he gets a very obscure notion of our priorities. Perhaps, more correctly, such students get an illustration of priorities which offend them and outrage them.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HART. May I have 1 minute more?

Mr. FULBRIGHT. I yield 1 minute.

Mr. HART. When we say, "Let us put first things first," what do we identify in our minds as having first claim?

Look at this bill. Look at the bulk for research. Look at the bill in its totality. Then compare it with the programs, in some cases of long standing, intended to relieve hunger and to insure a broader availability of medical care. One does not have to be a member of the SDS to jump up and scream, "Your allocations and your priorities are all out of whack."

So can we not persuade ourselves, in addition to the reduction that the committee has made of more than $1 billion for research, to add $45 million for the reasons so eloquently assigned by the Senator from Arkansas?

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

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

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

Does the Senator from Massachusetts wish to ask the Senator from Michigan a question?

Mr. BROOKE. No.

Mr. FULBRIGHT. I wanted, as a matter of fact, to continue a bit on what the Senator says, particularly as to university research. This is one of the large items. The budget request for university research for 1969 was $254.4 million, and for 1970 $305.9 million, which is a 20 percent increase.

As a matter of fact, we do know of, and there is a great deal of evidence of, the disapproval by many of the students of the intrusion of the military program into our universities.

I ask unanimous consent to have printed in the RECORD, because it is exactly on this point, an article entitled "Turned-Off Young Scientists Force Major Cutbacks in Military Research," written by Victor Cohn, and published in the Washington Post of May 12, 1969, which describes the attitude of young scientists in the various schools. Under the headline it says, "Caution: The military-industrial complex is armed and dangerous. ABM is an Edsel," referring to signs carried by physicists picketing the White House April 30.

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

TURNED-OFF YOUNG SCIENTISTS FORCE MAJOR CUTBACKS IN MILITARY RESEARCH—SCIENTISTS FORCE RESEARCH CUTBACKS

(By Victor Cohn)

"Caution. The military-industrial complex is armed and dangerous."

"ABM is an Edsel."—Signs carried by physicists picketing the White House April 30.

In a less violent, but equally radical way, science students, younger scientists and many older professors of physics and physiology have been raising their own hell on the campuses.

In the view of Prof. Don K. Price, Harvard political scentist, this is "a new kind of rebellion," linked only in part with the activist kids and college students in general.

It is a rebellion of young and discontented technologists—against the ABM and other costly military-technological systems, against "weaponeering" at secret laboratories on or near campuses and, in many cases, against doing any research, secret or non-secret, to help the military.

It is a rebellion against computer centers and social science projects serving the CIA.

It is a rebellion against what one young physicist called "the whole misuse of technology to spoil rather than save the country."

Sometimes painstakingly logical, sometimes only emotional and shrill, this rebellion has been increasingly effective. In the last few weeks it has:

Caused or helped cause giant Stanford University—derided by the new dissidents as the "Pentagon of the West"—to decide to phase out half the secret military projects at its Stanford Applied Electronics Laboratory. The Stanford rebellion was conducted largely by undergraduates, but sympathetic and vocal professors gave them vital moral authority.

Made Stanford's trustees place a moratorium on new chemical and biological warfare contracts at the nearby Stanford Research Institute, nominally "independent" but in effect owned by the university trustees.

Caused huge Massachusetts Institute of Technology to call a moratorium on taking any new secret contracts at a pair of crack radar and rocket guidance laboratories that have supplied much of the brainpower behind U.S. weaponry.

Forced American University in Washington to cancel a partly secret Army research

contract with the University's Center for Research in Social Systems.

Seen physicists picketing the White House; professors buttonholing Senators and Representatives and organizations with many names but like purposes—Project Daisy, Ad Hoc Committee of Concerned Scientists—spring up at campus after campus.

This movement and student protests in general have in the past year forced the Defense Department to cut in half—from some 400 to 200—its "classified" or in common parlance secret research and development contracts on U.S. campuses.

REPORT ON CONTRACTS

This week Dr. John Foster, director of defense research and engineering, is expected to discuss the problem at a news conference. According to figures he has gathered, there are now such contracts or grants in effect at some 60 universities.

He will say they now represent about $20 million worth of all the department's some $250 million this year in 5500 campus projects.

In addition, the department finances what another official estimates to be $200 million in work—most of it classified—at "research centers" like MIT's Lincoln Laboratory and Instrumentation Laboratory, Caltech's Jet Propulsion Laboratory and Johns Hopkins' Applied Physics Laboratory.

Most of these centers are operated by the universities on "not-for-profit" contracts, partly to keep secret work off the campuses themselves.

Foster may also report that the principal concentrations of classified research (according to one of his staff) are at:

MIT and Stanford. MIT's are entirely at the Lincoln and Instrumentation (or "I") Labs, neither of which MIT consider part of its teaching campus. There are no classified projects on the MIT campus proper, but the "I Lab" is on the campus fringe and both labs have close staff and graduate project connections.

University of Michigan, many at a university facility at Willow Run. Despite wrenching 1967–68 protests by students and faculty, the university this academic year has rejected just one classified proposal and approved 36 others.

University of California at Berkeley, University of Texas, Georgia Tech, Ohio State University and New Mexico State University.

For well over a year the Defense Department has been straining to reduce classified work on the campuses. "We still have some that need not be classified," an official reports, "mainly where a contracting officer has just used that as an easy way to give investigators access to classified material. This is not the only way to do this, and we want to reduce unneeded classification to zero."

There will then remain a hard core of still classified projects that both Defense officials and many professors and colleges consider proper and necessary. These deal with subjects like laser and maser detection (of distant objects like missiles), electronic counter-measures, advanced radar, underwater sound—"things that in the national interest need to be kept secret" and need to be done for the country's defense, in the view of Dr. Charles Kidd, a deputy to Dr. Lee DuBridge, the President's science adviser.

But DuBridge—though no activist—removed secret work from the Caltech campus as "inappropriate" 20 years ago.

ONE-DAY STOPPAGE

"Inappropriate" was a mild word on March 4, 1969, when MIT students—some of the country's brightest future scientists and advanced engineers—joined turned-off faculty members to hold a "one-day research stoppage to protest "misuses of science." The University of Pennsylvania, the University of Rochester and some 30 other campuses saw similar demonstrations. And new organizations began to proliferate.

Some coalesced or merged loosely with a group started in New York City in February around a lanky elementary particle physicist from Stanford, Dr. Martin Pearl, as "acting secretary." This "Scientists for Social and Political Action" or SSPA quickly counted 500 or so members in "40 or 50" local chapters.

Pearl—at age 42, standing between the young and the old in science—bows to the "atomic scientists" who first attempted political action after World War II, and in bitter battle helped win civilian control of atomic energy. "But now," he says, "these men are the scientific administrators. They have to be careful of what they say. Now a second, fresh voice is needed."

NOT RESPONDING

A younger associate, Brian Schwartz of MIT, is blunter: "These older men have lost contact with the real world. They're not responding to the younger problems."

The younger problems exploded at Stanford in early April. For nine days, student dissidents occupied the Applied Electronics Laboratory, site of some $2 million a year in defense research.

The younger problems were hoisted onto picket signs in Washington April 30, when for the first time in history, it was stated—first time or not, it was rare—175 pale, variously bearded, bookish-looking physicists picketed the White House. Their target: the ABM. Their leaders: David Nygren of Columbia and Tom Kirk of Harvard.

The physicists were here for the American Physical Society's annual meeting. This usually staid convention has boiled up into an indignation meeting over President Nixon's proposed Safeguard ABM system," said a news report. Wearing "Stop ABM" buttons, physicists prowled hotel and Congressional corridors. "Even the controversy over the security 'trail' of J. Robert Oppenheimer in the 1950s" wrote William Hines in the Chicago Sun-Times, "did not match this intensely political climate."

MORATORIUM ARRANGED

The younger problems boiled up again at both MIT and Stanford. At MIT, students marched into the office of President Howard Johnson for a sit-in and talk-out, especially about secret work on military helicopters and multiple-entry atomic missile guidance. All agreed to move to a lecture hall. Next the MIT faculty met. The upshot was a moratorium on secret projects until a special 22-man group studies the whole role of the Lincoln and "I" Labs, sites of some $95 million a year in Pentagon contracts.

At Stanford too there were more demonstrations and faculty meetings. The upshots there: (1) a start on an "orderly" phasing out (or conversion to non-secret) of some $2 million a year in secret contracts, representing about a third of the Applied Electronic Labs' defense work; (2) a pledge to end chemical and biological warfare research and counter-insurgency studies at Stanford Research Institute (worth about $1.4 million a year).

At both Stanford and MIT many professors have balked. Someone must defend the country, they indignantly say. Someone must provide the knowledge. And many of the best minds are on campuses. If universities severed all Defense Department ties, says Jack Ruina, MIT vice president for the special laboratories, "the country would be left in the hands of the professional military and industrial group."

At Stanford, Prof. O. G. Villard Jr.—radar researcher and son of the late Oswald Garrison Villard, crusading editor of the Nation—said: "As the son of a liberal who was a devoted pacifist, I have searched my conscience and always felt I have been completely faithful to the pacifist traditions of my family. I have always considered that my research was 100 per cent directed toward saving human lives. This development essentially brings my research here to an end, and I believe the decision will have a most unfortunate effect on the long-term viability of the School of Engineering and even of the university."

These men were talking mainly about classified and directly linked military research.

PENTAGON FINANCING

But there is still another trend, against even open, non-secret basic study financed by any military or para-military agency. The Defense Department finances much basic research in physics, chemistry, electrical engineering and the like, partly because it knows that almost all such knowledge is ultimately needed; partly because it wants to maintain contacts with bright scientist-consultants. Of some $1.5 billion in Federal basic research money now going to colleges, some $247 million (16 per cent) comes from the Pentagon.

Last month University of Maryland students picketed a computer center doing non-secret work on pattern recognition for the CIA. At MIT last week, disaffected students protested a Defense-financed, non-secret project to make new computer methods available to any social scientist—whether working on Vietnam peasantry or the succor of the American poor. At Stony Brook, the Students for a Democratic Society, stormed another computer center. The computer center may be fast becoming the American Bastille.

To most young or old scientists, if not to their students, this is illogical.

SYMPATHY FOUND

Still, there is great sympathy among them for these many youths who are *coming* to consider almost all research "complicit" war research "for the system."

An important answer to the very young, maintains Stanford's Martin Perl, is to turn much research to social purpose. "The uncontrolled spawning of technology has produced pollution and contributed to socially destructive conditions," says his new organization. "Yet there is no real attempt to apply technical skills to improve life."

"This is what we want to tell people," said one of the new scientists during the Physical Society meeting here. "We're not very violent types. We're not about to riot. We just want to exercise our democratic rights."

Is all this the high-water mark of a temporary scientists' movement or is it a beginning of something larger? Only time will tell, but if the young scientists keep talking, there may be a new element in the American political dialogue. After years of relative silence, says Dr. Charles Schwartz of the University of California, "a large number of scientists are coming out of their little dark laboratories," and things may never be the same.

Mr. FULBRIGHT. On May 1, 1969, the Washington Post published another article entitled "MIT Curbs Secret Military Research," written by Victor Cohn. It was the MIT delegation of students and a professor who came to call on me, asking me what they could do to disassociate to a much greater degree—they were not adamant that it be complete—the Massachusetts Institute of Technology from military research. They did not like their university being considered simply an adjunct of the Pentagon. I ask unanimous consent that the article to which I have referred be printed in the RECORD.

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

[From the Washington Post, May 1, 1969]

MIT CURBS SECRET MILITARY RESEARCH

(By Victor Cohn)

Massachusetts Institute of Technology—the Nation's leading science and engineering university—has ordered a temporary halt on accepting new secret military research at two famous laboratories.

The action was in response to mounting student and faculty protests against military research by U.S. universities—and against big new weapons systems like the anti-ballistic missile.

As evidence of that growing movement, some 175 young anti-ABM physicists picketed the White House for 45 minutes yesterday, then presented Dr. Lee A. DuBridge, the President's science adviser, with a petition opposing the Safeguard ABM system proposed by President Nixon.

The petition was signed by nearly 1200 members of the American Physical Society now meeting here.

Other physicists went to Capitol Hill to give Congressmen anti-Safeguard petitions signed by 729 colleagues at many universities.

"A large number of scientists are coming out of their little dark laboratories" to give the public their opinions on weapons, Charles Schultz, a University of California physicist, told a group of House members.

Just such a coming out—starting with a one-day research stoppage March 4—culminated in MIT's decision to declare a moratorium, perhaps until fall, on new classified projects at the two laboratories.

A 22-member panel will review the labs' roles—and perhaps, said one MIT source, "recommend that they be sold or otherwise disposed of, to be operated with no MIT connection."

REPORTS SOUGHT

MIT President Howard Johnson asked the panel to make a temporary report by May 31 and a final one by Oct. 1. Panel Chairman Frank Pounds, MIT School of Management dean, said he will try to have the final report ready May 31.

All work on present projects will continue in the meantime and the laboratories may accept "contract modifications."

One of the affected labs is the Lincoln Laboratory, which has been doing missile detection studies important to ABM development, though not working on ABM system hardware. The other is the Instrumentation Laboratory, which is working on the guidance system for MIRV (multiple independently-targeted re-entry vehicles) warheads for the sea-horse Poseidon missile.

The Lincoln Laboratory (in buildings outside Boston and in Cambridge) was established 18 years ago at Defense officials' "urgent" request—so MIT recalled—to develop radar and associated air defense systems. Almost all its work is for the Defense Department.

CONTROLS FOR ROCKETS

The Instrumentation Laboratory (on the fringe of the MIT campus in Cambridge) works on guidance, navigation and controls for rockets and spacecraft. Three-fifths of its work is for the Defense Department, two-fifths for the civilian space effort.

Together, the two labs have 3700 employes and a current annual budget of $116 million. Their scientists are not part of the MIT faculty, and MIT has labored to keep their secret efforts at arm's length; there are no secret projects now on the MIT campus proper.

Still the labs' staffs and MITs faculty have close links. And these links have been given much of the credit for the labs' high-quality work and high-quality staffs.

MIT President Johnson initially named Pounds to head an 18-member panel including faculty, students, alumni, Lincoln and Instrumentation Lab staff members and MIT trustees. Among the panel members are Julius A. Stratton, former MIT president now board chairman of the Ford Foundation, and Dr. Victor Weisskopf, noted physicist and a member of the Union of Concerned Scientists that held the March 4 research stoppage.

FOUR PANELISTS ADDED

Pounds added four supplementary panelists, including Noam Chomsky, celebrated MIT linguistics professor and another March 4 protester.

Protest against the ABM has been the loudest item of unofficial business during American Physical Society meetings here this week. Some 3000 physicists and their wives jammed a convention hall Tuesday night to hear an anti-ABM debate, and 1216 voted overwhelmingly against Safeguard in an informal ballot (76 per cent opposed it, 21 per cent favored it).

Physicists have been visiting their Senators all week carrying anti-ABM petitions. "Every swing Senator has been visited," said Martin Perl, Stanford physicist and an organizer of Scientists for Social and Political Action.

The Physical Society officially said its members have voted 8559 to 6405 to meet next January in Chicago, despite many members' protests over police handling of disorders during the Democratic Convention. The society also named a committee to seek ways for concerned physicists to examine scientists' role in society—a lesser response to demands for a new division on science and society.

Mr. FULBRIGHT. I ask unanimous consent to have printed in the RECORD the following additional articles:

An article entitled "Defense Research: Pentagon Declassifying Projects Studied in University Labs," written by Richard Homan, and published in the Washington Post of June 23, 1969.

An article entitled "MIT Curb on Secret Projects Reflects Growing Antimilitary Feeling Among Universities' Researchers," written by William K. Stevens, and published in the New York Times of May 5, 1969.

An article entitled "Dissident Scientists Brew Defense Program Tempest," written by John Lannan, and published in the Washington Star of February 5, 1969.

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

[From the Washington Post, June 23, 1969]

DEFENSE RESEARCH—PENTAGON DECLASSIFYING PROPECTS STUDIED IN UNIVERSITY LABS

(By Richard Homan)

Faced with the threat of serious disruption of its research activities in universities, the Defense Department is making a determined effort to adjust them to the changed atmosphere on the Nation's campuses.

Within the past year it has cut by half the amount of classified defense research—a particularly provocative reminder of Pentagon presence—done in universities.

As a matter of policy, basic research projects in universities are no longer classified and a program of high-level, stringent periodic review of applied research projects has been established to determine whether their classification is still justified.

Although the Pentagon does not expect to do away with all classification of defense research—as Dr. Edward Teller suggested last week—it plans to almost eliminate it on campuses and diminish significantly in the off-campus university laboratories.

The Pentagon's concern about its university research program, which accounts for one-third of its entire research effort, was heightened last month when two of the Nation's most prestigious institutions—Stanford University and the Massachusetts Institute of Technology—decided to begin cutting back their Defense involvement.

In an effort to improve its image among the Nation's university students and younger faculty to ward off new and more serious criticism and protect its valuable relationship with the institutions, the Pentagon has begun looking for ways to make accommodations.

Under the guidance of Dr. John S. Foster Jr., director of Defense Research and Development, it has recently:

Cut its classified research projects in universities from 8 per cent of the total to 4 per cent and hopes to get down to 1 or 2 per cent.

Urged Congressional committees at every opportunity not to take punitive measures—such as criminal legislation or fund cutoffs—against student militants and radicals. Instead the Pentagon recommends "leaving the initiative for solving the problem with the university administration."

Emphasized that the scope of a university's defense research is a decision to be made independently by the university, and encouraged and aided universities in diversifying their research in non-defense areas.

Brought university scientists and administrators to Washington to explain campus problems to the Defense officials who oversee the research activities.

Accelerated the formerly combersome procedures for Pentagon review and release for publication of papers prepared by university researchers in Defense-sponsored activities.

The number of classified projects has been trimmed largely by declassifying, not by ending them.

While the Pentagon insists publicly that this declassification is purely the result of an accurate application of existing security guidelines in areas where there was too much caution before, it is nevertheless clear that some relaxation of standards is involved.

"We just make sure now that, indeed, the work is truly classified," one high Pentagon official said, "and that it's not a case where someone at a lower level decided to classify it just to be safe. Classified projects are reviewed now at the highest levels."

Foster, speaking to the American Nuclear Society in Seattle last Wednesday, said that "some applied research and development contracts funded by the Defense Department at universities—normally at separate off-campus labs—are and must remain classified."

While the Pentagon's classified projects are a handy target for campus militants, there is a question about how much of an issue they actually are.

Since only 4 per cent of the total is classified, Foster says, "I believe this issue is overrated, and many of the people at universities who have investigated the facts agree."

Rep. Lawrence Hogan (R-Md.), one of 22 GOP congressmen who toured campuses recently to determine the causes of student unrest, said the problem was never mentioned to him, although there was a broad dissatisfaction with professors who spend more time on Defense projects than in dealing with students.

A Pentagon official who deals with university research says there has been no change in the number of proposals received from the institutions themselves for projects. For every proposal it approves, the Pentagon receives eight.

One Pentagon official suggested that a small amount of classified work should be kept on campuses—to provide a target for

the most violent radicals so they wouldn't turn their attentions to unclassified projects.

Until the reassessment of Pentagon-sponsored activities by Stanford and MIT, only two serious challenges to classified research had arisen on campuses in more than a decade. In 1967, New York University and the University of Pennsylvania canceled projects dealing with chemical and biological warfare.

At a speech before the American Institute on Problems of European Unity last week, Dr. Teller, one of the world's foremost nuclear physicists, complained that security classification was "scattering our scientists away from defense work."

In a broad attack on all secrecy in research, Teller said, "we must adopt a policy of openness. We have classified everything; we have succeeded in a fabulous manner in confusing the American public, the Congress, by this secrecy.

"Secrecy has not succeeded in slowing down Russian research, even in the most secret areas such as my own, nuclear explosives. Secrecy does not hurt anybody except ourselves. I think a thorough review of secrecy is needed."

[From the New York Times, May 5, 1969]

M.I.T. Curb on Secret Projects Reflects Growing Antimilitary Feeling Among Universities' Researchers

(By William K. Stevens)

The Massachusetts Institute of Technology, by declining temporarily to accept new programs of classified research from the Government, has spotlighted a new stage in the evolution of what might properly be called the Federal-industrial-academic complex.

This vast, interrelated social organism has been the main instrument of scientific inquiry and technological advance in the United States since the instrument was born of wartime necessity, in total secrecy, three decades ago.

Since then it has undergone successive mutations—first with post-World War II demobilization, then with the onset of the cold war and the start of the space age, and now with a rising tide of antimilitary feeling among university researchers.

That feeling coupled with a growing interest in how science and technology might serve the nation's social needs, is said to have lent urgency to M.I.T.'s decision, announced last week, to place a moratorium on new secret research projects.

PANEL TO REPORT

The moratorium will last until Oct. 1, when a 22-man panel is to report on its reexamination of the institute's relationship to two of its semi-independent divisions, the Lincoln Laboratory and the M.I.T. Instrumentation Laboratory, which are two of the country's major contractors for research sponsored by the military.

The study of the two laboratories' roles was undertaken, M.I.T.'s president, Howard W. Johnson, said in an interview last week, as part of a continuing internal reassessment of the institute. But he said the laboratories were made the subject of a special separate study because of "widespread concern" about secret military research among M.I.T. professors and students.

The ferment is rooted in fears of military-industrial dominance, in a deep sense of uncertainty about nuclear war as expressed in dissent over the antiballistic missile system and, especially, in the Vietnamese war, according to Dr. James R. Killian Jr., chairman of the M.I.T. Corporation, who was a science adviser to President Eisenhower.

"A SHIFT IN INTEREST"

"There is now a shift in interest," Dr. Killian said in an interview in his office at M.I.T. "There was a period when the cutting edge of technology was in the areas of the military and space. But there is a feeling now that in terms of national need we ought to devote a larger proportion of work to other fields." He mentioned transportation, bioengineering, medical research and social problems generally.

"I would lay great stress on this shift of mood," he said.

Today's mood is far different from the one in which some of the nation's leading scientists found themselves in the fall of 1939 when Dr. James B. Conant, then president of Harvard University, invited them to his home to talk about the role of science and scientists in the war that had just begun.

KISTIAKOWSKY IN GROUP

"I was among them," Dr. George B. Kistiakowsky, the Harvard chemist who later succeeded Dr. Killian as President Eisenhower's science adviser, said in an interview last week. "We talked of the possibility of offering our services to the British. We would also be learning the problems of warfare in case the United States should become involved."

Separately, a group of American physicists had become concerned over the prospect of using nuclear fission to produce a bomb of vast destructive power.

"In view of this situation," Dr. Albert Einstein wrote to President Roosevelt on Aug. 2, 1939, "you may think it desirable to have some permanent contact maintained between the Administration and the group of physicists working on chain reactions in America."

After the fall of France in 1940, Mr. Roosevelt gave the concerned scientists official power by chartering the National Defense Research Committee, headed by Dr. Vannever Bush. Its purpose: to organize American science and technology for war.

COORDINATED EFFORT

Expanded into the Office of Scientific Research and Development (O.S.R.D.), the Bush group coordinated the country's over-all scientific effort throughout the war and oversaw the initial development of the atomic bomb until the Manhattan Project was set up separately.

With the end of the war, O.S.R.D. was deactivated, and most universities got out of the business of secret research. But the country was left with an O.S.R.D. legacy that is the basis of the country's scientific and technological effort, and of the Federal-industrial-academic complex, to this day: the Government contract as the main mechanism for financing private research.

PATTERN ESTABLISHED

Basic research had all but stopped during the war, and Government contracts let mainly by the Office of Naval Research, underwrote its rebirth afterward. Had it not been for this, Dr. Bush said the other day, the result for scientific research "would have been a catastrophe."

Within a few years other Government agencies were financing research across the whole spectrum of scientific activities. For the most part, money to universities was for nonsecret basic research, and that remains the pattern.

The Federal Government during the current fiscal year is spending more than $5-billion for the support of research and nearly $11-billion for development, or the fashioning of new products based on the fruits of research.

Of the $5-billion for research, about $1.5-billion is going to the colleges and universities. Of this $1.5-billion, $247-million—or about 16 per cent—comes from the Department of Defense.

Of the $247-million from the Defense Department, only about 4 per cent goes for secret research, Dr. Lee A. DuBridge, President Nixon's science adviser, told the Senate Government Operations subcommittee last week. He said this was down from 8 per cent two years ago.

Since shortly after World War II, few universities have done secret research. And Dr. DuBridge said in an interview last Saturday that almost all the money going from the Defense Department to universities for nonsecret projects was for basic research.

He defined basic research as research in which the only goal is the pursuit of new knowledge, wherein "you can't tell in advance whether it's going to be socially useful or not."

Most of the disengagement from military-oriented research in the academic community, he said, is in the realm of applied science—that is, research directed toward a specific goal.

M.I.T. SHARE LARGE

However, most of the applied research in military matters is done in the Defense Department's own laboratories or by industrial contractors. The government this year is spending about $1.3-billion in these two categories.

M.I.T. has a disproportionate share of military research contracts. Not only is it allocated more Federal research grants than any other university ($96-million worth in the fiscal year 1967, the latest year for which comparative figures are available), but nearly half the amount—$47-million worth—is from the Department of Defense.

By comparison, the recipients of the next four largest Federal allocations were: University of Michigan, $56-million total, including $13-million from Defense; University of Illinois, $52-million, $12-million Defense; Columbia, $52-million and $11-million; University of California, Berkeley, $48.8-million and $7-million.

M.I.T.'s high proportion of defense research funds can perhaps be traced to the Lincoln and Instrumentation laboratories. The Lincoln Laboratory—created in 1951, early in the cold war, to develop early warning systems for the detection of incoming enemy bombers and missiles—has spent $65-million, of which $64-million came from the Defense Department.

The instrumentation Laboratory, which is the world's leading research center for self-contained missile-guidance systems, received $30-million to develop the guidance systems for the Thor, Polaris and Poseidon missiles.

In the fiscal year 1968 it spent $20-million for development of the guidance and navigation system of the Apollo spacecraft under a contract from the National Aeronautics and Space Administration.

Few of those interviewed believe the two M.I.T. laboratories will or should be closed down. The main point at issue is their future form and relationship to the institute at large.

"I hope this problem won't be solved by S.D.S. pressures," said Dr. DuBridge, referring to Students for a Democratic Society.

"It's important for universities to look at themselves when they're not in a period of crisis," Dr. Johnson of M.I.T. said, "and we're not."

[From the Washington Star, Feb. 5, 1969]

Dissident Scientists Brew Defense Program Tempest

(By John Lannan)

A new tempest is brewing in the national scientific community over whether the defense establishment absorbs too much of the country's scientific and technological energies.

In New York this week several groups of younger physicists are pressing a host of proposals for political activism and at the Massachusetts Institute of Technology an activist step has already been taken—a day-long "research stoppage" has been called for March 4.

In Manhattan, the calls for action were heard during the annual meeting of the American Physical Society. The research stoppage at MIT has been scheduled by a newly formed Union of Concerned Scientists, at the instigation of more vocal members in the physics department.

"This is not a strike in terms of the standard use of the word," said the union's chairman, Prof. Francis T. Low. "It's not directed against MIT. It's a psychological protest."

OTHER CAMPUSES PRESSED

The MIT group is seeking to spread its disaffection with the way things are to other campuses.

"We've made contact with 10 to 20 others already," said Murray Edon, a professor of electrical engineering. "We're sending letters to other institutions and maybe a couple of hundred are going or have gone out."

The letter-writing campaign, Low explained, is a person-to-person one, faculty members at one institution writing to colleagues at another. Though each union member's goals may differ, the basic idea is the same: That the nation is dissipating on defense its scientific capabilities for bettering human life.

The Vietnam conflict appears to be little more than a precipitating factor in bringing on the March 4 protest at the Defense Department's single largest research contractor amongst educational institutions.

"I think we're all very unhappy about the Vietnam war," said Low, "but that's not what we're protesting about."

CONFIDENCE SHAKEN

But the 42 faculty members who signed the original statement of purpose nearly a week ago said Vietnam has "shaken our confidence in (the government's) ability to make wise and humane decisions."

They also pointed out that "there is also disquieting evidence of an intention to enlarge further our immense destructive capability." They said the response of the scientific community to these intentions "has been hopelessly fragmented."

The union's proposals include a call to start "a critical and continuing examination of governmental policy in areas where science and technology are of actual or potential significance;" to turn research from defense-oriented to environmental-oriented projects, to start their students questioning their future professional commitments; to express opposition to the anti-ballistic missile system and, finally, to organize scientists into an effective and vocal political action group.

In New York, several groups of younger, concerned physicists are busily drumming up political activism. At least two and possibly three groups are bent on making the prestigious American Physical Society more responsive to what they say are the needs rather than the fears of people.

INVOLVEMENT SIGHT

One group is trying to change the society's constitution, (a move that failed almost two to one last year,) to get it involved with contemporary problems. AIP's constitution now limits its activities to scientific issues rather than public policy.

Still another is trying to broaden the AIP's role in the education of the public to the dangers as well as the benefits of scientific and technological advance.

Still a third is trying to establish some sort of an action group such as that spawned by the MIT faculty.

Mr. FULBRIGHT. Here is an area in which the evidence is quite clear, I believe, that it is not in the interests of our universities nor, I think, in the long-term interests of the Pentagon itself, to alienate the young scientists or the young people of this country. Yet there is a 20-percent increase in the budget request for university research as between 1969 and 1970.

In Project Themis, which is generally called the Federal aid-to-education project of the Pentagon, there is a 13-percent increase in the budget request. I am unable at this point to estimate precisely what effect that has over the actual expenditure last year on these particular items. The Senator stated the overall amounts, but it was not broken down into specific items.

On this matter of social behavioral science research, the one which has attracted much of the criticism, there was an increase of 7 percent between the 1969 and 1970 budget requests. There was a specific reduction of $1.5 million, as I understand it, by the committee.

As to the Federal contract research centers, there was a 5-percent increase. This represents a very large amount; the actual amount, as to these research centers, is $263.3 million in 1969, and $277.4 million in 1970, a 5-percent increase.

As I understand it, the committee action does not specifically cut these items; it provides for an overall cut, which may be applied, according to the report, in broad categories; and, of course, this is one reason why it is of no particular significance to say, when the Senator is defending this item, "you should specify the precise ones you have got." I do not know that the committee specified exactly what they thought. If I correctly understand the report, on page 49, the committee recommended reductions in the general areas as follows: The Army, $10 million; the Navy, $15 million; and the Air Force, $12 million, which is very much in the same pattern as my amendment. We more or less used the same approach, but we went one step farther.

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

Mr. FULBRIGHT. I yield myself 5 additional minutes.

We went one step further in at least recommending, although the amendment itself does not require it, cuts of specific amounts within the categories.

I am not at all sure that it is wise practice for the Senate to go beyond that, other than as to some one very specific item that might be called to our attention, such as the ones we mentioned, the Ataturk study and some of the others. It is very hard to find out about those until after the studies have been authorized and are in process, or well along. In many cases, it is difficult to know what is being done until the study is completed.

On the "think tanks," the funding of the "think tanks," it seems to me, is extremely loose, Rand being one of the principal ones—a very large operation. I wish to explain briefly why I think that is a very loose way to control these operations.

The financing of these research centers, commonly called "think tanks" is not on a project-by-project basis at all, but under agreements by the various military agencies to provide long term support to the organizations they sponsor. The current Air Force contract with Rand, for example, covers the 5-year period from 1966 to 1971, and is for a minimum of 1,277.8 man-years of professional scientific effort, at an estimated cost of $71,600,000, which amounts to an average of $59,000 per man-year.

That is quite a sizable sum to appropriate, to turn over to an organization for no specific purpose, in a sense to do with as they please, and at these rates.

Rand, in turn, agreed "to perform a program of study and research on the broad subject of aerospace power, with the object of recommending to the U.S. Air Force preferred methods, techniques, and instrumentalities for the development and employment of aerospace power."

I presume that out of that profound research they came up with a project like the C–5A. That is one example, I presume; I hope it was not, but I do not know what they produced that has been of great value.

We were told yesterday, much to my surprise, by some Senators, that our airplanes are inferior. One of the Senators, in the course of the debate, said they are inferior. I do not believe that, myself; but it seems that whenever there happens to be a problem and if they want more money, the argument is that the product is inferior. If we are talking on the Fourth of July, on the other hand, we have got the best planes and equipment in the world. It all depends on the circumstances how good the products are. My guess is that our planes are as good as anybody's. We certainly have spent as much money as anyone on them.

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

Mr. FULBRIGHT. I yield.

Mr. MURPHY. Possibly the Senator is making reference to remarks made by me yesterday, in which I pointed out that we had not had a new model fighter plane laid down, I believe, since 1954, and that the B–52's being used so effectively—thank goodness we have them—are, many of them, 10 years old, and some of them older than that.

I do not think I used the word "inferior." I might have implied that we could have had better planes had we had better planing in the Department of Defense, in the background. I think somewhere along the line we have been negligent; and I know my distinguished colleague agrees with me that when we send our boys out to defend the security of the country, we do not want to give them second-class equipment.

Mr. FULBRIGHT. I agree with the Senator, but I have never been under the impression that they have had second-class equipment.

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

Mr. FULBRIGHT. I yield myself 5 additional minutes.

The planes we have lost, for example, in Vietnam, were not lost because they were confronted by superior airplanes, but because they were shot down with ground-to-air missiles and other ground fire, which I do not think a better plane, if there was one, could have avoided.

They have not been outclassed in air battles. At least, such incidents have not been brought to my attention.

I read in today's newspaper that we have sent 72 more new Phantom jets to Spain to impress the Spanish with what good planes we have. They are more

modern than the F–100's which they replaced. However, that is not exactly the point.

The Rand Corp., the "think tank," has a free hand to spend $71 million during this period of 5 years at an average of $59,000 per man-year.

I think this is loose accounting. And I protest strenuously under the present budget conditions and the difficulties we had in getting money for the education bill just recently passed, and for other bills.

Efforts are made to cut items out of the education bill and other bills.

I protest the disproportionate amount we are spending in these research projects which have very questionable relevance to the mission of the Defense Department.

They have nothing whatever, in my opinion, to do with the protection of the men in Vietnam. These are not research projects for a better plane.

That is not what the Rand Corp. is really doing. These are different projects. They fall under a different category. All these behaviorial science research studies have nothing to do with the qualities of a plane or any other hardware. They have no relevance to the hardware used to fight. Some of the studies are designed, in my opinion, to assist in brainwashing either the enemy or our own soldiers or someone else, I guess, because they fall in the field of psychoiogical research, which is an interesting subject but is unrelated to the mission of the Defense Department.

The university research is sort of in a class by itself. Regardless of what effect it may have upon the Pentagon activities, I do not want them to further undermine the integrity of our universities or schools.

This is a much more serious matter than whatever they may wish to do to the program of research of the Pentagon itself.

I feel the same way about research in foreign institutions. We are having enough trouble with our foreign relations. This is an area with which we are all familiar. We know about the protests all around the world at our foreign research activities and the difficulties we have had.

The President came back from one trip abroad and reported that everyone is enthusiastic about the United States. If everyone is so enthusiastic about the United States, I think the enthusiasm is limited to the moon shot. It would be very strange indeed that the attitude toward many of the policies we are following would be changed that quickly.

The important thing is that to intrude our defense-sponsored research into the foreign institutions harms our relations with the foreign nations.

There was a specific example of this in Sweden last year. The Swedes protested the program we had paid their universities to undertake.

We know what has happened in Japan. We know about the violence originating in university circles in Chile when the Camelot was brought to light. In India last year, approximately a year ago, we remember what happened there.

I have an article entitled "India Suspects U.S. Scholars," written by Bernard D. Nossiter, who is one of the most receptive and able reporters the Washington Post has. The article was published in the Washington Post of August 15, 1968.

I read the first paragraph:

American scholars in India are again suspect after parliamentary explosion here over a Himalayan research program supported by Defense Department funds.

Here we have an actual injury to our relations because we intrude with Defense Department funds into foreign academic research. What we are doing is driving friendly countries away from us.

They certainly simply do not like it. I do not blame them for that. They do not wish to be an appendage of the Pentagon. I think they are quite justified. I think that that item, which is $5.7 million, should be eliminated.

I do not see any excuse for our going abroad and subsidizing these people. I assume that originally there was some idea that we might cultivate them and that they would be ingratiated and would respond.

Domestically, when we give a contract to people, they usually respond and are appreciative of the money. Perhaps the specific professor who got the contract abroad might even have been appreciative. However, on balance, the people in the institutions and in the country do not like it. It is bad policy.

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

Mr. FULBRIGHT. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 2 minutes.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article to which I have just referred and also an article entitled "India Still Wary on U.S. Scholars," written by Joseph Lelyveld, and published in the New York Times on August 14, 1968.

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

[From the Washington (D.C.) Post, Aug. 15, 1968]

INDIA SUSPECTS U.S. SCHOLARS

(By Bernard D. Nossiter)

NEW DELHI, August 14—American scholars in India are again suspect after parliamentary explosion here over a Himalayan research program supported by Defense Department funds.

The incident centers around the Himalayan Border Countries (HBC), a project affiliated with the University of California at Berkeley. The nature of the research appears to be innocuous and of no military significance. But opposition politicians on the left and right have created a storm because $282,000 is coming from the Pentagon.

In reply to questions in Parliament last week, Prime Minister Indira Gandhi said she would "very carefully look into" the project. Her Minister of State for External Affairs, Bali Ram Baghat, said that the government views the program "with concern" and is "reviewing the advisability of permitting" it to continue.

FOUNDATION ORDERED OUT

India has already ordered the Asia Foundation here to pack up because it received money from the Central Intelligence Agency. In view of the rising wave of Indian nationalism, American researchers say they would not be surprised if the government now forbade them to enter the sensitive Himalayan region near China and denied visas to scholars supported by military or intelligence money.

The blowup was forecast last winter by a California professor of anthropology, Gerald D. Berreman. He resigned from the Himalayan project, writing its director, Leo Rose, a political scientist at Berkeley:

"It seems unlikely that one would be permitted by the governments of host nations to pursue anthropological research (and presumably most other social science research which takes place in the countryside) if it were known that the money came directly from the United States military establishment."

OPPOSED TO VIET WAR

Berreman also resigned on what he called moral grounds, citing his opposition to the war in Vietnam. He is now in India under a Fulbright-Hays fellowship, hoping to study urbanism in a northern city. Yesterday, officials in the Ministry of External Affairs questioned him about the Himalayan project.

The program began in the late 1950s, supported entirely by Ford Foundation money. When this source began drying up, Director Rose hunted up other outlets and found funds at the Defense Department's Advanced Research Project Agency, the Smithsonian Institution and elsewhere.

The project has produced analyses of the relations between Tibet, India and China; the political system of Nepal; and other studies in linguistics, ethnology and anthropology.

Berreman, who examined the Pentagon contract, says it places no curbs on the scholars. It enables them to choose their own projects and guarantees that none of their findings shall be classified.

FOES IN PARLIAMENT

The furor in Parliament was touched off by a member of the Revolutionary Socialist Party. Members of the Jana Sangh, a party of right-wing Hindu fanatics, and Communists suggested that the research is merely a cover for American espionage.

The National Herald, a daily that usually reflects the government's line, said that permission for the scholars to work in the Himalayas "should never have been approved by anyone alive to the nation's self-respect and security . . . Whichever organization in the United States finances it, research and intelligence have been inextricably involved during the postwar period."

Perhaps as a result of this affair, professors here say, there have been unusual delays in granting visas to other American researchers with grants from the Health, Education and Welfare Department's Fulbright-Hays program. Ironically, India appears to have discovered the military sponsorship of the Himalayan project from hearings held last May by Sen. Fulbright's Committee on Foreign Relations.

[From the New York Times, Aug. 14, 1968]

INDIA STILL WARY ON U.S. SCHOLARS—CONCERN OVER PENTAGON OR CIA INVOLVEMENT STRONG

(By Joseph Lelyveld)

NEW DELHI, August 13—Three months ago Prof. Gerald D. Berreman, a University of California anthropologist, applied for a visa to come to India for a year of research and teaching. Today he called at the External Affairs Ministry here to assure worried officials that he was not an operative of the Central Intelligence Agency.

It is an assurance that Indian officials now feel they must have from all American scholars interested in their country. But there was a special irony in Professor Berreman's case because he helped to start the controversy that made the Indians edgy.

Last January he sent Senator J. W. Fulbright, chairman of the Foreign Relations Committee, a copy of a letter he had written withdrawing from participation in a research project on the Himalayas. He felt that the project had been compromised by financial support from the Pentagon.

The anthropologist wryly describes himself as a wild-eyed opponent of the war in Vietnam. His letter explained that this was the basis of his "moral objection" to taking the funds. It also cited what he termed a practical objection—that the project and all other serious academic research by Americans in India could easily become controversial here as a result of the Defense Department's involvement.

Dr. Berreman, who later got a grant from the Department of Health, Education and Welfare, discovered to his dismay how accurate his forecast was. In fact, the controversy that has blown up here has caused the Government to hold up on all visa applications from Americans with any kind of academic pursuit.

Indians became conscious of the Pentagon's support of scholarly research only a few weeks ago, when there were press reports of Congressional testimony by Adm. Hyman G. Rickover before Mr. Fulbright's committee.

The outcry in Parliament was immediate. One member charged that the Pentagon and C.I.A. were busy infiltrating spies into the Himalayas, not only as scholars but also as artists, bird-watchers and yogis.

Privately, Indian officials say they do not really suspect the scholars of being spies. But they make it clear that research underwritten by the Pentagon has no future here.

COOPERATION IN THE PAST

This is also ironic, for India's own Ministry of Defense has cooperated in the past with the Advanced Research Project Agency, which gave the Himalayan project a grant of $280,000.

As Professor Berreman explains it, the project was not an integrated program of research but a pot-pourri of diverse studies in several disciplines thrown together for the specific purpose of attracting funds.

The anthropologist, who wrote an article last February for The Nation decrying the "moral imperialism" of the Peace Corps, was asked whether there was any clear moral difference between taking money from the Defense Department and taking it from the Department of Health, Education and Welfare.

"Oh, I know I can't be entirely consistent," he replied. "If I were to be entirely consistent, I wouldn't pay my taxes and I wouldn't be teaching at the University of California. It's not consistency that I want but impact—in the form of opposition to the war."

Professor Berreman, who is here on a two-month tourist visa now, hopes to return next month to do a study of urbanization in Dehra Dun, a town near the Himalayas but not in them. The author of a book called "Hindus of the Himalayas," he promised the officials he saw today that he would not try to do any further research in the mountains.

Among others waiting for action on their visas are a dozen graduates of professional schools at the University of California who should already have arrived here for a year of further studies. A University of Wisconsin student of linguistics who had hoped to study Tibetan and Sanskrit in Darjeeling has been asked to move from the Himalayan resort to Benares.

American officials say they are not unduly alarmed by the difficulties the scholars are meeting. "Remember," one said, "we've had our moments of xenophobia and obscurantism too."

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

Mr. FULBRIGHT. I yield.

Mr. HART. Mr. President, in the course of the discussion it has been suggested that there are certain research projects which more appropriately could be undertaken by other agencies and departments of the Government. However, they are not doing it. The Defense Department is. Without the Senator's amendment, some of these worthwhile things would terminate. A willingness to assist in the transfer from the Defense Department to department X has been voiced.

I ask the Senator if it is not true that if there are projects of a research nature which are trimmed back by agreement to the Senator's amendment, projects which are thought to be worthy as research projects, there is on the Senate calendar a bill to authorize appropriations for activities of the National Science Foundation. That bill in regular order will follow the disposition of this bill by the Senate.

I know of no way in which we can operate here as jugglers. We will have to take a stand here at some time, and I hope that it is now. We will have to say no to some of these rather esoteric and certainly not directly defense-related research projects and cut them off and, happily, we are in a point of time in relation to the Senate bill in which the measures that will follow have value, and something may be picked up in the following bill.

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

Mr. FULBRIGHT. Mr. President, I yield myself an additional 5 minutes.

Mr. HART. We are ready to make the transfer. However, before we are in a position to be able to transfer, we have to saw off the defense from that kind of research.

Mr. FULBRIGHT. Mr. President, I agree with what the Senator says. I am a cosponsor with the Senator from Oklahoma of a measure to create a foundation for research in the behavioral sciences. That would be a perfectly proper place to transfer these behavioral projects, assuming that they are good projects.

Mr. HART. Mr. President, that bill will follow the pending bill.

Mr. FULBRIGHT. Mr. President, I agree with the Senator. I think that his point is well taken.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD for the information of the Senate a list of a number of particular institutions.

This one is for the fiscal year 1968 from the Department of Defense. It gives the name of the contractor and location and the amount of money for the fiscal year 1968.

I also ask unanimous consent to have printed at this point in the RECORD for Project Themis, a list of the universities that consist of both private and public universities. The list gives the funding for 1967, 1968, and 1969. That, of course, is the latest we have. I do this to show how extensive is the intrusion of the Defense Department into practically all of the important institutions of the United States.

This again goes too far and lends credence to the allegations of those who say that we are becoming a militaristic nation and that our civilian government and civilian life is being subordinated to the overwhelming influence of the military.

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

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968

[Excerpt from Department of Defense listing of 500 contractors according to net value of military prime contract awards for research, development, test, and evaluation work]

Rank	Name of contractor and location	Thousands of dollars
10	Massachusetts Institute of Technology	119,175
	Cambridge, Mass.	31,662
	Lexington, Mass.	87,513
20	Aerospace Corp.	73,339
	El Segundo, Calif.	73,307
	San Bernardino, Calif.	32
22	Johns Hopkins University	57,614
	Baltimore City, Md.	2,713
	Silver Spring, Md.	54,901
30	Mitre Corp., Bedford, Mass.	35,712
36	Stanford Research Institute	28,716
	Ethiopia	198
	Thailand	58
	Homer Village, Alaska	18
	Menlo Park, Calif.	27,607
	Stanford, Calif.	323
	Mercury, Nev.	437
	Cheyenne, Wyo.	75
40	Rand Corp., Santa Monica, Calif.	19,139
44	California, University of	17,393
	Berkeley, Calif.	5,767
	Davis, Calif.	127
	Irvine, Calif.	65
	La Jolla, Calif.	5,510
	Los Angeles, Calif.	1,471
	Point Mugu, Calif.	12
	Riverside, Calif.	89
	San Diego, Calif.	3,182
	San Francisco, Calif.	256
	Santa Barbara, Calif.	870
	Santa Cruz, Calif.	44
45	System Development Corp.	17,372
	Huntsville, Ala.	414
	Lompoc, Calif.	700
	Los Angeles, Calif.	61
	Santa Monica, Calif.	13,120
	Washington, D.C.	363
	Belleville, Ill.	350
	Lexington, Mass.	375
	Rome, N.Y.	191
	Dayton, Ohio	303
	Falls Church, Va.	1,226
	Hampton, Va.	234
	Norfolk, Va.	35
46	Stanford University	1,422
	Palo Alto, Calif.	218
	Stanford, Calif.	1,204
51	Rochester, University of, Rochester, N.Y.	13,182
55	Cornell Aeronautical Laboratory, Inc.	12,500
	Edwards, Calif.	86
	Buffalo, N.Y.	11,889
	Wright-Patterson, Ohio	37
	Falls Church, Va.	448
57	ITT Research Institute	12,172
	Chicago, Ill.	7,017
	Annapolis, Md.	5,130
	Wright-Patterson, Ohio	25
60	Institute for Defense Analysis, Arlington, Va.	11,691
64	Pennsylvania State University, University Park, Pa.	10,513
65	Research Analysis Corp.	10,067
	Iran	155
	Vietnam	880
	McLean, Va.	9,273
	Various domestic	−241

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968—Continued

Rank	Name of contractor and location	Thousands of dollars
66	Columbia University, New York, N.Y.	9,929
70	Michigan, University of	9,478
	Honolulu City, Hawaii	1,600
	Ann Arbor, Mich.	6,947
	Willow Run, Mich.	734
	Ypsilanti, Mich.	197
71	Illinois, University of	8,583
	Chicago, Ill.	89
	Urbana, Ill.	8,494
72	Battelle Memorial Institute	8,322
	Germany	57
	Washington, D.C.	114
	Columbus, Ohio	8,036
	Richland, Wash.	115
78	U.S. National Aero Space Agency	7,026
	Edwards, Calif.	25
	Moffett Field, Calif.	40
	Pasadena, Calif.	19
	Washington, D.C.	77
	Houston, Tex.	155
	Ridgeley, W. Va.	6,710
85	Riverside Research Institute, New York, N.Y.	6,315
92	Washington, University of, Seattle, Wash.	5,552
94	Texas, University of	5,386
	Alamogordo, N. Mex.	10
	Austin, Tex.	4,598
	College Station, Tex.	68
	Dallas, Tex.	43
	El Paso, Tex.	502
	Galveston, Tex.	135
	Houston, Tex.	30
96	Woods Hole Oceanographic Institute, Woods Hole, Mass.	5,143
105	Utah, University of	4,356
	Dugway, Utah	283
	Salt Lake City, Utah	4,073
107	Syracuse University Research Corp.	4,172
	Burlington, Mass.	94
	Syracuse, N.Y.	4,078
117	Dayton, University of	3,610
	Dayton, Ohio	3,358
	Wright-Patterson, Ohio	252
118	Cornell University	3,595
	Arecibo, P.R.	1,585
	Ithaca, N.Y.	1,949
	New York, N.Y.	61
123	George Washington University	3,306
	Washington, D.C.	3,295
	Alexandria, Va.	11
128	Southwest Research Institute	3,149
	Wright-Patterson, Ohio	226
	Dallas, Tex.	35
	San Antonio, Tex.	2,888
131	Denver, University of, Denver, Colo.	2,982
133	Ohio State University Research Foundation	2,958
	Columbus, Ohio	2,686
	Wright-Patterson, Ohio	272
134	American University, Washington, D.C.	2,944
138	National Academy of Sciences	2,838
	Washington, D.C.	2,756
	Watertown, Mass.	47
	National Academy of Sciences, Dover, N.J.	35
139	Duke University, Durham, N.C.	2,812
140	New Mexico State University	2,787
	Alamogordo, N. Mex.	24
	Las Cruces, N. Mex.	640
	University Park, N. Mex.	1,612
	White Sands M.S., N. Mex.	511
143	Alaska, University of, College Village, Alaska	2,695
146	Miami, University of	2,602
	Coral Gables, Fla.	1,141
	Miami, Fla.	1,461

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968—Continued

Rank	Name of contractor and location	Thousands of dollars
147	Carnegie Mellon University, Pittsburgh, Pa	2,575
151	Harvard University	2,524
	Boston, Mass.	182
	Cambridge, Mass.	2,182
	Fort Davis, Tex.	160
153	Minnesota, University of, Minneapolis, Minn.	2,507
154	California Institute of Technology, Pasadena, Calif.	2,487
155	Texas A. & M. Research Foundation, College Station, Tex.	2,475
156	Purdue Research Foundation	2,455
	Lafayette, Ind.	2,442
	West Lafayette, Ind.	13
160	New York University	2,304
	Bronx, N.Y.	731
	New York, N.Y.	1,513
	Syracuse, N.Y.	25
	University Heights, N.Y.	35
167	Maryland, University of	2,100
	Baltimore City, Md.	703
	College Park, Md.	1,397
172	New Mexico, University of	1,986
	Albuquerque, N. Mex.	934
	Sandia, N. Mex.	1,052
174	New York, State University of	1,982
	Albany, N.Y.	1,538
	Buffalo, N.Y.	318
	New York, N.Y.	115
	Stony Brook, N.Y.	11
175	Oregon State University, Corvallis, Oreg.	1,969
181	Florida, University of, Gainesville, Fla.	1,842
182	Princeton University, Princeton, N.J.	1,803
184	Midwest Research Institute	1,762
	Kansas City, Mo.	1,615
	Wright-Patterson, Ohio	147
186	Louisiana State University, Baton Rouge, La.	1,754
188	Georgia Tech Research Institute, Atlanta, Ga.	1,725
195	Stevens Institute of Technology	1,596
	Hoboken, N.J.	1,559
	New York, N.Y.	37
197	Wisconsin, University of, Madison, Wis.	1,591
204	Hawaii, University of, Honolulu City, Hawaii	1,568
210	Analytic Services Inc., Falls Church, Va.	1,495
212	Cincinnati, University of Cincinnati, Ohio	1,446
214	Oklahoma State University, Stillwater, Oklahoma.	1,422
218	Iowa, State Univ of Science and Technology, Ames, Iowa.	1,372
219	Chicago, University of	1,360
	Chicago, Ill.	1,320
	Lemont, Ill.	40
222	Florida State University, Tallahassee, Fla.	1,338
225	Colorado State University, Fort Collins, Colo.	1,329
226	Kansas State University of Agriculture, Manhattan, Kans.	1,321
228	Brooklyn, Polytechnic Institute of	1,304
	Brooklyn, N.Y.	1,274
	Farmingdale, N.Y.	30
229	Catholic University of America, Washington, D.C.	1,304
234	Research Triangle Institute	1,254
	Iran	296
	Durham, N.C.	606
	Triangle Park, N.C.	352
235	Georgia Institute of Technology, Atlanta, Ga.	1,221
236	New Mexico Institute Mining and Technology.	1,218
	China Lake, Calif.	200
	Socorro, N. Mex.	1,018
238	Syracuse University	1,197
	Syracuse, N.Y.	1,184
	Utica, N.Y.	13
248	Pennsylvania, University of Philadelphia, Pa.	1,125
252	Rhode Island, University of, Kingston, R.I.	1,084

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968—Continued

Rank	Name of contractor and location	Thousands of dollars
254	Smithsonian Institution	1,082
	Washington, D.C.	1,067
	Cambridge, Mass.	15
260	Indiana University, Bloomington, Ind.	1,044
261	Kansas, University of	1,044
	Kansas City, Kans.	18
	Lawrence, Kans.	1,026
262	American Institute of Research	1,038
	Palo Alto, Calif.	93
	Silver Spring, Md.	145
	Camp Lejeune, N.C.	54
	Pittsburgh, Pa.	746
265	Case Western Reserve University, Cleveland, Ohio.	1,011
266	Rensselaer Polytechnic Institute, Troy, N.Y.	1,001
267	U.S. Atomic Energy Commission	995
	Washington, D.C.	175
	Germantown, Md.	39
	Las Vegas, Nev.	270
	Albuquerque, N. Mex.	451
	Oak Ridge, Tenn.	40
	Richland, Wash.	20
268	Illinois Institute Technology, Chicago, Ill.	988
270	U.S. Commerce Department	985
	Boulder, Colo.	540
	Washington, D.C.	324
	Gaithersburg, Md.	46
	Rockville, Md.	10
	Suitland, Md.	65
271	Rutgers University, New Brunswick, N.J.	983
273	Southern Research Institute, Birmingham, Ala.	965
275	Colorado University	964
	Boulder, Colo.	706
	Denver, Colo.	258
277	Northeastern University, Boston, Mass.	952
279	Washington University, St. Louis, City Mo.	933
281	Brown University, Providence, R.I.	932
282	Pittsburgh, University of	921
	Washington, D.C.	195
	Pittsburgh, Pa.	726
293	Missouri, University of	876
	Columbia, Mo.	798
	Kansas City, Mo.	50
	Rolla, Mo.	28
296	Notre Dame, University of, Notre Dame, Ind.	855
297	Oregon, University of	846
	Eugene, Oreg.	531
	Portland, Oreg.	315
298	Oklahoma, University of	840
	Fort Sill, Okla.	100
	Norman, Okla.	335
	Oklahoma City, Okla.	405
309	Virginia, University of, Charlottesville, Va.	787
316	Tennessee, University of	751
	Knoxville, Tenn.	520
	Menphis, Tenn.	64
	Tullahoma, Tenn.	167
317	Southern California, University of	749
	Los Angeles, Calif.	735
	San Diego, Calif.	14
319	Southern Methodist, University of, Dallas, Tex.	735
321	Delaware, University of, Newark, Del.	732
325	Georgetown University, Washington, D.C.	714
328	Yale University	709
	New Haven, Conn.	684
	Alamogordo, N. Mex.	25
334	Houston, University of, Houston, Tex.	680
338	Auburn University, Auburn, Ala.	657
339	University Corp. Atmospheric Research	655
	Boulder, Colo.	—40
	Sunspot, N. Mex.	695

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968—Continued

Rank	Name of contractor and location	Thousands of dollars
341	Dartmouth College, Hanover, N H	652
342	Arizona State University, Temple, Ariz	649
348	American Society for Engineering, Washington, D.C	621
351	Lowell Technical Institute	618
	Billerica, Mass	40
	Lowell, Mass	578
352	Lovelace Foundation, Albuquerque, N. Mex	613
354	Ohio University, Athens, Ohio	608
358	Northwestern University, Evanston, Ill	590
367	American Institute for Research	569
	Washington, D.C	26
	Pittsburgh, Pa	481
370	Mississippi State University, State College, Miss	564
371	Travelers Research Center, Hartford, Conn	561
376	North Carolina State University, Raleigh, N.C	551
388	Massachusetts, University of	511
	Amherst, Mass	493
	Waltham, Mass	18
390	Arizona, University of, Tucson, Ariz	504
396	National Society Professional Engineers, Washington, D.C	493
418	Michigan State University, East Lansing, Mich.	464
427	Boston College	455
	Chestnut Hill, Mass	318
	Weston, Mass	137
428	South Dakota School of Mines and Technology, Rapid City, S. Dak.	454
444	Nevada, University of, Reno, Nev	426
446	Flight Safety Foundation, Phoenix, Ariz	423
462	North Carolina, University of, Chapel Hill, N.C.	390
464	U.S. Interior Department	387
	Denver, Col	50
	Washington, D.C	37
	Bartlesville, Okla	85
	Albany, Oreg	50
	Pittsburgh, Pa	165
467	Presbyterian Hospital, Chicago, Ill	384
468	Tufts University	380
	Boston, Mass	41
	Medford, Mass	339
478	Arctic Institute of North America	354
	Canada	75
	Washington, D.C	279
479	Alabama, University of	351
	Birmingham, Ala	176
	Huntsville, Ala	102
	University, Ala	73
483	Utah State University of Agriculture and Applied Science	344
	Bedford, Mass	162
	Logan, Utah	182
485	Iowa, State University of, Iowa City, Iowa	342
487	Lehigh University, Bethlehem, Pa	341
	Total	665,365

PROJECT THEMIS

The list shows all the Themis projects funded through fiscal year 1969. The original 4-year plan called for 50 new starts for each of fiscal years 1967, 1968, 1969, and 1970 for a total of 200 programs. During the first 3 years only 118 of the planned 150 new starts were approved. The fiscal year 1970 budget request for $33 million provides for (1) 25 additional new projects to be started during fiscal year 1970 which would require $10 million, and (2) the renewal of the ongoing Themis programs which would require $23 million.

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS ($1,000)

Military Department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Alabama:				
A	Auburn University	Information processing	343	171	170
AF	University of Alabama	Structural mechanics			400
A	Alaska: University of Alaska	Human ecology	404	202	
	Arizona:				
N	Arizona State	Human performance in isolation	380	190	
AF	Do	Detection devices, techniques and theory		409	200
AF	University of Arizona	Precision optical systems		409	203
AF	University of Arizona at Tucson	X-ray and XUV radiation physics			400
	California:				
AF	University of California, San Diego	Transport phenomena in flow systems	398	200	522
N	University of California, Riverside	Solar radiation effects			400
	Colorado:				
N	Colorado State	Tropical weather disturbances, surface effects		500	250
N	Colorado State	Predictability of low-altitude winds		430	215
AF	Colorado State at Fort Collins	Effects of environment on sensors			400
	Connecticut: University of Connecticut	Structural fatigue		410	205
AF	Delaware:				
A	University of Delaware	Fluid mechanics and heat transfer	563	281	280
N	University of Delaware at Newark	Oceanography			480
	District of Columbia:				
AF	Georgetown University	Laser technology	404	202	202
N	Catholic University	Vitreous state structure and dynamics		386	193
N	Catholic University	Dynamics of cable systems		402	201
N	Catholic University	Underwater acoustics			500
	Florida:				
AF	University of Florida	Solid state materials	400	200	200
A	University of Florida	Logistics and information processing	340	170	170
N	Florida State	Geophysical fluid dynamics	600	300	350
A	Florida State	Prediction of tropical weather phenomena		500	250
N	Florida State	Computer aided instruction		460	230
	Georgia:				
A	Georgia Tech	Low-speed aerodynamics	339	170	170
AF	Georgia Tech	Interface phenomena	350	195	200
N	University of Georgia at Athens	Statistical analysis and information retrieval			215
	Hawaii:				
N	University of Hawaii	Astronomy research	350	175	220
AF	University of Hawaii	On-line computer systems		409	205
A	University of Hawaii at Honolulu	Vector-borne tropical diseases			400
	Illinois:				
AF	Illinois Institute of Technology	V-STOL aerodynamics		409	205
A	Illinois Institute of Technology at Chicago	Degradation of structural materials			400
	Indiana:				
AF	Indiana University	Environmental hazards	400	198	200
N	Notre Dame University	Deep sea engineering	400	200	200
	Iowa:				
N	Iowa State	Automatic navigation and control	400	200	200
AF	____do	Ceramic and composite materials	449	224	225
A	University of Iowa	Vibration and stability of military vehicles		500	250
N	____do	Application and theory of automata		400	200
	Kansas:				
A	University of Kansas	Remote sensing instrumentation	400	200	200
AF	____do	Social and behavioral science	400	200	200
AF	Kansas State	Performance in altered environment	400	200	200
N	____do	Nuclear radiation effects on electronic components		577	288
	Kentucky:				
AF	University of Kentucky	Metal deformation processing		408	204
A	Kentucky University at Lexington	Research in electrochemical processes			400
AF	____do	Environmental stress physiology			400
A	University of Louisville	Performance assessment and enhancement		399	200
	Louisiana:				
A	Louisiana State	Infectious and communicable diseases	342	171	170
AF	____do	Digital automata	398	400	200

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS ($1,000)—Continued

Military Department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Massachusetts:				
N	University of Massachusetts	Deep sea structures	360	180	180
N	Boston College	Elementary chemical kinetics			440
	Michigan:				
AF	Michigan State University at East Lansing	Behavioral studies			400
	Minnesota:				
N	University of Minnesota	Infrared detector and laser technology	380	190	190
N	....do	Gas turbine technology	400	200	200
N	....do	Organization performance and human effectiveness			415
	Mississippi:				
A	Mississippi State	Rotor and propeller aerodynamics	278	139	140
AF	University of Mississippi	Biocontrol systems		409	204
	Missouri:				
A	University of Missouri at Columbia	Fluid transport properties	446		220
N	University of Missouri at Rolla	Aqueous aerosols in atmospheric processes		400	200
AF	....do	Basic studies on electronic materials			400
A	....do	Terrestrial science research			400
AF	Washington University at St. Louis	Control, guidance and information studies			400
AF	....do	Optimum detection systems			400
AF	Nevada: University of Nevada	Cloud physics	399	199	250
AF	New Hampshire: Dartmouth College	Time-shared computing systems	460	290	290
	New Jersey:				
AF	Rutgers University	Fluid flow aerodynamics	400	200	
N	Stevens Institute	Nonlinear physics of polymers	324	162	162
A	....do	Cryogenic sciences and engineering	342	171	170
A	....do	Evaluation of terrain vehicle systems		460	200
	New Mexico:				
N	New Mexico Institute M. & T	Environmental sciences	406	203	268
N	University of New Mexico	Radiation effects on electronics	370	185	185
	New York:				
AF	SUNY–Albany	Modification of environment	399	199	200
N	SUNY–Buffalo	Environmental physiology	600	300	350
A	Rensselaer Polytechnic	Electrochemical power sources		460	230
N	....do	Radiation effects		430	215
A	....do	Optimum digital signal processing			400
N	Yeshiva University, New York City	Research on thin film materials			390
	North Carolina:				
N	North Carolina State	Materials response phenomena	400	200	200
AF	....do	Digital encoding systems		396	200
	North Dakota:				
A	North Dakota State	Control of vectors of diseases of military importance		393	197
N	University of North Dakota	High pressure physiology		527	263
	Ohio:				
A	Case-Western Reserve	Research in R. & D. management	300	150	150
A	Ohio University	Low-level navigation	407	200	200
AF	Kent State University	Liquid crystal detectors		410	205
A	University of Cincinnati	Internal aerodynamics in air-breathing engines		400	200
	Oklahoma:				
A	Oklahoma State	Electronic description of the environment	482	241	240
N	University of Oklahoma	Mechanism and theory of shock		405	202
N	Oregon: Oregon State	On-line computer environmental research	580	290	290
	Pennsylvania:				
A	Drexel Institute of Technology	Powder metallurgy		510	255
AF	....do	Forecasting by satellite observations		408	204
N	Jefferson Medical College	Pathogenesis of acute diarrheal disease		390	195
A	Lehigh University	Nonlinear wave propagation		400	200
N	....do	Low-cycle fatigue in joined structures		400	200
N	....do	Fluid amplification			400
N	Hahnemann Medical College	Bioamines in stress			520
A	Rhode Island: Rhode Island University at Kingston	Photoelectronic imaging devices			400
A	South Carolina: Medical College of South Carolina	Resuscitation and treatment of wounded		368	184
N	South Dakota: South Dakota School of Mines	Modification of convective clouds	260	130	100
	Tennessee:				
N	University of Tennessee at Knoxville	Dynamic sealing	300	150	150
AF	....do	Remote sensor research		408	204
AF	University of Tennessee at Tullahoma	MHD power generation		400	200
A	Vanderbilt University	Coating science and technology		550	275
	Texas:				
N	Texas A. & M	Optimization research	400	200	155
A	....do	Meteorology research	430	215	215
A	....do	Aircraft dynamics of subsonic flight		388	194
A	Texas Christian	Human pattern perception	272	100	135
N	University of Houston	Information processing	380	190	190
N	Rice University	Coherent and incoherent EM radiation		350	175
A	....do	Remote sensing of gamma ray signatures			400
AF	Southern Methodist	Automatic navigation	400	200	200
N	....do	Statistics in calibration methods		502	296
A	Texas Tech	Performance and man-machine effectiveness		470	235
AF	Utah: University of Utah	Chemistry of combustion	398	200	200
AF	Vermont: University of Vermont	Isolation and sensory communication		410	255
	Virginia:				
A	University of Virginia	Learning control systems	342	171	170
AF	....do	Atomic interaction in gases		408	200
N	....do	Cryogenic instrumentation			400
A	Virginia Polytechnic, Blackburg	Vehicle engineering and control			400
N	West Virginia: West Virginia University	V/STOL aerodynamics		416	208
	Total		19,375	28,180	29,239

Mr. STENNIS. Mr. President, if it is convenient to the Senator from Arkansas, would he be willing to allow the Senator from Massachusetts to speak at this time.

Mr. FULBRIGHT. Mr. President, that is agreeable. I yield to the Senator from Massachusetts.

Mr. STENNIS. If the Senator from New Hampshire will yield time, Mr. President——

Mr. McINTYRE. I yield 12 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, if I may take a somewhat different approach to the proposal as set forth by the Senator from Arkansas, let me first say that the policy and general philosophy as set forth by the Senator's proposal was shared and was considered by the Subcommittee on Research and Development of the Committee on Armed Services, under the able leadership of the distinguished Senator from New Hampshire. In fact, it is in keeping with the policy as mandated to that subcommittee by the distinguished chairman of the Armed Services Committee, the Senator from Mississippi. So the matters which the Senator from Arkansas raises are matters which the committee had before it in its deliberations and in its final decision, in its report to the full Armed Services Committee.

Mr. President, I should like to analyze very briefly the contentions of the Senator from Arkansas and then conclude by proposing certain questions to the Senator from Arkansas which I trust he will answer and which may be helpful in this debate.

Mr. STENNIS. Mr. President, may we have order, so that those of us who wish to hear may do so?

The PRESIDING OFFICER (Mr. BELLMON in the chair). The Senate will be in order.

Mr. BROOKE. The Senator from Arkansas proposes a $45.6 million cut, including a 10-percent, or $27 million, cut in Federal contract research centers; a $2 million, or one-third, cut in research by foreign institutions; a 20-percent, or $5 million, cut in project Agile, counter-insurgency work, which includes largely technological work, not just social and behavioral research; $3 million from other social science research; and $8 million, or 25 percent, from project Themis, a program for university research.

If the Department of Defense distributes the committee's 12-percent cut in the research budget evenly across all categories, the Federal contract research centers will be reduced by more than Senator FULBRIGHT has proposed. All the categories that the Senator has mentioned are subject to the large cut the committee has imposed already, unless the Defense Department considers them of such high priority that other programs are reduced disproportionately.

Moreover, social and behavioral research on foreign military environments and policy planning studies are specifically cited by the committee as an area to be reduced by 12 percent, or by $1.5 million of the $13.3 million, and by the recommended transfer of approximately $4 million in projects to other agencies with responsibility in these areas. For example, some policy planning studies might go to State, ACDA, and AID; and some more basic research might go to the National Science Foundation. Work in these areas already has been reduced by approximately 11 percent since fiscal 1968 and by the effects of inflation, which the Senator has not mentioned, and which I am sure he would want to take into consideration.

Thus, a thorough pruning of work in this area is already assured by the committee's action.

Apparently, Senator FULBRIGHT has several concerns: allegedly worthless research; defense connections with the universities; the supposed hazards of doing research under defense auspices in foreign countries, on the assumption that it may lead to engaging in military action there at some time.

Mr. President, many knowledgeable people agree that some of the research involved might better be carried out under other auspices, and the committee has provided for this. But unless the State Department and other agencies obtain greater authorizations, this of course, will be impossible.

Thus, the effect of adopting the Fulbright amendment simply would be to reduce further what is widely recognized as an inadequate national effort in social and behavioral research. Surely, we should first seek to create better mechanisms for funding work in this general field before we trim the limited effort already underway.

If it is insisted that all Defense research must be strictly tied to DOD missions, we would have to cut out all basic research in physical sciences as well.

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

Mr. BROOKE. I yield.

Mr. FULBRIGHT. Did the Senator hear the Senator from Michigan state a moment ago that on the calendar is the National Science Foundation authorization, and it will be up very soon, and we could authorize an increase to be taken up—all the items about which the Senator is talking? Assuming that they are justifiable research contracts, it would be a much more appropriate way to do it, it would seem to me. That bill is already on the calendar.

May I also say to the Senator that I told the Senate a moment ago—I do not know whether he heard it—that a delegation from one of the most prestigious institutions in the country, and certainly in his State of Massachusetts, waited on me with respect to the problem of the intrusion of the military. They are not antimilitary. They simply were making the point that they hated to see MIT become dominated or too dependent, I will say, upon a military appropriation. I believe that MIT last year had $119,175,000. This is an awful lot of money. In one sense, of course, it is a great compliment to MIT. These students, I was told by the professor who brought them, were among the best students they had. They were not dropouts; they were not in that sense. They were serious, very intelligent young men who did not wish to see MIT be considered just a kind of dependency of the Pentagon. They had great pride in MIT's reputation as one of the world's great technological institutions.

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

Mr. FULBRIGHT. I am sorry about it. I would have thought that the Senator, too, would be interested in preserving the great reputation of Harvard and MIT as among the leading educational institutions in the world. It was a great shock to me—and I think to the entire country—to suddenly see an eruption on the campus of Harvard University, the oldest and I would say probably the most respected institution in America. I cannot, of course, prove that it was just because of this.

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

Mr. FULBRIGHT. I think it contributed to it.

Mr. BROOKE. If the Senator would yield, I would say that that was caused primarily by ROTC, not defense research, of which the Senator is well aware. There may have been some contribution. But I was about to say, before the Senator asked his question, that universities themselves are in the process of gaining better control of defense research programs.

I had a conversation recently with James Killian and Howard Johnson of MIT. They are well aware of this problem. What the Senator has said relative to the students at MIT is certainly shared by members of the faculty and of the administration.

Mr. FULBRIGHT. Yes.

Mr. BROOKE. They are aware of the problem, and they are trying to get on top of the problem, and I think we should give them an opportunity.

I might also point out that the Defense Department is cooperating in seeking better balance and in reducing classified research to a minimum. These things are ongoing at the present time, as the Senator very well points out.

Of course, I am interested in maintaining the integrity of MIT, Harvard, and the other institutions of higher learning in the Commonwealth and throughout the country; but I think these programs are now being given close scrutiny by the administration and the faculty as well as the student body.

Mr. FULBRIGHT. If the Senator will permit me, I should like to read an AP dispatch from Washington dated May 15, 1969:

> Dr. John Foster, the Pentagon's research chief, told a Congressional committee Wednesday that he saw "no evidence of major adverse impact from student demonstrations against defense research at universities."

Mr. President, I submit that Dr. Foster is just out of touch with the situation in this country. And it was not just Harvard. I mentioned Harvard because it is such a great institution.

Mr. BROOKE. The Senator mentioned Harvard specifically.

Mr. FULBRIGHT. The Senator will recall that at Berkeley, which is certainly also one of the great institutions, where there was a very clear protest about the participation at the university in IDA. The some situation prevailed at Cornell and at one university after another. I am not saying it is the only thing. The war is probably the greatest single contributor, but they were also protesting about the participation of the university in IDA. There are many aspects to it. It is not just the military. In many cases it takes the attention and time of their leading professors to go off on these highly paid research projects and leave the teaching of the students. In other words, the students are being shortchanged. I know they are correct because the attention and time of the finest university professors in many cases are directed and siphoned off in very large contracts that are given them.

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

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

FOSTER BACKS U.S. RESEARCH AT UNIVERSITIES

WASHINGTON.—Dr. John Foster, the Pentagon's research chief, told a congressional committee Wednesday that he saw "no evidence of major adverse impacts" from student demonstrations against defense research at universities.

Defending the research program, Foster said, "I hope you will not be misled by those who suggest that * * * academic research [supported by the Defense Department] represents a sort of sandbox for scholars, irrelevant to defense missions, unproductive technically and, worst of all, inimical to the best interests of universities. It is more fundamental.

"It is the great national advantage we possess because we are able to bring together essentially independent and well-informed people—from government, industries and

universities—over long periods for voluntary work on our tough problems. This is the core of our capacity for technological superiority."

As for demonstrations directed at Pentagon research, Foster renewed his argument of a year that responsibility for dealing with them should be left with university administrations.

While Foster regarded "some of the current turmoil as irresponsible action," he added, "I still have confidence in the ability of the academic community, in the aggregate, to cope ultimately with the situation."

Foster warned against congressional effort to curb such research at universities where demonstrations have taken place, saying, "We must not run the risk of eroding nationally important research by precipitate punitive action against features of university life that are essential to our future."

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

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

The PRESIDING OFFICER. The Senator has 27 minutes remaining.

Mr. McINTYRE. I yield 5 minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I would appreciate it if the Senator from Arkansas would allow me a little time. I think the colloquy was very helpful and I am grateful to him for joining in.

Mr. FULBRIGHT. I would be glad to do so.

Mr. BROOKE. I think this is a healthy trend and creates an awareness on the part of the administration, the faculty, and the members of the student body. The Senator referred to Dr. Foster.

Mr. FULBRIGHT. But he is not aware of it.

Mr. BROOKE. He is not aware of it.

Mr. FULBRIGHT. But he is the head of research.

Mr. BROOKE. I think the Department of Defense is aware of the necessity for gaining better control of defense research on campuses.

Mr. FULBRIGHT. But this is the man who hands out the money. That is the trouble.

Mr. BROOKE. But he said this is not caused by defense contracts with the universities. I think he is attributing this to the war in Vietnam and the chemical problems and, as we are all aware, the ROTC matter.

Mr. FULBRIGHT. They all contribute. I agree that no one thing does it; they all contribute.

Mr. BROOKE. It is a healthy trend, but to carry it so far that university ties are severed would be, in my opinion, a very unwise move.

Mr. FULBRIGHT. By my amendment we would not sever them.

Mr. BROOKE. I think it would deprive the universities of work on national defense. I am sure the Senator would agree that it would weaken one of our best guarantees that open and objective research and counsel, not alleged pressures of a "military-industrial" complex are shaping the defense policy. I am sure the Senator would agree that thus, universities themselves should determine whether and under what circumstances they should engage in defense research. This is a matter we should leave up to the universities and not something we should establish as a matter of policy or mandate. Such programs should not be terminated by congressional fiat.

Defense-sponsored social science research abroad is already down by 70 percent since fiscal 1968 and all proposals are now subject to thorough interagency review under State Department auspices.

It is a highly dubious and anti-intellectual proposition to assume that research on foreign areas somehow increases likelihood of U.S. military involvement. With all due respect, I do not believe that is so.

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

Mr. BROOKE. I yield.

Mr. FULBRIGHT. The point I was making is that the intrusion of our military into university life is offensive and it creates ill will. I believe there is evidence of it in the articles which I have had printed in the RECORD. I was not making the point we were more likely to become militarily involved.

Mr. BROOKE. It could just as well decrease it as increase it.

Whether we involve ourselves militarily is a matter of policy, not research, and that policy can be most wisely shaped if careful preliminary research is done.

The reports submitted by the Senator from Arkansas yesterday, in my opinion, are hardly the whole story. Out of such policy studies have come many of the fundamental concepts and programs on which national security rests.

Concepts and rationale of stable deterrents, the first strike, second strike distinction, the rationale for security through arms control rather than arms competition, the most informed critics of MIRV and ABM, have all been influenced importantly by work done on these research efforts.

Economies are also realized. Overseas bomber bases were reduced at savings of billions of dollars a year after studies in the midfifties revealed their vulnerability to missile attack. These and other savings grew out of such analysis as the Senator from Arkansas attacks so categorically, analysis costing only a pittance of the savings from the basic studies alone.

If there is waste, payoffs from such research are sometimes so great as to compensate many times over, especially in view of the relatively small fraction of the budget in these categories.

It is also utterly misleading for the Senator from Arkansas to assert that no one knows the cost of studies he cites. As the letter of July 24, 1969, from the Department of Defense, printed in the RECORD at the request of the Senator from Arkansas at page 23291, indicates, the cost of individual reports are not easily determined, but the costs of projects, from which many reports may emerge, are known.

The costs of the projects from which the Senator from Arkansas has selected certain reports to question are specified by the Department as $11,530,408 over a period of 15 years.

Many of the concerns voiced by the Senator from Arkansas are shared by a number of us.

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

Mr. BROOKE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. McINTYRE. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 additional minutes.

Mr. BROOKE. Mr. President, that is why the Subcommittee on Research and Development and the Committee on Armed Services took strong action in these several areas. However, the committee's action is more than sufficient. Indeed, many observers will fear that too much damage has been done to the defense research effort by the reduction of more than $1 billion, and we should not go further at this time.

Mr. President, it is for that reason that I urge that the Senate agree to the committee recommendation and reject the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT).

Mr. President, I have some questions I would like to ask the Senator from Arkansas and I shall submit them to him inasmuch as the time of the Senator from New Hampshire is running out.

Mr. McINTYRE. Mr. President, I yield 10 minutes to the Senator from California (Mr. MURPHY).

Mr. MURPHY. I thank the distinguished Senator from New Hampshire.

I would like to speak momentarily on one aspect of the proposed amendment which has to do with the Federal Contract Research Centers. We have heard great approaches to many of these matters in terms of dollars. The understanding, the use of the dollars, and the complexity of the operations concerned, sometimes have not been fully discussed or fully understood.

I wish to express my appreciation to the distinguished Senator from New Hampshire for permitting me this time, and acknowledge the concern of the Senator from Arkansas about spending by our Department of Defense, which is widely known, and, of course, I join him. I think that great economies may be forthcoming in the future. I do believe, however, that some attention should be given to the kinds of Federal contract research centers that we have, and the kinds of tasks that they perform. This is important since the Senator from Arkansas wishes to cut $27 million from the funding for these organizations whether or not they are engaged in the area of social sciences.

As an example of the areas of responsibility in the FCRC's; eight are operated under the auspices of universities, each concentrating in the fields in which each respective university has specific strengths.

Three others do analysis work and, sometimes rather loosely, I think, are called think tanks, because they have a concentration of very expert brains.

In my hometown of Los Angeles, I believe there are more Ph. D.'s than any other place in the world accumulated under one roof. They perform valuable review of our posture on a continuing basis. Two other Federal contract re-

search centers are engaged most specifically in the systems management field.

The latter two, it should be pointed out, were built up under the auspices of the Congress for the direct purpose of handling profoundly complicated technical programs on a nonprofit basis so as to be most scrupulous in avoiding conflicts of interest in all places wherever possible, in order to save the taxpayer's dollars. However, these and other FCRC's have been of other great benefit to the taxpayer.

Because of the kind of work the FCRC's do there have been tremendous savings of dollars which, this Senator is convinced, could never have been achieved in any other way. For instance, it was documented some years ago to the satisfaction of the Secretary of Defense and the Congress that the Aerospace Corp., acting with its military partner, the Air Force, had in fact effected a savings of a billion and a half dollars in its ballistic missile programs in its first 5 years of operation, and it is acknowledged that this same team has brought about the savings of at least another billion since that time.

While there are 16 FCRC's, I believe the success of Aerospace Corp. is typical of them all and, Mr. President, it is easily documented for the purposes of our discussion here today. One of the most successful programs conducted by the Air Force and Aerospace Corp. has been the Titan III project which has enjoyed a tremendous run at great savings to the Government. I have previously commented on this some weeks ago. The secret of this success has been outstanding, professional technical management which brought about a situation whereby our Nation was able to place operational payloads on Titan III boosters which were originally supposed to be R. & D. vehicles. In other words, they combined research and development with actual payloads at one time. Yet, and this is important, because of this professional management, about which I speak, the Titan III took on operational missions while still an R. & D. vehicle with enormous success and tremendous savings. I might add, parenthetically, that all of our space flights to date have been launched by boosters developed by or evolving from those built by the military.

Another of the most valuable Federal contract research centers, the Rand Corp., which has been mentioned today, has been responsible for substantial savings in numerous areas. There are two, however, which are typical of the kinds of economy these groups do effect.

Rand's study of strategic airbases in fact developed a new concept of operations which, by the Air Force's own estimate, resulted in net savings of $1 billion in installations alone, and was judged to provide the same or better security as other proposed systems costing from $10 to $22 billion more over a 4-year period. So this is really not wasted money. What we are doing is buying an accumulation of the very best brains possible.

In a second typical example, because of its noncompetitive status, the Rand Corp. was able to bring the industrial computer groups together on common ground to exchange technical information and to initiate computer sharing among them. This cooperative pooling of programing techniques, known as Share, is estimated by the Department of Defense to have saved military installations and defense contractors, and therefore the taxpayer, approximately $50 million.

There is yet another example of the kinds of vital work carried on by these centers which must be given notice. The Institute for Defense Analysis completed a test and evaluation study in mid-1968 only 1 short year after it was undertaken. This project was a comprehensive analysis of the testing requirements for the Minuteman III and Poseidon weapon systems. The spectacular results showed how to determine the actual performance of these systems by testing without the enormously increased costs the Department of Defense feared might be needed through the use of what up to that time were the only known testing techniques.

This successful effort by the Institute for Defense Analysis was accomplished by forming a team of knowledgeable staff people along with military officers and highly qualified engineers from industry.

In other words, they put together the very best brains. The work of this team resulted in the resolution of a severe problem which the Government itself had been unable to resolve even after repeated attempts. In other words, Mr. President, if the Institute for Defense Analysis had not licked the problem, it probably would not have been done even today and I, for one, cannot put a price on that.

While I am mentioning this specific center, I believe it is very important to note that of the total contract budget of the Institute for Defense Analysis, only 5 percent is allocated for foreign policy and social studies. Yet the Senator from Arkansas asks us to reduce the FCRC funding by 10 percent.

Mr. President, the Department of Defense, again with the consent of the Congress, years ago decided that it would be necessary to use the Federal contract research center approach in extremely complex programs in problem areas.

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

Mr. McINTYRE. Mr. President, I yield 3 additional minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 additional minutes.

Mr. MURPHY. Mr. President, if I do not finish my remarks in that time, I ask unanimous consent that the remainder of them be printed in the RECORD because, obviously, because of this protracted discussion which has taken place there will not be time for me to read it all. I ask this so that Senators who are not presently in the Chamber may have the benefit, if they so desire, of reading what I think has been a rather carefully prepared explanation of the exact purpose of these centers, why they were put together and what they do.

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

Mr. MURPHY. Mr. President, as an example of the degree of expertise needed, the difference between the development of airplanes and large booster rockets applies. In the construction of an aircraft, you can always taxi it down the runway, lift off to an altitude of 1 foot and settle back to the runway subsequently analyzing problems within the machine and correcting them.

However, in the case of the booster rocket with its valuable payload, you have no such luxury. What is important here is the stark fact that the booster alone, without payload, frequently costs several million dollars. Therefore, it must work—and work right—the first time. The military simply does not have enough people trained in the management of such programs in-house to guarantee this kind of success. But, by using an FCRC's technical ability the job can be done, was done and must continue to be done.

Mr. President, so far I have mentioned the successful story of only three of our Federal contract research centers. But, the story with the rest is pretty much parallel. Yesterday, the distinguished Senator from Arkansas introduced an amendment which, if I read it correctly, would have the effect of reducing FCRC funding by $27 million across the board. Yet the thrust of his argument centers on the activities carried out by these groups under contract to the Department of Defense in the social sciences and foreign affairs. I submit that this is dangerous because it uses the area of foreign policy and social sciences as the target, but, aims at all disciplines within the FCRC's with a shotgun or broadside effect. That is the great danger of generalizations.

There is an additional perspective to this question that has received too little attention here in this debate. It is the straightforward proposition that it is vital to our Nation's safety that the planners in the Department of Defense be aware of the far-reaching and serious military consequences of changes in foreign governments. Certainly, no one in the Department of Defense nor in the FCRC's has any wish to interfere with the prerogatives of the State Department and from my conversations with them and my study of their work I can say with certainty they want no part of it. Yet, military implications of foreign governmental change do exist—they are real. Mr. President, it would be folly to ignore them with possible serious miscalculations the result. It has been previously demonstrated to the satisfaction of the Congress that the very best way to analyze such situations is via the expertise offered by the FCRC's and, while regrettable, we must see today's world as it is and not as we wish it to be. Thus, we have an obligation to our own safety and security to have the advantage of just this kind of analytical review.

Perhaps, what the Senator is really saying is that these centers represent the military-industrial-scientific-educational complex which he so greatly deplores. We have heard much of this complex—I prefer the words "American team"—of late and we would do well to remember the gist of the thoughts of our

beloved Gen. Douglas MacArthur who, as a part of his legacy, told us that the one great reliable strength of our Nation as it maintained its place in the world is our industry-military team which was and is called upon for our security every day of our lives. Certainly, by now it is not necessary to once again remind this body that retiring President Eisenhower actually pointed to this team with pride.

Furthermore, those who are so concerned about this team would do well to remember that the Federal contract research centers do in fact serve as a buffer or governor on both the military and the private sector. They do not make a product. They pay no dividends other than to the taxpayer. The important safeguard which exists here is simple: Both military and industrial security in these installations are operated by the Department of Defense and because the Secretary has confidence in the FCRC's they are able to gather together all the very best proprietary data, gleaning and coordinating all the best information while protecting it from piracy, but offering it as an asset to our security.

Nonetheless, we are told here that this amendment will reduce the authorization for the Federal contract research centers by $27 million because the chairman of the Committee on Foreign Relations is concerned about their work in the social sciences. Again we have the generalization which is akin to the old apples and oranges—which is akin to lumping all the animal world together and saying all must wear horseshoes or—in this case—all will have their rations cut since there is a problem with horseshoes. Mr. President, what we are asked to do here is to consider the social sciences, condemn the work the FCRC's are doing in the social sciences, lump the social sciences together with architect engineering, weapons analysis, systems management, and cut back on the whole works.

Mr. President, I have the privilege of serving on the Subcommittee on Research and Development chaired by the very able Senator from New Hampshire. I can tell the Senate that under Senator McIntyre's leadership, the subcommittee went into the question of the Federal contract research centers very thoroughly. When the Subcommittee on Research and Development reported to the full Armed Services Committee on its work, my friend the distinguished Senator from Virginia offered an amendment which is included in the bill and would limit the salaries of FCRC technical and management personnel. I did not cosponsor that amendment for numerous reasons, but, I certainly understand and congratulate Senator Byrd for his motives in offering it.

However, we should remember that the complexity and national importance of the work of the FCRC's require highly talented and competent management. The competition for top people in this field of endeavor is considerable. The major FCRC's are managed by people who would otherwise be serving as senior professional executives in industry or industrial laboratories, as university administrators or senior professors, or as executives in enterprises such as the major management consulting firms and research organizations, both profitmaking and nonprofit. Many of these organizations do Government contract work, and compensation in excess of $45,000 is common in most of these posts. Even in the case of university professors, there are a substantial number of senior people whose activities, including consulting, bring them incomes in the $50,000 to $60,000 range. Again, much of this consulting is paid for from Government contract funds, including Department of Defense funds. Profitmaking enterprises normally provide additional incentives, such as stock options, not available in nonprofit organizations such as the FCRCs, and universities provide other fringe benefits in many cases.

In the case of most of the FCRC's, the boards of trustees set the salaries of the top personnel. These trustee constitute an impressive roster of public-spirited citizens, including leading public figures, ex-public servants, university presidents and industrial executives. These men are acutely conscious of their policy responsibilities and of the public interest nature of the organizations. They are well able to judge the performance and quality of the persons whose salaries they set. These boards of trustees are keenly aware of the need to attract and to hold individuals of the highest caliber in the top management position of the FCRC's if these organizations are to be able to continue their effective performance in the national interest. The responsibilities are great; much of the work is pioneering and its quality is extremely important. Management judgment and talent is an absolute essential. For all of these reasons a limitation such as the one proposed appears inappropriate and in fact harmful.

The present language, left as is, suggests that in the absence of Presidential approval, some 20 officials of the FCRC's would have to take a cut in total compensation back to $45,000, or leave their jobs, or the FCRC's affected would have to cease doing business with the Department of Defense.

Mr. President, I am reminded that many years ago I was called before a committee of this very body to explain just why the late Clark Gable could draw a salary of $7,500 a week. Many on the committee asked "What does he do?" "How can he be worth $7,500 a week for what he does?" My answer was that he doesn't do anything, but he has an expertise—he is an actor of supreme accomplishment and in free and open competition he can earn this much money. Clark Gable's name in lights over a theater sells tickets and offers an income to all involved as the result of free trade.

I do not mean that there is detailed commonality between the motion picture business and the FCRC's. I do mean, however, that these people about whose salaries we are so concerned are among the finest technical people we have and they are dedicated to their country and programs. Should they become discouraged, I can say for certain they will not go into $40,000-a-year Government jobs. They will go up the street to large private industrial concerns like TRW, Hughes, North American Rockwell, or Lockheed.

Surely, the distinguished Senator from Arkansas is well aware of the fees and salaries that ability and a good record can draw. The Senator from Arkansas, being the great lawyer he is, has received in his lifetime career special fees because of his expertise and knowledge of the law.

Mr. President, I believe there is another important factor worthy of our consideration today which applies to both amendments. I refer to the social and economic problems that loom so large in America now. It is acknowledged that the most competent and successful organizations created for the purpose of solving problems are those currently engaged in defense and space work. They have developed a whole new concept called systems management. Lately a new term has come into common use: I refer to "civil systems" which simply means the application of the systems management or systems engineering approach to those enormous problems which face us from within. The great organizations we have created to solve our defense problems since World War II are in being—they are operating and in place. They could, in fact, be our most important national resource when we turn them to the problems of pollution, waste disposal, communications, crime, delinquency, transportation, urban renewal, and the eradication of poverty, all of which are approaching crisis proportions as the distinguished Senator from Arkansas himself has often said.

So far, Mr. President, the potentially most promising approach to the solution to these problems is through the application of systems management or the systems approach or civil systems, if you will, by our great concerns in the aerospace industry of which the Federal contract research centers are such a vital part. It may well be that other departments of the Government will want to use the abilities of these centers toward the ends I have just outlined—and this Senator believes they should. It may also well be that the Department of State could profitably use their services, since we all know how many problems that Department has had over the past 8 years, and the Committee on Foreign Relations would wish to consider appropriate funding.

However, it is extremely important that these organizations, these going concerns, not be impeded or reduced or discouraged here as we consider defense procurement. As a matter of fact, that so-called military-industrial complex we are supposed to be so concerned about could, through these self-same FCRC's, turn out to be the best friend our advocates of domestic priorities ever had.

The importance of independence and objectivity in these organizations is paramount, and has long been recognized as such. The FCRC's are for the most part engaged in highly important and complex research on matters of great significance to military planning and national security policy. More re-

cently, because of the major contributions of these organizations in the field of national security, it has been urged by many, including the Secretary of Defense, that they apply their skills and experience to other important national problems such as those of the environment and the cities. A number of them are doing so, and this is becoming a significant portion of their work. It would seem unwise and inappropriate to inhibit the application of this national resource to domestic problems by placing special restrictions on them in a military procurement bill.

Mr. President, the distinguished and highly respected Director of Defense Research and Engineering, Dr. John S. Foster, stated in his recent testimony before the Committee on Armed Services that—

> Second, we have reconsidered recently an issue which has been brought up from time to time for several years—whether or not these primarily Defense-sponsored organizations should be permitted or even encouraged to apply selectively their specialized capabilities to major domestic problems such as transportation, urban redevelopment, housing, and medical services. We have concluded that when an FCRC has capabilities suitable to a non-Defense client, it should be permitted to undertake non-Defense work. In short, we believe that the DOD has developed in the FCRC's a "national resource" which should be used as national priorities dictate, consistent with our needs in the national security area. Thus I have begun discussions with other parts of the Federal Government and with the FCRC's to introduce this concept of "selective diversification." I must add, however, that we do not intend to fund programs designed to solve domestic problems, nor do we intend to act as a permanent "middle man" in administering any such programs. Similarly, we do not intend to reduce or dilute our DOD funding to FCRC's for national security work, nor do we expect the FCRC's to reduce or delimit their contribution to defense needs.

Mr. President, it is important to this bill that there be no further reduction in funds authorized for Federal contract research centers. I hope I have made some small contribution to erasing some of the misunderstandings that exist where they are concerned. I have seen firsthand the work they are doing and I know the capabilities of their people. I can report with confidence, as can many of my colleagues, that many of our most advanced, most significant, and most successful new ideas for our security begin at these centers.

These centers are vested with the tremendous responsibility for systems management, long range planning and the solutions to tomorrow's problems. While I wish today's problems made it possible for me to join with the Senator from Arkansas in his amendment, I believe the examples I have just cited are so compelling as to leave us with the clear responsibility to support the funding of these Federal contract research centers as one of our great hopes for the future.

I depart from my prepared remarks for a moment to point out that during the committee hearings concern was expressed over salaries in the FCRC's. I attempted to explain the reason. When the Federal contract research centers were put together, it was of extreme necessity that the very best and the very finest brains be obtained.

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

Mr. MURPHY. May I have 1 additional minute?

Mr. McINTYRE. Mr. President, I yield 1 minute more to the Senator.

Mr. MURPHY. I know from practical experience that many of these scientists and administrators are working in these projects at a cost to themselves. I know they could go down the street from Air Research, for instance, and be hired at Thompson-Ramo-Woolridge at higher salaries. I know they could walk down the street and be hired at Hughes Aircraft or Hughes Tool and be paid a higher salary.

I also pointed out that to get the second-best brains would be a mistake, because these are the men who conceive the ideas, who draw the expert analyses for the Air Force and other services, to proceed at the greatest savings, in the most practical way.

Because of my knowledge of the performance of the Federal contract research centers, notwithstanding that I dislike to be in opposition to the amendment of the Senator, I shall be forced to oppose it.

Mr. McINTYRE. Mr. President, I thank the Senator from California. He has been a very helpful member of the Research and Development Subcommittee and particularly with respect to this matter.

Mr. MURPHY. Mr. President, if the Senator will yield me 10 seconds, I have been on that committee, and I know the chairman of the committee agrees with me that there is a real lack of knowledge of what happens in these centers. I know he agrees with me that, as soon as we have the time, he will accept the invitation to come to my State. There are two of these Federal contract research centers in my State that I think would be very good to visit. I am sure we would like to visit them and have a look at close range and ascertain what is being accomplished and exactly how the programs works. If we do that, I think we will have a greater understanding of what we are discussing

I am extremely happy to be a member of the Senator's committee, where, for the first time I believe a great scrutiny of these matters is being had.

Mr. McGOVERN. Mr. President, will the Senator yield me a few minutes on another matter?

Mr. FULBRIGHT. First, may I respond to the remarks of the Senator from Massachusetts for a moment?

The Senator from Massachusetts wanted to conserve his own time. He was running short of time. He submitted in writing a number of questions to me.

Before I proceed to the questions, I wish to say that I have great sympathy for the attitude of the Senator from Massachusetts, because there are many research projects in the universities or educational institutions of his State.

It is my understanding that Massachusetts Institute of Technology, with over $119 million last year, is the largest single educational institution on the payroll of the Defense Department. Harvard, of course, has a much smaller allocation, but it is substantial, over $2.5 million. The University of Massachusetts, under the Themis program, had a substantial amount, $720,000. Boston College had $440,000.

However, on the other side, in my view, is the impact these research programs may have on the colleges and universities. What I am more interested in is the preservation of the integrity of our educational institutions, whether they are in my State or in any other State.

The first question the Senator from Massachusetts asked was: Would the Fulbright amendment affect the $4 million recommended to be transferred to the Department of State for foreign policy research—which is in the report?

It would not affect it. As far as I know, there is no evidence that the Department of State wants these programs, nor is there any evidence that the transfer of the projects are of projects which are worthwhile of themselves. My own guess is that it would be better that they be discontinued. In any case, there is no evidence it would affect it at all.

The second question of the Senator is: The Fulbright amendment would impose a further $2 million, or one-third, cut in research by foreign universities and institutions. Is the Senator aware that this area has already been reduced by 70 percent since fiscal year 1968?

I am aware of that. I already congratulated the Senator from New Hampshire for reducing it, but we still have contracts in 44 different foreign countries. I have already given my reason why I think it is bad policy, and it ought to be reduced to a bare minimum, if not eliminated.

It is possible that there may be some unique situations in which a program would be justified, but I am quite confident there is no justification to have them in 44 countries. I am not sure our foreign policy can stand that much intervention by the Defense Department. It ought to be kept at a minimum. Besides, if there are some unique situations in which research and development would be justified, I would strongly recommend that it be sponsored by some other agency, the National Science Foundation, or the National Institutes of Health, or the Department of Commerce, some agency other than the military.

Surely, it ought to be obvious now to all Americans that military intrusion is offensive to small countries, or to any country. Military intrusion is much different from intrusion by cultural or other institutions, because people are suspicious of the military, as going to their own security. We always run into that danger. Tourists can go abroad without harm. People can live in another country. But when soldiers are stationed in another country, traditionally it has always caused suspicion. So I think there is a great difference, because it arises from fears of our own country, and I do not think it is good for our relations.

Mr. McINTYRE. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. One thing that plagues me is that if the State Department and the Foreign Relations Committee of the Senate and its counterpart in the House, and the President of the United States have had something to do with setting the foreign policy of this country and setting out the goals and setting out the objectives, once those objectives are made clear, or at least scaled down to somewhere along the lines the distinguished Senator from Arkansas would like to see, I think it would be no trouble for the Department of Defense to scale back the activities the Senator complains about. But the State Department and the Senator's committee and the administration set the pace, and the Department of Defense is only trying to carry it out.

Mr. FULBRIGHT. The other day I discussed the purpose of our country in this field in connection with the posture statement. I only wish to say that I have strongly disapproved of our tendency to intervention, and I have done that publicly, beginning with our intervention in the Dominican Republic in 1965.

I thoroughly disapprove of the ease with which we accept the responsibility to intervene in another country's affairs and tell them what to do and tell them what kind of government they ought to have, and so forth. The Senator is aware of my disagreement with our policy.

It is true that I am only one Senator, but the Foreign Relations Committee has gone through quite a change in its attitude toward that policy. The foreign policy I am really complaining about is that of the previous administration, led by Secretary Rusk in the State Department. I thoroughly disagree with his definition of the mission of the United States. This we have discussed. Now with a new administration and with new officials in the administration, I had hoped we would begin to follow a different approach.

This amendment is a small segment or part of that approach of downgrading our intervention and intrusion into foreign countries; to treat other countries more as equals, with greater respect, and, hopefully, to cultivate better relations with them.

The foreign programs I am talking about are one little aspect of it. I am doing my best to change our policy. I am doing the best I know how to get out of Vietnam and change our policy.

The hearing we had this morning is in connection with a situation which we are very fearful may become another Vietnam. All I can say to the Senator is that I am doing the best I can to change it. I have not been very successful, but that is all I can do.

Mr. McINTYRE. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. I hope the Senator from Arkansas appreciates the position the Armed Services Committee, with this authorization bill, is in. Since the Senator from Arkansas does not set the foreign policy of the United States, and the State Department and the administration do, he will find that we, as we try to answer the questions and try to help him in understanding this particular bill, more or less find ourselves in a bind between the position of the State Department and the attitude of the distinguished Senator from Arkansas toward the foreign policy of this country.

Mr. FULBRIGHT. Mr. President, I do not know whether the State Department has really approved these projects or not. On my inquiry last year, the Bureau of the Budget was not aware of most of the projects and had not examined them. They do not examine Defense Department programs as they do other programs.

I think the participation of the State Department in the program of the Department of Defense, if at all, is perfunctory. Even this contingency planning agreement with Thailand is not in the custody of the State Department. I requested it from the State Department, and they came back with the letter which I put in the RECORD the other day, saying, "We regret we cannot give it to you, because the Secretary of Defense is reluctant to allow it outside of his control," which meant, in effect, that here is an agreement between Thailand and the United States, and it is not even in the hands of the State Department.

So we have a lot of difficulties in this area, and I am not at all sure the State Department is a very free agent when it comes to such matters. The one agency, and the only agency in the Government, in my opinion, that can ever exercise any degree of restraint upon the Defense Department is the Senate, because of its peculiar characteristics, in that we are more independent than anyone else in the Government. We have longer terms, and that is why we were given longer terms. We represent our States, and thus represent larger constituencies than Members of the House of Representatives. I shall not describe our system of government further, but I think the Senate is the only agency that can possibly bring its influence to bear upon the Military Establishment.

It will be seen that this is not wholly imaginary, when you look around the world and look at all the other major countries, wherever they may be. Most of them are dominated by their military establishments. We have got to assume that the United States and the American people are gifted with some very special qualities, if we are to be able to avoid the same fate. The Senator can look at Russia, or at China, or where have you: Latin America, Brazil, Argentina, Peru, and so on. I shall not call the rolls, but most of them are largely under the influence of the military.

There is a reason for it. I do not know; perhaps in the long run it is better. I do not think so, with the present state of my information. I prefer to maintain the dominance of the civilian authorities; and our Constitution, I think, was intended to provide for that.

The next question the Senator from Massachusetts asked me is as follows:

> Many of the examples of "questionable" studies cited by the Senator from Arkansas were contracted 3, 4 or 5 years ago. Since then, DOD research has been subjected to much closer scrutiny. Does the Senator have any knowledge of current or projected studies which would substantiate his fears?

I may say that the studies I cited were the most current that the Defense Department would provide; and I will say again, as I have said often, that it is not easy to get some information out of the Defense Department. We are engaged, at the moment, as I say, in a very serious contest with them over this agreement with Thailand. In this case, we have used, in our statement and in the insertion, the latest information that the Defense Department was willing to provide. I do not have the power of subpena on the Secretary of Defense or the Commander in Chief, and I cannot make them give me what the committee wants. I simply provided the best information we could get from them.

I think the Senator from New Hampshire will admit that it is not always easy to get, neatly and efficiently, anything you want out of the Defense Department. It is a huge bureaucracy of millions of people. The Joint Chiefs of Staff itself, I think, now constitutes some several thousand people. All I can say is that I got the latest information that was available. I asked for the latest, and this is what we were given.

The Senator next asks whether I have any views of universities regarding this amendment.

No, I have not submitted it to universities. I do have views of universities about the intrusion of the Defense Department into their activities. I have already talked about that at length. I have views as to the reactions of the students and professors as to the extent of the intrusion by both research projects, ROTC, IDA, and what have you.

The Senator's fifth question is as follows:

> The Senator from Arkansas has cited many "horrible examples." Does he have any information as to what percentage of actual research programs this type of program represents?

No; I have no idea how to arrive at a percentage. The examples I put into the RECORD speak for themselves. Some people do not think they are horrible examples. I do not think they are horrible; that is not the word I used. I think they are wholly inappropriate to the functions of the Department of Defense. Some of them would be defensible as activities of the National Institutes of Health, the National Science Foundation, or the Departments of Commerce or State, but they have no relation to Defense, and the only reason as far as I can see why they were sponsored by the Defense Department is that the Defense Department has no difficulty getting any amount of money it wants, for this or any other project. That is the situation we seek to correct.

Mr. President, I ask unanimous consent to have printed in RECORD a communication from the Department of Defense entitled "Behavioral Sciences Projects Proposed for Funding in Fiscal Year 1970," issued as of July 22, 1969. This request is partially in response to the Senator's questions; although the informa-

tion is not very specific, it gives some idea of the present attitude of the Defense Department in this area.

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

BEHAVIORAL SCIENCES PROJECTS PROPOSED FOR FUNDING IN FISCAL YEAR 1970

ARPA behavioral science research can be understood most accurately as level of effort support for technical areas of special importance to the Department of Defense. Individual contracts vary widely in level of support and in duration. Frequently a contract is funded over a three-to-five year period, and rarely for a longer period of time. The best estimate of future support is a line extension of present level of effort for a technical area, recognizing that individual contracts will change according to research progress.

RATIONALE FOR MAJOR PROGRAMS

We are terminating almost all ARPA Behavioral Sciences research work outside the U.S. ARPA has reoriented its behavioral science research work into a direction where there is broad agreement in the research and defense community that more promise exists—the interdisciplinary combination of the computer and behavioral sciences in specific problem areas. The objective is to produce results to Defense user organizations within five years. Initially, we have extended support to three basic programs to be conducted at universities where unique talent now exists. Simultaneously, we began a management inquiry to determine how to use an applied research organization to apply the results of the basic research to specific and immediate DOD operational problems. As the work progresses, and to the extent that the results of our management analysis warrant, we plan to phase down ARPA sponsorship of university participation in the three programs.

The first university program is the Cambridge Project which seeks to provide tools needed to determine trend and interaction effects in complex DOD systems. System examples include designing hardware for effective human operation, training and educating personnel, organizing manpower, and allocating resources. We have more than enough data, but we lack tools to enable us to extract patterns and raw inferences from them. The work takes advantage of existing ARPA-funded interactive computing capability at MIT and will have wide participation by MIT and Harvard scientists. This effort will be supported at approximately $2,400,000 yearly.

The second university program, the Center for Computer-Based Behavioral Studies at UCLA, seeks to construct a theory and practice of gaming in order to improve substantially its realism for training and prediction. As a good example, many vital DoD missions require that DoD people know how to bargain and negotiate effectively with counterpart members of other nations; help is needed in the appropriate training of military advisors, defense attachés, and staffs of alliance commands. Faced with analogous problems in labor relations, major schools of business administration and major corporations have turned increasingly to gaming (i.e., simulations) for training and prediction. This effort will be supported at approximately $1,000,000 yearly.

The third university program, Quantitative Political Science, seeks to develop quantitative tools and unclassified data bases to improve our ability to predict national security needs. The work is accomplished at the University of Michigan, the University of Hawaii, the University of Southern California and Yale University. The data archive at the University of Michigan will be managed by the Inter-University Consortium for Political Research which currently distributes other types of social science data to faculty and students at 120 member universities. If successful, the tools would help us to distinguish between likely and unlikely future conflict situations. DoD must try to predict future security situations and needs in order to plan for logistics, force structure, strategy, and research and development. Faced with analogous needs, government departments responsible for the domestic economy turned more than thirty years ago to the development of quantitative predictive tools and supporting data bases. DoD has made only fragmentary use to date of quantitative political science for conflict and sociology. However, even these limited efforts have been useful to JCS, DIA, and Service officials. The basic university work in building the tools will all be unclassified and the results freely available. The later applications of the tools to operational DoD problems will probably be carried out elsewhere. This effort will be supported at approximately $850,000 yearly.

In addition, ARPA intends during FY 70 to support research in the following areas:

Teaching and Learning—The Department of Defense must maintain a vigorous and broad set of education and training activities for its personnel. As external threats become more complex, U.S. personnel increasingly require improved training to perform their jobs. Much of the new technology developed for other military purposes can also be applied to more effective training and education systems. ARPA sponsored research in computer assisted instruction has resulted in prototype systems which permit the instructor to manage teaching aids and resources with greater flexibility. These systems also promise to cut costs substantially under the terms of the instructional funds required for each student contact hour. The flexibility and economy of these systems will permit progress in developing techniques and methods of instruction which are most effective with students whose learning styles and abilities vary widely. Further research is concerned with the constraints imposed by different classes of subject matter and modes of presentation. Support during FY 70 will be approximately $185,000. During FY 70 specific contracts will be funded at Bolt, Beranek and Newman, and the University of Texas.

Human Performance—The attributes and evaluation of individual and group performance is fundamental to the operations of the Department of Defense. ARPA's research in this area is primarily concerned with establishing rules to assess the relationship between human capabilities to perform military jobs and basic abilities such as signal detection, memory, information processing and perception. Support during FY 70 will be approximately $360,000. During FY 70 specific contracts will be funded at the University of Michigan and the University of Oregon.

Human Communication—This research area is concerned with principles of human communication as they affect coordination of effort in the execution of military tasks. This effort is and will continue to include work on competence to learn and use foreign languages and second languages. The knowledge gained will then be used to develop and test educational materials to improve cross-cultural communication. Support during FY 70 will be approximately $550,000.

ORDER OF BUSINESS

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

Mr. FULBRIGHT. I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, in view of the limitation on time, I should like to speak very briefly on two unrelated matters, the first having to do with the President's welfare message as it relates to our food assistance program, and, second, to make some remarks on the prisoner information policy of North Vietnam.

DOES THE NIXON WELFARE PROPOSAL WEAKEN THE FOOD ASSISTANCE PROGRAM?

Mr. McGOVERN. Mr. President, with regard to the President's historic message on last Friday, which he transmitted in greater detail to Congress yesterday, there is one matter of very grave concern to me, and that is the apparent intention of the administration, as outlined in that message, to phase out the food assistance program for those persons who choose to participate under the newly proposed family assistance program.

Mr. President, I have no objection—in fact I rather welcome it—to the replacement of some of our plethora of welfare programs with an income maintenance program as suggested by the President. But if in fact the administration proposes to offer a family of four a maximum of $1,600 in cash, and then tell the family that chooses that option that they are excluded from the food stamp program, it will be, in effect, decreasing very substantially the amount of aid now being received by millions of Americans. My preliminary estimates lead me to believe that if this exclusion policy goes into effect, and we deny food assistance to those families who choose the income maintenance program suggested by the President, in 44 out of the 50 States we would actually lose, for many millions of people, the amount of assistance they are now receiving under a combination of food stamps or commodity assistance plus the welfare payments they now receive.

Mr. President, it is a fact that it requires almost all of the $1,600 that the President has suggested for income maintenance to provide a family of four with an adequate diet. So it is my intention as the chairman of the Select Committee on Nutrition and Human Needs that has been looking into the problem of hunger and malnutrition in the United States to call administration witnesses before our committee at a very early date to clarify the matter.

I hope very sincerely that the President will press his proposal for an income maintenance program, but that he will not press it to the inclusion of the food stamp program.

We must do either one or two things. We must permit both of the programs to operate simultaneously or else we will have a very substantial increase in the income maintenance figure suggested by the President.

Mr. President, last May, President Nixon pledged that his administration would put an end to hunger in America for all time. He then moved swifty to accomplish this goal by sending to Congress a plan to expand and improve the food stamp program.

In his historic welfare message of last Friday, the President added to his earlier pledge by proposing a family as-

sistance system under which the Federal Government would build a foundation under the income of every American family that cannot care for itself.

With these two messages the American Government has promised its poorer citizens that they should no longer go hungry no matter what their income, and that they will be given a strong Federal boost in their efforts to escape from poverty. While I welcome these pledges, I hope that President Nixon will heed his own often repeated warning that it is extremely dangerous to raise false hopes by making promises which will not be fulfilled.

The details of the President's family assistance system reveal that its commendable procedural reforms, which extend coverage to the working poor and lighten the financial burden on State governments, are not matched by funds adequate to end either hunger or poverty among our poorest families. Though the administration plan provides for a much fairer distribution of the costs and benefits of welfare, the poor family which is pleased to receive its fair share of the help which is available, may be less than pleased to learn that its fair share is still not enough to lift it out of poverty or even to feed its hungry children.

In light of pending proposals to provide a $10 billion tax break to middle- and upper-income families, I find it hard to accept the administration's apparent belief that the $10 billion cost of lifting every American family out of poverty is more than the Nation can bear. Even less understandable is how the administration, knowing that the financial assistance he is offering is far less than a poor family must have to meet its minimum needs for food, clothing, and shelter, could recommend that families receiving this inadequate family assistance payment should no longer be allowed to supplement their diets by participating in the food stamp program. If this prohibition against simultaneous participation in the family assistance and food stamp programs is allowed to stand, millions of families in 44 of our 50 States will actually receive less help than they now receive through the welfare and food stamp programs together. In most Northern States, for example, an average family would receive between $288 and $384 dollars per year less under the President's plan than they now receive from welfare and the food stamp program.

According to the administration's own figures, an average family of four must spend a bare minimum of $1,200 per year if it is to purchase a healthy diet and must earn $3,600 per year in order to spend at this level. Under the family assistance program, many millions of Americans living in families whose head is unemployable or cannot find employment would receive only $1,600 per year from the Federal Government. This is only $400 more than they must spend on food alone, and is fully $2,000 less than the total income they need in order to maintain a nutritious diet while meeting their other fixed expenses.

Additional State payments could narrow this gap between actual income and the amount needed to prevent hunger and malnutrition, but in only one or two States would this gap be closed.

Though the working poor receive new assistance under the Nixon plan, most of them would also face a continued gap between total income and the price of meeting food and other basic needs.

Because it is the express purpose of the food stamp program to fill this "food income" gap, and because the family assistance system as announced would do little or nothing to close this gap for millions of Americans, I urge the President to permit needy family assistance recipients to continue to participate in the improved food stamp program which he himself seeks.

On May 7 of this year, the President addressed a message to Congress on the subject of hunger in America. In that message he promised to—and I quote directly from his message—

> Provide poor families enough food stamps to purchase a nutritionally complete diet . . .
>
> Provide food stamps at no cost to those in the very lowest income brackets.
>
> Provide food stamps to others at a cost of no greater than 30% of income.
>
> Ensure that the food stamp program is complementary to a revised welfare program, which I shall propose to the Congress this year.

Despite the welcome reforms in President Nixon's "family assistance system," unless that program permits participants to receive food stamps it will renege on the explicit promises which the President made to Congress last May. It will not provide poor families with enough food stamps or enough cash to purchase a nutritionally adequate diet. Instead, it will create a whole new category of partially assisted poor persons who are prevented by law from receiving any food stamps whatsoever. Far from being "complementary," as the President specifically promised, the family assistance and food stamp programs will be almost mutually exclusive. If the President is to make good on his pledge to "end hunger in America for all time," it is imperative that he not arbitrarily bar recipients of his very limited proposed family assistance from receiving food stamps. If such a restriction is issued, hunger cannot possibly be eliminated for its continuance will be written into the law.

Because of my concern over this issue, I intend at an early date to call administration representatives before the Select Committee on Nutrition and Human Needs to clarify the newly stated administration position.

NORTH VIETNAM POLICY ON PRISONERS OF WAR

Mr. McGOVERN. Mr. President, this week three American families are celebrating the return of their sons and husbands from North Vietnam. I am sure that all of us share their joy. It is especially meaningful to me that one of the young prisoners of the war released last week was Navy Seaman Douglas B. Hegdahl of Clarks, S. Dak.

But the families of some 1,300 other American servicemen remain in a state of desperate uncertainty.

As of July 26, we knew that 346 of those young men were prisoners of war, but there is little more known about their health or safety. We have photographic evidence that those who were injured when they were captured have received poor medical treatment and that some have been made to parade as human displays. There is also evidence that prisoners are kept in isolation from each other.

The situation is even more deplorable for the other 978 who, as of July 26, were reported as missing in action. Their families cannot even learn whether they are alive or dead.

I am acutely aware of one case in this category. As I reported to the Senate on July 2, I visited at length last April in Paris with representatives of North Vietnam and of the National Liberation Front. I raised the prisoner-of-war issue and asked specifically about a young South Dakota pilot who had been downed over North Vietnam in January of 1968. There had been absolutely no word on his status for all of those 15 months.

Sometime after returning to the United States I received a letter from Paris advising me that the young man in question had been severely injured, that medical treatment was unavailing, and that he had died within a few hours after his capture. This information is still inconclusive. There has been no further confirmation.

Mr. President, all of us at one time or another have to do things we want desperately to avoid. I want never again to make a call like that I made to the parents of this serviceman.

It made final the agony they had suffered for 15 long months; agony imposed upon them for no reason, with no benefit to anyone.

On June 28, 1957, North Vietnam adhered to the Geneva Convention of 1949 relative to the treatment of prisoners of war. It requires that the names of prisoners held be made available, that sick and wounded prisoners be released immediately, that prisoners-of-war facilities be opened up to impartial inspection, that all prisoners receive proper treatment, and that a regular flow of mail be allowed.

The United States is also a party to that convention. We have abided by its dictates throughout the course of the conflict in Vietnam. Forces captured in South Vietnam are detained in prisoner-of-war camps which are inspected regularly by the International Committee of the Red Cross. Sick and wounded prisoners have been released.

North Vietnam has violated it in at least six particulars. They have not given the names of prisoners. Only 100 prisoners have been allowed to write to their families, at a rate averaging only two letters per year. The locations of prison compounds have not been revealed, let alone opened to impartial inspection. The sick and wounded have not been exchanged. Prisoners have been placed on public display and subjected to abuses of the populace.

North Vietnamese officials have indicated their belief that the Geneva Convention does not apply in Vietnam because it is not a real war and prisoners are therefore war criminals. This position is not even good subterfuge. The convention does not require a declaration of war. Article 2 provides that it shall apply to all cases of declared war or "of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

But the treatment of U.S. prisoners of war would deserve condemnation even if there were room for a legitimate dispute over the convention's construction. Those who have agreed to respect it must certainly recognize that it is more than a narrow statement of legal obligations. It is instead an expression that the existence of an armed dispute between nations is not a reason for inhumane treatment of those who are helpless, who pose no threat, and who have no means of defending themselves.

Mr. President, this question has nothing to do with the wisdom of U.S. policies in Vietnam. I continue to regret our involvement in the Vietnamese conflict. I expect to continue my efforts to end it.

But no American, regardless of his views on the war, can condone the North Vietnamese handling of prisoners of war. They have denied the most fundamental precepts of humanity which should characterize the dealings of any nation with friend and foe alike.

The policy on prisoners of Hanoi is not only inhumane, it is damaging to the interests of North Vietnam and the National Liberation Front. If they hope to apply political pressure upon the United States through this device they expose a thorough misunderstanding of the factors which guide American thinking. The war will not end because of indignities imposed upon Americans by North Vietnamese; it will end only because a majority of Americans recognize it as a mistake and because we are investing lives and treasures where our real interests are not threatened and where we have no obligation or reason to intervene. I have little doubt that the mistreatment of prisoners of war can only result in public contempt for North Vietnam and in a stiffened U.S. attitude toward possible negotiations or withdrawals.

There has been very little with which I can agree in the Vietnam policies of either the Johnson administration or the Nixon administration.

But I identify completely with current efforts by our Government to see that the minimum steps outlined in the Geneva Convention are respected. I call upon the North Vietnamese to prove to the American people—particularly to those who have opposed the war—that we have a common bond of revulsion against needless human suffering.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Who yields time?

Mr. STENNIS. Mr. President, what is the parliamentary situation as to the expiration time of the agreement? How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 16 minutes remaining, and the Senator from Mississippi has 5 minutes remaining.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum and the time for the quorum may be charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. 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. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

THE APOLLO 11 MISSION AND PRESIDENT NIXON'S RECENT TRIP ABROAD

Mr. BELLMON. Mr. President, since July 16, 1969, when Apollo 11 carrying the earth's first moon travelers was launched before thousands of spectators and millions of television viewers, this country and much of the world has been caught up in a healthy period of breathlessness and admiration of the three courageous men whose daring and professional competence opened a new window of knowledge for all mankind.

The value of the moon voyage greatly exceeds the worth of even the vast scientific knowledge it and subsequent trips will produce. In an unpredictable and indescribable way, the trip has brought the peoples of all nations closer together.

Neil A. Armstrong, Michael Collins, and Edwin E. Aldrin deserve and will receive the full acclaim and adulation of a proud and happy nation. They and the entire space team are revered by people of all ages, races, nationalities, and conditions in every corner of the globe. They will be justly honored in many ways in the days ahead.

Concurrent with the return of the moon travelers, another trip began which, in many ways, was similar and which produced parallel results.

I refer to the round-the-world voyage of President Richard M. Nixon. His trip began as an act of faith. It also required a high level of courage and professional competence. It has yielded international adulation of a similar nature. It, too, has brought the peoples of the earth closer together.

There has been much talk since the President's return from his trip about the impact of that trip, what he accomplished in Asia, and what he accomplished in Rumania.

And there is no doubt that his trip lessened world tensions and clarified our polices in Southeast Asia.

But, Mr. President, it occurs to me that the success of that trip may not be the most important thing about it.

Equally as important is that the President chose to take it at all and that he took it when he did.

To me, President Nixon's decision to go into the trouble spots of the world during the mission of Apollo 11 was an act of supreme faith—faith in the ability of Americans to land on the moon and return safely, faith in his own ability to deal with the leaders of other nations, and above all, faith in God.

No President without a supreme faith in God and in America would have dared to schedule such a trip in conjunction with man's first attempt to land on the moon.

Failure of the moon trip would have meant disaster for the President's trip before it began. Failure would immeasurably have strengthened the hands of our enemies.

But as we know, the President's faith was well founded. Apollo 11 was a success.

And that success led to the success of the President's mission. In recent years no American leader has been safe abroad. In fact our Presidents more than once have not been able to go abroad because of the fear of violence.

But President Nixon had faith that he could accomplish his mission unmolested, that he could enter the heart of Saigon and leave unscathed, that he could meet with the leaders of India and Pakistan without arousing the smouldering anti-American sentiment of those nations; that he could kindle the slumbering pro-American sentiments of Eastern Europe.

In all these cases his faith was justified.

America was built on faith. Her greatness hinges on the faith of her leaders and her people.

When that faith is strong, as was the President's, we can see its results around the world.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts of editorial comment from many nations commenting on those results.

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

EXCERPTS

Media in major world capitals reported the "tumultuous" and "spontaneous" welcome accorded Mr. Nixon in Bucharest. Early comment, mostly in the form of correspondent reports, noted a great personal success for the President.

French TV said his trip had "ended in glory in Bucharest." Moderate-left mass-circulation *France-Soir* reported that his reception there was "not 'prefab.'"

Socialist *Avanti* of Rome observed that "the presence of the popular masses had been organized in advance, but the manifestations of joy for Nixon were clearly genuine."

Some observers warned of Soviet displeasure. Independent *Le Monde*, Paris, said Mr. Nixon "chose precisely the most tender spot. . . . Thus a measure of defiance was involved . . ." London's moderately conservative *Sunday Times* saw "Mounting signs that the Russians are not at all pleased with this display of friendship."

Pakistani television, radio and press treated the visit there in highly favorable tones. The Press Trust's *Morning News*, of Dacca and Karachi declared that the Asian tour "may well mark a decisive turning point in U.S. relations with Asia."

The conservative *Hindu* of Madras and others reported "satisfaction on the Indian side" at the outcome of Gandhi-Nixon talks. It remarked that "the new American policy is said to be to help Asians to help themselves as regards both security and economic development."

The British-owned *Bangkok Post* asserted that "contrary to American press speculation, President Nixon's visit to Thailand has been fruitful rather than 'nettlesome' (UPI) or 'uneasy' (AP) for the President and his number one policy adviser, Dr. Henry Kissinger."

Rumania's media gave full treatment to the visit there. Its Communist neighbors restricted coverage to the briefest factual notice.

PARIS

Commentators described the welcome in Bucharest as "delirious" and agreed that the visit was a great personal success for President Nixon.

State-owned television last night carried films of the visit, and its correspondent opened by saying, "President Nixon's 40,000-kilometer tour ended in glory in Bucharest." He continued:

"Mr. Nixon is having a real triumph in Bucharest today. Of course this historic moment—I don't think the word too strong—when a U.S. President was to be received by the head of a socialist state was eargerly awaited.

"But even more eagerly awaited was the welcome that the population of this socialist country would give the U.S. President. Well, one is entitled to say that the Rumanians have never been so warm, so enthusiastic. . . . The most striking thing was their spontaneity."

The correspondent declared that "no spectacular results are expected from the visit, but the main thing certainly is the understanding between Rumanians and Americans.

"Europe, China, and the Middle East were discussed, as well as Rumania's relations with other counties of the socialist camp, and it is certain that Mr. Nixon and Mr. Ceausescu analyzed Moscow's possible reaction.

"It is clear that neither President Nixon nor Mr. Ceausescu wanted to give the visit the appearance of a provocation. But it is certain that the triumphant, enthusiastic welcome of the Rumanians for Mr. Nixon can only increase the ill-temper of the Soviets."

Moderate-left *France-Soir* ran this eight column head over a large picture of Mr. Nixon surrounded by cheerful Rumanians:

"Delirium in Bucharest over Nixon. More than 500,000 Rumanians acclaim the U.S. President who declared on his arrival: 'The only objective of my visit is to improve relations between the U.S. and eastern Europe.'"

The paper's correspondent reported that "the reception accorded Mr. Nixon was not 'prefab.' The warmth exceeded all expectations. Nowhere during his trip has Mr. Nixon been received with such enthusiasm."

The paper's special late edition, *Paris-Presse*, stated that "Mr. Nixon deliberately remained very vague in his statements. Rumanians and Americans have already agreed on one point; not to exaggerate the importance of Mr. Nixon's visit and even to underrate it. . . . The concrete result of the visit will be primarily an improvement in Rumanian-American trade relations."

An Eastern European affairs writer said in a front-page article in independent *Le Monde:*

"Imagine the 'number one' in the Kremlin going to Mexico, or even Cuba at a time of tension between that country and the U.S. . . . with having previously made a visit to Washington!

"Mr. Nixon chose precisely the most tender spot, the one which Moscow undoubtedly considers as the weak point in what was and remains its buffer zone, for making the first foray of an American President to a Communist country. Thus, a measure of defiance was involved even if it is not presented as such."

The paper observed in another article that "the concrete and practical results of the visit to Rumania cannot be appraised immediately. The first information on President Nixon's Rumanian stopover and trip to Asia will be brought to the French leaders by Mr. Kissinger after the meeting with Mr. Wilson . . ."

LONDON

Front-page headlines read:

"Rumania goes wild for Nixon" (Independent *Observer*)

"A million Rumanians cheer Mr. Nixon" (Independent *News of the World*)

A report from Bucharest in the moderately conservative *Sunday Times* said that "President Nixon flew into Bucharest . . . to a triumphal welcome from the Rumanian people—and to mounting signs that the Russians are not at all pleased with this display of friendship."

The Independent Sunday *Observer* carried a report from Bangkok saying that an "uncharitable conclusion" would be that Mr. Nixon "is trying to have his cake and eat it.

"Mr. Nixon's America is to remain a Pacific power. The President believes this is necessary because he fears that the greatest threat to world peace over the next 10 years or so will be in Asia, and America must be there to contain it.

"He is also quite frank about America's interest in Asian markets, which in many cases are temptingly thriving or, in Indonesia's special case, potentially very attractive."

The conservative *Sunday Telegraph* commented:

"The world tour which Mr. Nixon is due to end today with a refueling stop in the depths of Suffolk may go down in history as the most momentous American Presidential voyage since Roosevelt's journeys to the great wartime summits.

"And in effect, it marks the end of a process these summit meetings were to begin—the end of America's attempt to make her physical and political presence dominant throughout the non-Communist world."

ROME

Press, TV and radio described the "spontaneous wave of enthusiasm and admiration" which greeted the President in Bucharest. Communist papers reported a "warm welcome" and "friendly talks".

Socialist *Avanti* of Rome observed that "the presence of the popular masses had been organized in advance, but the manifestations of joy for Nixon were clearly genuine."

Leading independent *Corriere della Sera* of Milan said "the first visit of an American President to a Communist country shows what great psychological capital the U.S. has accumulated in Eastern Europe in the last quarter century."

WEST GERMANY

Television gave heavy coverage to the Rumanian visit, with details of the "triumphant ride" into Bucharest. A commentator said that in going to Bucharest and not Moscow, Mr. Nixon was honoring Rumania's "autonomous policy."

On the Asian tour, independent *Tagesspiegel* of West Berlin said "it is absurd to speak of an American withdrawal. The American presence continues, but changes will be made to reflect the experiences of the past."

VIENNA

Television carried a 75-minute live coverage of the President's arrival at Bucharest airport. A participant in a panel discussion on the significance of the visit said it "might contribute to a modus vivendi between East and West and thereby help secure peace in Europe. Not only Rumania but everybody else will profit."

BRUSSELS

TV devoted extensive coverage to the Rumanian visit. Commentary accompanying motorcade scenes of cheering crowds noted that Rumania had provided the most enthusiastic welcome on the President's itinerary.

OSLO

The Bucharest visit led on TV and radio newscasts. A correspondent, reporting the "triumphant procession," declared that "both Nixon and Ceausescu more than realized their aims. . . . Nixon, who has a strong anti-Communist background, has broken the barrier which none of his predecessors could—not even John F. Kennedy."

BEIRUT

Leading Arabic-language independent *an-Nahar* ran this report from its correspondent:

"Never before in its modern history does Rumania remember receiving anyone so warmly. Nor does it remember ever raising so many flags and banners or throwing all those flowers and writing all those editorials. And the visitor is an American President!"

PAKISTAN

Television carried videotape specials of Nixon activities in Lahore and the departure ceremonies at the airport.

Lahore papers prominently played the events in Bucharest and the Nixon and Ceausescu speeches.

Rawalpindi papers front-paged the reception in Bucharest. The Press Trust's *Pakistan Times* gave prominence on an inside page to the Nixon and Yahya farewell texts and emphasized the "warm sendoff" in Lahore and "big welcome" in Bucharest. All papers carried Bucharest stories on page one.

Nida-i-Millats based its lead story on a BBC broadcast saying Pakistan had made it clear to the U.S. that it will not join any military alliance likely to affect adversely its relations with mainland China.

All Dacca papers used voluminous and favorable Nixon coverage, mostly from their own correspondents, on front and back pages and inside.

Dacca television and radio outdid the press in favorable tone. Radio gave 80 per cent of its news time on Saturday and led on Sunday with Nixon material.

Highly influential, independent anti-Communist *Ittefaq* of Dacca headlined:

"Heart-warming welcome by one million in a Communist nation"

The paper said the Asian portion of the President's trip had been "most significant." It hailed "Nixon's policy of peace."

The Press Trust's *Morning News* of Dacca and Karachi declared that Asian tour "may well mark a decisive turning point in U.S. relations with Asia . . . Pakistan's policy of bilateral friendship . . . is now better understood and appreciated . . . We hope President Nixon will exert his influence to bring about Indo-Pakistani amity by removing the basic causes of conflict."

INDIA

Television radio gave prominent coverage to tour events. Papers front-paged pictures of the Nixon-Gandhi farewell handshake. Editorials were optimistic about improved Indo-U.S. relations.

New Delhi's pro-Congress Party *National Herald* declared that "Indo-U.S. understanding has been growing. . . . Nixon is very experienced in foreign affairs. . . . Behind his piecemeal pronouncements in different capitals he visted can be seen the outlines of a new policy."

The influential, pro-Congress Party *Hindustan* wrote:

"Though the Nixon visit was short, it turned out to be mutually very beneficial.

Never before has any visiting American President displayed such a deep sense of responsibility, humane outlook, good will and determination in strengthening Indo-U.S. relations. The visit came at a time when India and the U.S. were drifting apart, to the detriment of democracy and world peace. Nixon has contributed a great deal in bridging the gulf."

The conservative *Hindu* of Madras reported "satisfaction on the Indian side that the talks had gone off well, and that the hangover of past Indo-American recriminations was now really a thing of the past. . . .

"It was a splendid idea of Mr. Nixon's to come and talk things over with the Prime Minister and get the feel of India. . . . The new American policy is said to be to help Asians to help themselves as regards both security and economic development, but the Asian countries can expect direct American help in the event of attack by a major power like China. This is as the Government of India would seem to want."

The conservative *Mail* of Madras front-paged a cartoon showing Mrs. Gandhi and defense and plan officials looking at Mr. Nixon's footprints, which resembled dollar signs. Directly beneath was a head on a story "Nixon Confident of India's Future."

BANGKOK

Papers front-paged stories and photos of President Nixon in Pakistan and Rumania.

Leading, intellectual *Siam Rath* held that "it is most apparent that Thailand and the Philippines can no longer depend on the U.S. or SEATO for military help. Neither Malaysia nor Singapore can count on Britain or other Commonwealth countires. Indonesia, faced with internal problems, is also unable to defend itself.

"It is thus most appropriate that these countries . . . form a military pact for their own protection."

SAIGON

Today's vernacular press gave prominent play to the visit to Bucharest, reporting that the Rumanian government had made clear in advance that it would not play an intermediary's role among the U.S., the USSR and Communist China. Commentary continued to stress President Nixon's assurances and efforts to find peace in Asia.

Pro-GVN *Dong Nai*, a supporter of Prime Minister Huong, insisted that the South Vietnamese "have never thought they could cling to the U.S. forever for survival.

"If the U.S.—through an efficient aid policy—sincerely helps the GVN to develop its agriculture, industrialize, and establish a solid economy, we are sure that after the war ends . . . . South Viet-Nam will rapidly grow prosperous and gradually minimize its need for American assistance."

TOKYO

All major dailies front-paged correspondent reports of the arrival in Rumania.

Leading, independent-liberal *Asahi* observed:

"The U.S. does not intend to impose a new security pact on Asian countries. . . .

"Interest is rather focused on possible Soviet-American cooperation for the containment of Communist China. Fortunately, there has been no actual attempt so far to implement an anti-China project, either in the U.S. or Asian countries.

"It is hoped that President Nixon will fashion a more peaceful U.S. policy in Asia and toward Communist China, in view of the Lesson of the Viet-nam war and the wishes of Asia's neutral nations, with which he has familiarized himself during this tour."

SEOUL

Sunday morning papers gave top position to the Rumania visit. Conservative *Chosun Ilbo* splashed the story over two-thirds of its front page, describing a "tumultuous" reception.

World news interest in President Nixon's just-completed trip turned to his briefing of Congressional leaders on Asian policy, expectations of further troop withdrawals, and Mr. Kissinger's visit to Paris.

Meanwhile, the enthusiastic reception he enjoyed in Rumania drew additional favorable comment.

London's independent *Financial Times* remarked that "the value of this sort of international occasion lies in the long-term impact on world opinion." The conservative London *Daily Express* wrote that "the cheers for Mr. Nixon in Bucharest ring out a message of hope for the world."

In Paris, independent *Le Monde* termed the Rumanian visit "an immense popular success."

Rome's independent-center *Il Messaggero* said the Rumanian people had exhibited "an enthusiasm that no Communist leader has ever received in a 'fraternal state.' "

French media said that in sending Mr. Kissinger on a Paris visit "Washington normalizes its relations with France."

More and more commentators suggested a waiting period to test the results of Mr. Nixon's trip. Thus *Le Monde* thought "we shall have to wait several months" to appraise its effects. Tokyo's leading independent-liberal Asahi reported from Washington that "real evaluation must await future developments."

LONDON

BBC and commercial TV and radio carried a large number of political commentaries saying Mr. Nixon's tour had been generally successful, that it had bolstered faith in America's continuing interest in Asia, and that the Rumania visit was a *diplomatic master stroke.*

The *Financial Times* said of Mr. Nixon's trip:

"The value of this sort of international occasion lies in the long-term impact on world opinion. The films of President Nixon embracing Mr. Ceausescu will surely begin to persuade many people that the Americans are not monsters as they have often been depicted.

"And equally important, this visit to Bucharest must surely have helped convince many Americans, from the President down, that the Communist bloc is far more complex, far more interesting, and perhaps more sympathetic than the image created by 20 years of cold war."

The conservative *Daily Express* declared yesterday that "by their tumultuous unabashed display of friendliness to the U.S. President, the Rumanians demonstrated their resolve to consolidate and extend the independence they have achieved. . . . The cheers for Mr. Nixon in Bucharest ring out a message of hope for the world."

The pro-Labor *Daily Mirror*, which has a circulation of five million, commented:

"Perhaps Mr. Nixon's most immediate success was in the streets in the tumultuous reception he had from more than a million cheering Rumanians. After just over six months in office, Mr. Nixon has been around the world to see for himself the state of the nations. In this moon age he has his priorities right. With both feet placed firmly on earth."

The conservative *Daily Telegraph* observed yesterday that Mr. Nixon's visit to Rumania "needed impact to be a success, and it clearly has had impact.

"Mr. Nixon's reception by the Rumanian people was warm—'heart-warming' he called it. It could so easily have been otherwise. Surely one of the reasons why Mr. Brezhnev cancelled his attendance at the party congress in Bucharest later this week must have been that his reception might have contrasted poorly with Mr. Nixon's. Nor does it seem likely that Rumania's relations with Russia or China will suffer.

"Mr. Nixon said he was convinced history would record his talks with Mr. Ceausescu as serving the cause of peace. On the whole, the forecast appears justified."

PARIS

Independent *Le Monde* regarded Mr. Nixon's visit to Rumania as "an immense popular success," and said that "even if no spectacular results were officially recorded, a movement has begun. Nevertheless, we shall have to wait several months before being able to appraise its effects on international relations."

WEST GERMANY

The influential right-center *Frankfurter Allgemeine* wrote:

"In the sign of Apollo, Nixon is working for world unity . . . Nixon's trip was, among other things, a large-scale attempt to improve his position in the coming talks with Moscow . . . It remains to be seen whether he was successful, and if so to what extent. The results of such a trip are by and large imponderables, but imponderables count in policy."

The pro-Christian Democratic *Frankfurter Neue Presse* said the Soviet press treatment of the tour "indicates that the Kremlin will arrive at an understanding of Nixon's new policy only after protracted hesitation, if at all. Soviet reaction also indicates that the Americans rather than the Soviets are the proponents and executors of progressive policy, even though they are led by a Republican who so far has been considered a rightist conservative."

ITALY

Rome's independent-center *Il Messaggero* suggested that "a clear, explicit and unofficial communique" was issued by the people of Rumania.

"Thousands and thousands of Rumanians proclaimed the first visit of an American President to an Eastern bloc country. They showed him an enthusiasm that no Communist leader has ever received in a 'fraternal state.'

"The demonstrations were spontaneous, uncontrollable . . . This is the most significant aspect of the voyage . . ."

The independent-liberal *La Sampa* of Turin declared that "a prudent and realistic man like Nixon" probably already has concluded that in each of the big-power zones of influence "the ills are being attributed to the influencer. . . .

STOCKHOLM

Conservative *Svenska Dagbadet* observed that Communist leaders "now have reason to give more serious thought to the delirium of joy . . . in the Rumanian capital. . . .

"Nixon has been presented in Communist propoganda as the foremost representative of capitalism and imperialism . . . But is he received as the personification of an evil world power? . . . No. He is hailed by hundreds of thousands of Rumanians with an enthusiasm and a glow which . . . no one in the world can assert was ordered from above.

"Events in Hungary, Poland and Czechoslovakia have earlier shown how superficial is the Communist veneer when the people can occasionally give vent to their spontaneous feelings. The delirium of joy in Bucharest is a striking new example."

VIENNA

Independent *Die Presse* said Moscow's reaction to Mr. Nixon's visit to Bucharest "is unmistakable. Who else but Rumania could be meant when *Pravda* warns against 'a policy independent from Moscow'? . . .

"Moscow's uneasiness will certainly increase when it takes a closer look at the tremendous enthusiasm shown the President wherever he appeared in Bucharest. Moscow undoubtedly knows that this sympathy was extended not just to the man personally but

also to a world where there are no victims of Brezhnev-type doctrine."

The paper's Washington correspondent called the Bucharest visit "a milestone in international politics and a personal triumph for the U.S. President." She expected closer economic cooperation and an extension of the most-favored-nation clause to Rumania by the U.S. as a result of the visit.

ATHENS

Government-controlled *Akropolis* stated that there is "conviction among developing nations and peoples in the Communist bloc that President Nixon is the champion and guarantor of peace . . .

"The U.S. President made a big leap toward world peace at a time when his country's prestige and power are at a peak. Mankind is grateful to him."

PAKISTAN

Dacca's anti-Communist *Ittefaq* wrote of "the heartwarming welcome" in Bucharest. It indicates, the paper said, that "in the interest of the greater good of the world, Rumania no longer wishes to confine itself within a narrow ideological circle." It noted "Soviet warnings against fraternizing with the U.S." and hoped that Rumania "does not meet the fate of Czechoslovakia."

DJKARTA

Independent, intellectual *Pedoman* summarized President Nixon's statements and the local reaction in each country visited, concluding that "the U.S. still regards Southeast Asia as vital to its security.

"The U.S. still attaches importance to commitments to certain Asian countries both through military pacts and through the UN Charter.

"The U.S. still holds to the 'forward strategy' concept in its defense based on a 'deterrent nuclear force,' although President Nixon does not want confrontation and tends toward accommodation."

MANILA

The nationalistic *Manila Bulletin,* which is frequently critical on U.S.-Philippine issues, said "the visit demonstrated that the U.S. is fast adopting a more flexible attitude toward Communist states. Communist states and their leaders are not necessarily to be damned on the ground that they are Communist."

TOKYO

Leading independent-liberal *Asahi* reported from Washington that the U.S. reaction to the President's tour is "very favorable," although "real evaluation must await future developments."

Independent-moderate *Yomiuri* carried the view of its Washington correspondent that the tour had helped rebuild U.S. prestige, but remarked that the President now faces "severe" domestic problems such as the ABM debate, and racial and urban problems.

HONG KONG

The Kuomintang-owned *Hong Kong Times* said Secretary Rogers' visit had had "some beneficial results. From it he can come to understand the hopes that Asian peoples have pinned on America, and to know personally the true face of the Chinese Communists, thereby enhancing the U.S. understanding of the Asian situation.

KUALA LUMPUR

The influential, conservative *Straits Times* headlined "A happy Nixon returns and tots up his gains" over a Reuters story from Washington on the President's arrival home.

Strongly nationalistic Utsan Malaysia related the visit to Rumania to U.S. policy toward mainland China:

"President Nixon singled out Rumania because it is taking the middle course in the ideological dispute between Moscow and Peking.

"Peking cannot simply be isolated from the problems facing the world, especially Asia, but if Peking persists in its present attitude it will eventually have to be isolated.

"And we think this is not what Peking wants, now or in the future."

MEXICO CITY

Leading, nationalistic *Excelsior* made this assessment:

"President Nixon has been very careful in Guam, the Philippines, Indonesia and Thailand to give assurance that the departure of troops from Viet-Nam does not signal an end to U.S. commitments in the area.

"Although his stop in Rumania drew the required formal objections to an 'intrusion' into a foreign bloc, it appears not to have been entirely disagreeable to Russia.

"On the contrary, it seems to indicate that both powers are preparing for a dialog in the not too distant future."

RIO DE JANEIRO

Moderate *Jornal do Commercio* of the Associados chain said it regarded the President's tour as "an answer to those who were struck by the fact that man is able to go to the moon but not to build a lasting peace. While the road to harmony among peoples is a long one, the U.S. President and his people have accepted the challenge."

Mr. BELLMON. Mr. President, the Inaugural Address of President Nixon was keyed to the slogan "Bring Us Together." Aware that nations of the world have been withdrawing further and further apart across a sea of suspicion, misunderstanding, and doubt, President Nixon courageously chose to risk his personal safety and prestige in the cause of peace.

These excerpts show the warmth of President Nixon's welcome by world leaders and the spontaneous reception he was accorded by plain people everywhere he went.

They show how much the trip accomplished in relaxing tensions and creating a climate for improved relationships between nations.

His trip took him not only into the presence of this Nation's historic friends but beyond the realm of past friendships into a new frontier of friendship.

President Nixon seems to remember, as every citizen of this country should, that those who are now alined against us were once our warmest friends. He seems to feel, as we all must, the hope that these feelings of friendship can be kindled again.

The Cherokee Indians have a national game which, to them, has a deep religious significance. According to legend, the first game was between the birds, led by the eagle, and the animals, led by a bear. The birds won, due to the help of the flying squirrel and a bat whom the animals refused to claim.

This country also needs all the genuine friends it can get. Past efforts to buy friendship have failed. President Nixon, by his personal faith, courage, and understanding, has opened a window of friendship through which we can all see and be seen more clearly.

THE PRESIDENT'S WELFARE FAMILY ALLOWANCE PLAN—HISTORIC BREAKTHROUGH

Mr. JAVITS. Mr. President, the Senator from South Dakota, as chairman of the Select Committee on Nutrition and Human Needs, has just spoken with respect to the welfare message sent to Congress by the President. I am the ranking minority member of that committee.

The President's domestic address to the Nation and his subsequent message to the Congress on welfare signifies an historic breakthrough in reforming our public assistance system. In establishing the need for a minimum level of income to the family and setting a beginning of national eligibility standards, the administration has made a substantial contribution to the sorely needed changes in our welfare system.

As we consider impending congressional action, it is important that we begin focusing our attention on certain aspects of the proposed package which I believe are cause for concern:

First, the proposed level of support must clearly be considered as a beginning. As the President himself noted, in his message to the Congress:

> A new federal minimum of $1600 a year cannot claim to provide comfort to a family of four. . . .

We all recognize that even the present poverty income level of approximately $3,000 is inadequate to meet the basic human needs of our disadvantaged citizens. It is clear, therefore, that the Congress will have to consider—perhaps on a phased-in basis—a support level of at least that amount for those who are unable to support themselves.

Second, another problem, as the Senator from South Dakota has undoubtedly said, is the matter of how to reconcile this program with the food-stamp program. We are in no position at this stage in revamping the welfare system to begin any phaseout of the food-stamp program. The President has indicated that food stamps would continue to be available for single adults and others in poverty not covered by the new system and that "for dependent families there will be an orderly substitution of food stamps by the new direct monetary payments." It would be hard, indeed, on our Nation's poor first to give them admittedly inadequate financial assistance—assistance that in most cases would not even cover a family's food budget—and then to take away their opportunity, through the food-stamp program, to purchase food at reduced prices. An income-maintenance program at an adequate level may yet replace the food-stamp program, but it would be folly to even consider initiating the transition before that level is established. Under the present circumstances, our Nation's poor require an "expansion"—not a phaseout—of food stamp and related programs. I hope that the administration will not insist on a phaseout of the food-stamp program until a clearly adequate family allowance plan is phased in—at at least the $3,000 per year level.

Third, while the administration has displayed tremendous insight in incorporating its manpower proposals with its proposed welfare system, we must concentrate and favor those aspects of the proposal that provide an incentive to work, rather than only a straight requirement to work. Last April, I joined

with Senator HARRIS in introducing S. 1960, which would have permitted AFDC recipients to retain a greater amount of money earned. The administration's proposal to permit an employed father or working mother to keep the first $60 per month of earnings and to retain 50 percent of the income above that amount are welcome elements of the overall plan. The requirement that all employable persons register for work or job training is a necessary requirement if we are to make the scheme work.

But any requirements to work must be scrutinized carefully to insure that the employment offered is truly relevant to the abilities, aspirations, and potentials of the employee; that individuals are not required to be uprooted from their families in seeking employment, and that the initial opportunity also provides the basis for advancement. I view with great concern any proposal that would arbitrarily require mothers of school-age children to work. In short, we must be sure that a combined welfare and manpower system intended to lift people from poverty does not provide the basis for establishment of a new class of underemployables.

I am pleased that the administration has seen fit to expand day care programs—which I have long held to be deserving of priority attention. Such expansion provides mothers, who choose to work, to do so. As the administration's plan unfolds, we must balance carefully the crucial need for day care and related need for involvement of parents in the educational aspects of early childhood programs.

Fourth, the amount of Federal assistance to buttress State and local welfare payments is clearly inadequate, especially for the large industrial States. New York State, with 10 percent of the Nation's population and 15 percent of its welfare recipients, would get only $43,900,000 or 6 percent of the $735,800,000 in Federal aid expected to flow to the 50 States. Indeed, as an indication of the situation of the big industrial States and not that we necessarily have to get more of our tax money back in any given situation, New York State taxpayers will contribute $340 million to support the $3.4-billion Federal program, but New York would get back $44 million in Federal welfare funds. The relief which the President's proposal would give to the large industrial States is clearly an inadequate reward for having provided and continuing to provide direct assistance at a level compatible with actual need. It also provides an insufficient incentive for other States and localities that should be encouraged to do so. In translating the President's program into law the Federal Government must be directed to assume a greater portion of the price of insuring the needed minimum level, so that State and local resources now absorbed by direct payments can be freed to provide expanded social services at the local level.

These are some of the most pressing aspects of the President's program which deserve our closest attention in considering the details of welfare reform. In the meantime, the administration deserves credit for elevating the Nation's level of concern and discussion and setting up a new standard for the Nation to a point where we are in reach of a more equitable welfare system.

Mr. President, it is important to remember that this is a beginning of a minimum floor of income for the poor of this country. Accordingly, I commend the President and have indicated the lines along which we will have to make changes.

ORDER OF BUSINESS

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

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from New York.

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

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

Mr. FULBRIGHT. I yield.

Mr. COOPER. Mr. President, I had commented last Saturday upon the proposal made by the President concerning his proposal to overhaul the welfare system. In my judgment, I think it is one of the most significant proposals that the President has made. It is one of the greatest proposals made by any President for many years.

I am sure that some adjustments will have to be made. Nevertheless, if the program were to cost more, at least in the beginning, it would be worth it because it would give purpose to the granting of aid or the supplying of aid to those who are poor, disabled, unfortunate, and in need.

I believe it will direct our people toward useful work and training and will raise the standards and the dignity of the people of our country. I am particularly pleased by and support his plans to see to it that children, especially in their first 5 years, before school age, shall have equal opportunity for care and training.

I wholeheartedly support the President in his initiative.

Mr. MURPHY. Mr. President, will the Senator yield for 10 seconds?

Mr. JAVITS. I yield.

Mr. MURPHY. Mr. President, I should like to associate myself with the remarks of the Senator from New York and the Senator from Kentucky. I have served on that committee for 5 years, and I think this is not only a breakthrough, but also, at long last, we are moving in the right direction, so that the practical effect will be that the taxpayers' dollars will get to the people who need the help.

I am pleased that the administration has taken this approach, and I think it will work successfully.

Mr. JAVITS. I thank the Senator.

S. 2838—INTRODUCTION OF THE MANPOWER TRAINING ACT OF 1969

Mr. JAVITS. Mr. President, I introduce the administration bill on manpower training, called the Manpower Training Act of 1969, to implement the President's far-reaching domestic program outlined in his address to the Nation last Friday and in subsequent messages to Congress. Senators PROUTY, MURPHY, DOMINICK, SCHWEIKER, SCOTT, GOODELL, COOK, and COOPER join as cosponsors of this bill.

This bill would create a comprehensive manpower services program designed to eliminate the patchwork of programs and responsibilities that have limited our current manpower programs in meeting the training and employment needs of our Nation's disadvantaged and other citizens. In many respects it reflects a maturing of many of the approaches suggested by the National Advisory Commission on Civil Disorders and first refined and translated into legislation in a bill entitled the "National Manpower Act of 1968" which Senator PROUTY and I introduced with 11 Republican Senators a little over a year ago.

The Manpower Training Act of 1969 would break with the past in several important respects:

First, the act would eliminate the previous categorization of manpower programs so as to insure that the people who need and desire manpower services have ready access to the combination of training which they require to train for and find and hold good jobs.

Second, the act would create a comprehensive manpower services system. A single administrative channel would be developed under which: The Secretary of Labor would provide guidelines and national priorities, review and approve State plans of service and evaluate performance of State and area manpower service systems; the Governors would determine the utilization of manpower program resources, be responsible for State comprehensive manpower plans, assure the provision of manpower services in rural areas and nonmetropolitan areas, and monitor program performance; and the mayors would be responsible for planning and implementing manpower programs in urban areas.

Third, the act would incorporate a number of other proposed innovations in the interest of an improved manpower delivery system. Advisory bodies, computerized job banks, incentive apportionments and provisions relating the amount appropriated under the act to the unemployment level are very constructive parts of the act.

Mr. President, a continuing tenet of our private enterprise system has been that the road out of poverty is traveled by those who are willing to work. While we have been quick to prescribe work as the cure for the depressed economic status of many of our citizens, our manpower and training system has failed too often to provide the medicine. Those who seek economic independence in employment have found it necessary to shop around among programs that seldom fit the individual's needs, and local administrators have been forced to accept an arbitrary package of programs for their areas. The act would assure that each individual would have available to him an "employability development plan" tailored to his needs, and provide sponsors with "liquid funds" in order to meet their needs.

The act would permit the decentral-

ization of administration of manpower programs to States and metropolitan areas, step by step, as Governors and mayors demonstrate interest and establish administrative capacity. Three stages are proposed.

First, State administration would handle 25 percent of apportioned funds when it designates a "lead agency" and develops comprehensive manpower planning capability.

Second, State administration of 66⅔ percent of the funds would be permitted when it establishes a comprehensive manpower agency to operate the unified programs and a State manpower planning council to coordinate all manpower related programs and arrangements to designate mayors as area prime sponsors.

Third, control of 100 percent of the funds would be granted when the State meets objective standards of optimum performance in planning and carrying out its manpower service system.

Mr. President, the decentralization proposed by the President provides the hope of remedying three important inadequacies of the current system.

First, decisions affecting the "mix" of job and training opportunities have too often been made by those least aware of the needs which programs are intended to satisfy. In giving the metropolitan areas a direct role, the bill which I introduce today would constitute an important recognition that those closest to the crisis of the cities can best deal with it.

Second, while we have made significant inroads into providing job training opportunities in the private sector, public sector employment has failed to reach its full potential. It is anticipated that by giving those on the local level a greater role it should open up more public as well as private job slots and related opportunities.

Third, as the National Advisory Commission on Civil Disorders noted in its report of March 1968:

> Existing programs aimed at recruiting, training and job development should be consolidated according to the function they serve at the local, state and federal levels, to avoid fragmentation and duplication.

The bill which I introduce today would advance us materially toward that objective.

Mr. President, a number of other innovative aspects of the bill deserve the special attention of the Congress.

Under the act a national computerized job bank would be established in each State, or on a regional basis where sparsely populated States can be grouped together, to facilitate the placement of persons in employment for which they are qualified. This feature was originally suggested in 1966 by the National Commission on Technology, Automation, and Economic Progress, recommended by the Kerner Commission in 1968, and included in the National Manpower Act of 1968, introduced by Republican members. I commend the administration for its inclusion of this proposal in its comprehensive manpower bill.

The act would establish an Intergovernmental Advisory Council on Manpower composed of Governors, mayors, and other local officials and encourage the development of broadly based manpower advisory groups on the local level. These aspects should contribute materially to the formation of a manpower policy relevant to the needs of affected persons and localities.

Finally, the bill contains a provision authorizing the Secretary of Labor to obligate an additional amount equal to 10 percent of the amount then appropriated under the act during the fiscal year in which the national unemployment rate reaches 4.5 percent for 3 consecutive months. This is a companion proposal to that contained in the unemployment compensation bill recently sent to the Congress by the administration. In that measure, the duration of unemployment compensation benefits would be automatically extended when insured unemployment reached 4.5 percent for 3 consecutive months.

Mr. President, the bill I introduce today deserves the consideration of Congress in the coming months not only in respect to its detailed provisions, but their relationship to the welfare reform proposals and to the question of what initiatives should be secured for the poor through the continued involvement of the Office of Economic Opportunity.

I am pleased to introduce this imaginative new approach as a substantial step toward a comprehensive new manpower policy responsive to those who are willing to work but who as yet have been unable to do so.

In the coming weeks I will be seeking additional cosponsors for this important administration measure.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill, along with an explanatory statement and a section-by-section analysis of the bill, both of which were prepared by the Department of Labor.

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

The bill (S. 2838), to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes, introduced by Mr. JAVITS (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. 2838

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 Manpower Training Act of 1969.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a lack of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. At the same time, there are many workers who are unemployed or are employed below their capacity who, with additional education and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(3) The placement in private employment of unemployed, underemployed and low income workers is hampered by the absence of entry level opportunities. These opportunities can be augmented by assisting workers now in entry level jobs to improve their skills and advance to more demanding employment.

(4) Expansion of public service employment opportunities for unemployed, underemployed and low income persons will allow the Nation to meet more adequately the unfulfilled public needs in such fields as health, recreation, housing and neighborhood improvements, public safety, maintenance of parks, streets, and other public facilities, rural development, transportation, conservation, and other fields of human betterment and public improvement.

(5) The public and private educational system has the major responsibility to provide the academic, technical and vocational training opportunities necessary to prepare attending students for the world of work. This system must be strengthened to achieve its goals, and its success is critical to lessening the need for remedial manpower programs. But, where effective opportunities have not been provided to individuals or their access to them continues to be restricted, remedial services should be provided as a part of our Nation's manpower programs.

(6) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(7) Experience has shown that the administration and delivery of effective manpower programs are extremely complex matters, requiring a more comprehensive, unified and flexible approach and the active cooperation of employers, employees, and other public and private agencies, individuals and organizations.

(8) The effectiveness of manpower programs would be improved by a more coordinated approach in evaluating the needs of individual participants and mobilizing available resources to meet these needs. It is therefore the purpose of this Act to establish a comprehensive and coordinated National manpower program, involving the efforts of all sectors of the economy and all levels of Government. The program should be designed to provide greater opportunities for training and related services necessary to assist individuals in developing their full economic and occupational potential.

TITLE I—STATE PLANS AND GRANTS

ELIGIBLE ACTIVITIES

SEC. 101. The programs and activities for which funds under this title may be expanded shall include, but are not limited to, the following:

(1) Basic education, including literacy and communications skills which will assist individuals to become more employable or more suitable for participation in occupational training;

(2) Outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement and follow-up services;

(3) Orientation to work discipline and acclimation to the work situation;

(4) Institutional and on-the-job occupational training, including training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(5) Supportive services, including health services, physical examinations, the furnishing of prosthetic devices, child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(6) Work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation or strengthening of any such program;

(7) Part-time work for students in 9th through 12th grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(8) Relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(9) The development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(10) Incentives to public or private employers including reimbursements for a limited period when an employee newly hired or being upgraded might not be fully productive;

(11) Training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which otherwise pertain to the purposes of this title;

(12) Such other programs and activities as the Secretary deems necessary to carry out the purposes of this Act.

GRANTS TO STATES WITH COMPREHENSIVE MANPOWER AGENCIES

SEC. 102. (a) The Secretary of Labor shall, in accordance with such regulations as he may prescribe, make grants to a State equalling 66⅔ per centum of funds apportioned to the State and available for the purpose if the Secretary determines that such State has submitted a plan approved in accordance with section 104, is complying with provisions of that plan, and is:

(1) Maintaining a State comprehensive manpower agency which (A) shall include the State public employment service, the unemployment compensation agencies (unless specifically exempted by the Secretary), agencies administering or providing for administration of programs authorized by this Act, and agencies established by State law administering manpower programs or program components not assisted by Federal grants-in-aid; and (B) includes agencies administering programs authorized by the Vocational Education Act or the Vocational Rehabilitation Act where the State so requests: *Except*, That the Secretary may with the concurrence of the Secretary of Health, Education, and Welfare refuse to make grants as provided in this section by reason of a decision of the State not to so include such agencies. The State comprehensive manpower agency shall conform to such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan (including methods relating to the establishment and maintenance of personnel standards on a merit basis: *Except*, That the Secretary shall exercise no authority with respect to selection, tenure of office, and compensation of any individual employed in accordance with such methods). The agency shall be responsible for consulting with the State manpower planning organization which develops the State comprehensive manpower development plan under section 104, for receiving funds under this Act and the Wagner-Peyser Act, and for administering or providing for the administration of those activities in the approved plan which are authorized by this Act and the Wagner-Peyser Act. In carrying out programs assisted under this Act, the agency shall be required to the fullest extent possible to utilize those services and facilities not financed under this Act, which are available from Federal, State, and local agencies. Where services and facilities financed under other authority are not available without reimbursement, the comprehensive manpower agency shall be required to the fullest extent possible to purchase the use of facilities and services from Federal, State, and local agencies where available at reasonable cost. The agency may also make appropriate arrangements to utilize the services and facilities of private agencies, organizations, and businesses. The Secretary of Labor shall determine whether a State has established a comprehensive manpower agency and is eligible to receive grants under this section.

(2) Providing for the designation of a local prime sponsor who shall be responsible for planning, administering or providing for the administration of programs assisted under this Act in any Standard Metropolitan Statistical Area or other area or areas which the Secretary deems appropriate. Prime sponsors shall be designated by the Governor or Governors of the States in which the area is located, from among the towns, cities, or other such units of local general government within the area: *Provided*, That if a unit or units of local general government representing 75 per centum of the population of an area, determined in accordance with regulations which the Secretary shall prescribe, concur as to the nomination of any other public body or private agency or organization as a prime sponsor, the prime sponsor so nominated shall be designated by the Governor. In designating a prime sponsor for an area, the Governor shall consider the distribution of population, work force, and disadvantaged persons within the area. For the purposes of this paragraph, the highest appropriate elected executive officials of each unit of local general government shall represent such unit. The identity of prime sponsors designated by the Governor shall be included in the annual State plan and be subject to approval by the Secretary. Area plans prepared by the prime sponsors in consultation with appropriate manpower advisory bodies shall be included in the State plan where they are found by the Governor to be consistent with the requirements of the Secretary under section 104. Where such a plan has not been included in the State comprehensive plan, the Secretary shall, upon request of the prime sponsor, determine after consultation with the Governor whether the area comprehensive plan is consistent with the requirements of section 104. If the Secretary determines that the plan is consistent with these requirements, it shall be included in the State plan.

(b) The Secretary shall, with the concurrence of the Secretary of Health, Education, and Welfare, with regard to program components described in section 104(b), promulgate standards of exemplary performance in administering programs assisted under this title. The standards shall relate to planning for the allocation of resources, program effectiveness, and efficiency and economy, including unit costs, in carrying out such programs. Any State eligible for grants under this section, whose conduct of programs assisted under this title is determined by the Secretary to be complying with these standards shall receive 100 per centum of the funds apportioned to the State and available for the purpose, in lieu of the 66⅔ per centum authorized by subsection (a).

(c) Whenever the funds granted to a State under this section would be less than the funds apportioned to the State under section 601 and available for the purpose, the Secretary shall utilize the remainder of such apportioned funds to carry out the provisions of the State plan, either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate.

GRANTS TO CARRY OUT STATE PLANS IN ABSENCE OF STATE COMPREHENSIVE MANPOWER AGENCY

SEC. 103. (a) In the event that a State has submitted a plan approved in accordance with section 104, but has not met the requirements of section 102, the Governor may, by agreement with the Secretary, designate a single State agency for the purpose of administering or providing for the administration of the State plan. Such agency shall have demonstrated competence in administering manpower programs. Where an agency is designated under this section, and the State is complying with provisions of the approved plan, the secretary shall grant to the State 25 *per centum* of the funds apportioned to the State under section 601 and available for the purpose, for use in administering or providing for the administration of those portions of the State plan which he may find appropriate. The Secretary shall utilize the remaining funds apportioned to the State and available for the purpose to carry out the provisions of the State plan, either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate.

(b) In the event that a State has submitted a plan approved in accordance with section 104 but:

(1) is not eligible for grants under section 102; and

(2) has not designated a single State agency in accordance with subsection (a);

the Secretary shall utilize the funds apportioned to such State and available for the purpose, to carry out the provisions of the approved State plan, either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate.

APPROVAL OF STATE COMPREHENSIVE MANPOWER DEVELOPMENT PLANS

SEC. 104. (a) The Governor of a State seeking assistance under this Act shall submit an annual multi-year comprehensive manpower development plan to the Secretary for approval in accordance with the requirements of this section. Such plan shall, except as otherwise provided in this Act:

(1) Provide for the conduct of programs financed under this Act and the Wagner-Peyser Act, including the furnishing of services to eligible individuals, to the extent, in such manner, and in accordance with such rules, regulations, standards of performance and annual guidelines as the Secretary, after consultation with the Director of the Office of Economic Opportunity, determines are necessary for the purpose of (A) providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential; (B) providing increased occupational opportunities and work experience for eligible individuals; (C) lessening the number of persons receiving public assistance or the amount of the payments made under that program; (D) providing intensified efforts to relieve skill shortages; and (E) pro-

viding for a more effective utilization of manpower in our economy. Rules, regulations, standards of performance or guidelines established by the Secretary of Labor relating to program components of the kind designated in subsection (b) shall have the concurrence of the Secretary of Health, Education, and Welfare.

(2) Provide for the development of standards for evaluating the effectiveness of programs carried out under the State plan in achieving the objectives of this Act and provide adequate assurances that such standards will be considered in determining whether to renew or supplement assistance to agencies administering programs pursuant to such plan.

(3) Provide for the establishment and support, subject to the leadership of the Governor or his designee, of a State manpower planning organization, which shall be responsible, in consultation with other interested State agencies, for developing the State's comprehensive manpower development plan and advising the Governor concerning utilization of resources for their intended purposes in order to assure that manpower programs and program components are complementary in the State, including, but not limited to those provided by this Act, other Federal and State statutes, and to the extent practicable, activities of private employers and private nonprofit organizations. A State manpower planning organization shall (1) be established pursuant to State law, or by action of the Governor of the State for the purposes of this title, or (2) be an existing body designated by the Governor for the purpose of this title and in accordance with standards prescribed by the Secretary and the Secretary of Health, Education, and Welfare. The organization shall provide for broad representation from the manpower training and employment resources of the State in the development of the State plan, including persons representative of:

(A) State agencies administering or coordinating manpower training, employment, apprenticeship, general and vocational education, vocational rehabilitation, welfare, industrial development, labor, economic opportunity, human resource development, and other related programs;

(B) local public and private nonprofit manpower, training, and employment programs including prime sponsors and local comprehensive area manpower planning agencies;

(C) typical client groups, including low income groups, to be served by the programs;

(D) the general public, including business, labor, and social welfare organizations.

Notwithstanding any other provisions of law, any State plan and plan of service or portions thereof, which are required to be submitted to the Department of Labor or the Department of Health, Education, and Welfare, pertaining to manpower training programs or directly related employability development services aimed at qualifying individuals for employment in nonprofessional occupations, shall be reviewed by the State manpower planning organization. The plan and plan of service, along with the recommendations of the organization will be submitted to the Governor. The Governor shall be responsible for revising such plans and plans of service or portions thereof, to assure that they are complementary and that the allocation of resources provided within the manpower programs and program components of the plan or plans of service best meet the State and area needs. After making the necessary adjustments the Governor will present the plan and plan of service to the appropriate Federal agencies for approval.

(4) Provide for the establishment and support of an area comprehensive manpower planning advisory body or bodies in any Standard Metropolitan Statistical Area or other area or areas which the Secretary deems appropriate. The highest appropriate elected executive official of each unit of local general government served by an advisory body or their designees shall have the opportunity to become members of the area advisory body. Where a prime sponsor has been designated pursuant to section 102 in an area served by an advisory body, the prime sponsor (as represented by its highest appropriate elected executive official or his designee where such sponsor is a unit of local general government) shall be responsible for the establishment of the advisory body. The advisory body will select its own chairman in accordance with rules prescribed by the Secretary. In the absence of a prime sponsor or in the event of a failure of the prime sponsor to fulfill his responsibilities under this paragraph, such responsibilities shall be fulfilled by the highest appropriate elected executive officials of the units of local general government within the area, or by the Governor if such officials fail to act in a timely manner. Area advisory bodies shall include representatives of those interests required to be represented in State manpower planning organizations provided under paragraph (3).

(5) Contain or be supported by adequate assurances satisfactory to the Secretary that appropriate State manpower planning organizations and area comprehensive manpower planning advisory bodies shall have an opportunity fully to assess the operation of the State and area programs and provide such advice as may be appropriate. Staff supporting such bodies shall have competence in the disciplines associated with the program areas subject to the organizations' planning responsibilities. The State manpower planning organizations and area comprehensive manpower planning advisory bodies shall be empowered in their own discretion, or at the request of the Secretary, to convey their assessment or evaluations of the State and area programs to the Secretary, the Secretary of Health, Education, and Welfare, the Governor, and the general public.

(6) Provide for participation of members of low-income groups in the planning and evaluation of State and area programs established under this Act.

(7) Provide such other assurances or information as the Secretary may find necessary to carry out the purposes of this title.

(b) The Secretary shall determine whether a State plan meets the requirements of this Act: *Except*, That with regard to programs (or program components) authorized to be included in such plan under section 104(a) which are of a health, education, or welfare character or which are under the usual and traditional authority of the Secretary of Health, Education, and Welfare, the plan may not be approved without the concurrence of the Secretary of Health, Education, and Welfare. Such programs include basic education; institutional training; health, child care and other supportive services; new careers and job restructuring in the health, education and welfare professions; and work-study programs.

(c) The Secretary may approve all or any portion of a plan submitted by a State.

PLANNING GRANTS

SEC. 105. The Secretary is authorized to make grants to the States for the purpose of establishing and maintaining State manpower planning organizations and area advisory bodies and for developing comprehensive plans for submission to the Secretary pursuant to this title. Planning grants shall be made to a State from funds apportioned to such State under section 601 and available for the purpose.

NONCOMPLIANCE OR ABSENCE OF AN APPROVED PLAN

SEC. 106. (a) If the Secretary determines, after notice to the State and opportunity for hearing, that a State which has been determined to be eligible for grants under sections 102 or 103(a) is no longer complying with the requirements of these provisions relating to (1) the maintenance of State comprehensive manpower or lead agencies; (2) the designation of local prime sponsors; (3) the inclusion of area plans in the State plan; or (4) compliance with exemplary standards; he may determine that the State is no longer eligible for receiving grants under sections 102 or 103 (a) and withhold such further grants or portions thereof under these provisions as may be appropriate.

(b) In the event that a State has not submitted a comprehensive manpower development plan, approved in accordance with section 104, the Secretary may, after consultation with State and appropriate local governments, provide manpower services in the State authorized by this Act from funds apportioned to the State and available for the purpose.

(c) In the event that a State does not comply with any part of its approved plan, the Secretary may reduce its grant accordingly and provide the services provided for in the plan either directly, or through such arrangements as he may deem appropriate.

(d) To the extent that a State plan does not provide for all the services required in accordance with the Secretary's guidelines, the Secretary may provide such services as are needed to meet these guidelines out of the funds apportioned to the State under section 601 and available for the purpose.

(e) No determination of noncompliance under this section shall be made without the concurrence of the Secretary of Health, Education, and Welfare respecting those matters with regard to which his concurrence was required in the approval of grants under sections 102 or 103(a).

ELIGIBLE INDIVIDUALS

SEC. 107. No financial assistance for any program under this title shall be provided unless the Secretary determines that participants in such programs are, except as otherwise provided, unemployed, underemployed, low income, or otherwise disadvantaged persons 16 years of age or over who are not adequately prepared for suitable employment in their area of residence: *Except*, That the Secretary may authorize the participation of other persons and may impose additional qualifications in order to facilitate the efficient utilization of manpower resources or otherwise carry out the purposes of this Act.

SPECIAL CONDITIONS

SEC. 108. No financial assistance for any program or project under this title shall be provided unless the Secretary determines that:

(1) Compensation and allowances will be furnished to participants in accordance with the requirements of section 109, except as otherwise provided or as the Secretary may otherwise prescribe, and fair procedures will be adopted and utilized in determining the eligibility and amount of any compensation or allowances to which a program participant may be entitled.

(2) Conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant.

(3) Appropriate standards for the health, safety and other conditions applicable to the performance of work and training on any project are established and will be maintained.

(4) Appropriate workmen's compensation protection will be provided to all participants.

(5) No discrimination will be exercised, threatened, or promised by any person with responsibilities in the operation of any program, against or in favor of any program participant or any applicant for participation in such program because of race, creed,

color, national origin, sex, union membership, lack of union membership, political affiliation or beliefs.

(6) The project does not involve nor will any participant be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(7) The program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

(8) The program will not provide assistance in relocating establishments from one area to another. This limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary, if the Secretary of Labor finds that assistance will not result in an increase in unemployment in an area where such business entity is located or conducts business.

(9) Funds utilized to carry out a State plan will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds.

(10) The State agency and appropriate local "prime sponsors" will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act.

COMPENSATION AND ALLOWANCES

SEC. 109. (a) For the purposes of this section, a basic allowance shall be equal to a proportion of the average weekly wage in employment covered by the unemployment compensation law in the State in which an individual was referred for participation in institutional training or other manpower development activities referred to in paragraph (c)(2) (without regard to the State in which such participation occurs) during the most recent four calendar quarter period for which such data are available. The average weekly wage shall be computed under regulations issued by the Secretary and irrespective of the limitation on the amount of wages subject to contribution under such State law, reported by employers as paid for services covered under the State law. The basic allowance shall be 40 per centum of such average weekly wage during the period July 1, 1970, through June 30, 1971; 45 per centum of such average weekly wage during the period July 1, 1971, through June 30, 1972; and 50 per centum of such average weekly wage on July 1, 1972, and thereafter: *Provided*, That a basic allowance shall not exceed 40 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended: *Provided further*, That such basic allowance through June 30, 1972, in any State shall not be less than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) during the calendar year 1969 for a week of total unemployment in such State.

(b) For the purposes of this section, a dependents' allowance shall equal $5 per week for each dependent, to a limit of six dependents.

(c) Persons, except those specified in subsection (d), who are participating on a full-time basis in the following programs assisted under title I in (1) institutional training; or (2) other manpower development activities which are not compensated by an employer or subject to subsection (g) or (h); shall receive a basic allowance plus a dependents allowance for his dependents as specified in subsection (b) for each week of full-time participation: *Except*, That no individual shall receive allowances under this subsection which are less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity.

(d) The following participants in full-time institutional training or other manpower development activities described in subsection (c) shall not be entitled to allowances provided in subsection (c):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $30 per month under regulation prescribed by the Secretary.

(2) A participant (age 22 and older) who is not the head of a household, as defined by the Secretary. Such participant shall receive one-half of the allowance computed under subsection (c): *Except*, That an individual who is not subject to this paragraph at the commencement of the period of participation shall not become subject thereto until the completion of such period.

(3) A participant who is under 18 years of age, unless such participant is the head of a household, as defined by the Secretary. Such participant shall receive a suitable weekly allowance, determined in accordance with the rules prescribed by the Secretary, but not to exceed the basic allowance prescribed in subsection (a): *Provided*, That any allowance under this paragraph shall not be less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity. An individual who is not subject to this paragraph at the commencement of the period of participation shall not become subject thereto until the completion of such period.

(4) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (c) and (d) of this section and (2) the unemployment compensation (including allowances for dependents) which he received for such week.

(5) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (c) or (d), as appropriate, and shall be reduced in accordance with rules and regulations prescribed by the Secretary, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefor.

(a) A participant engaged in the activities described in subsection (c) on less than a full-time basis shall receive a reduced basic allowance, computed in accordance with regulations prescribed by the Secretary, and a dependent's allowance if participation is in excess of 20 hours each week. Public assistance recipients shall receive an incentive payment as provided in subsection (d). Such reduced basic allowance shall be computed taking into account: (1) the hours of participation in such activity; (2) the allowance to which he would be entitled under subsections (c) and (d) if he were engaged in training on a full-time basis; (3) compensated work experience or on-the-job training assisted under this title in which the participant is engaged; and (4) unemployment compensation which the participant is receiving.

(f) No allowance under subsections (c), (d), or (e) of this section may be paid for any portion of a training period which extends beyond 104 weeks.

(g) Workers in programs providing work experience under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the rate prescribed by section 6(b) of the Fair Labor Standards Act.

(h) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(i) A participant undertaking training or work-experience or other manpower development activity described in subsection (c) on either a full-time or part-time basis, shall receive allowances for transportation and maintenance, in addition to the applicable training allowance or wage. The amount of allowances provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

(j) A participant who has successfully completed a program of full time participation, of not less than 15 weeks duration, in institutional training or other manpower development activities described in subsection (c) shall receive upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under subsections (c) or (d) for his last week of full-time participation during such period.

INTERSTATE AGREEMENTS

SEC. 110. In the event that compliance with provisions of this title requires cooperation or agreements between states, the consent of Congress is hereby given to such states to enter into such agreements to facilitate such compliance, subject to the approval of the Secretary.

INTERAGENCY CONCURRENCE

SEC. 111. In any instance under this title in which the Secretary is authorized to conduct programs directly or through appropriate arrangements with public or private agencies, individuals or organizations, he shall first obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to the conduct of programs involving any activities of the kind described in section 104(b).

ADVISORY PANELS

SEC. 112. In carrying out his responsibility under this title, including the making of any determinations hereunder, the Secretary may request the advice of the manpower advisory committee established under section 603, the Intergovernmental Advisory Council, established under section 604, State manpower planning organizations, area planning advisory bodies, and such boards or panels of experts and consultants as he may deem appropriate.

TITLE II—JOB CORPS

AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

SEC. 201. (a) The Economic Opportunity Act of 1964, as amended, is further amended as follows:

(1) Subsection (e) of section 106 is repealed.

(2) Subsection (b) of section 115 is amended to read as follows:

"(b) The Director may enter into agreements with States or local prime sponsors to administer, assure, or assist in the administration of the programs provided in this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs."

(b) Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" immediately preceding paragraph (3) thereof, by substituting a semicolon for the period at the end of the subsection, and by adding the following: "and (4) with the approval of the Secretary of Labor, in Job Corps Center operated under title II of the Manpower Training Act of 1969."

(c) Section 833(b) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(b) Individuals who receive either a living allowance or a stipend under this title shall, with respect to such services or training:

"(1) for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, be deemed persons employed in the executive branch of the Federal Government;

"(2) for purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer shall be deemed to be performed in the employ of the United States;

"(3) for purposes of the Federal tort claims provisions in title 28, United States Code, be deemed employees of the Government; and

"(4) for purposes of the subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

"(A) In computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS–7 employee, and sections 8113(a) and (b) of title 5, United States Code, shall apply to volunteers; and

"(B) Compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated."

TRANSFER OF JOB CORPS

SEC. 202. (a) Title I, Part A, of the Economic Opportunity Act of 1964, as amended (sections 101–118), is transferred to the Manpower Training Act of 1969 and inserted as sections 203 through 220, respectively, as amended by subsection (e) of this section.

(b) All references to Part A of title I of the Economic Opportunity Act of 1964 or any provision thereof are hereby deleted from the Economic Opportunity Act of 1964. Any reference to Part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to title II of this Act or the corresponding provision thereof.

(c) So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) Sections 203–220 of this Act as transferred by subsection (a) are amended as follows:

(1) The word "title" shall be substituted for the word "part" wherever it appears.

(2) The word "Secretary" shall be substituted for the word "Director" wherever it appears.

(3) The words "Department of Labor" shall be substituted for "Office of Economic Opportunity" wherever they appear.

(4) Section 205(1) is amended by deleting all the words in paragraph (1) following "United States" and substituting the following: "or a native and citizen of Cuba who arrived in the United States from Cuba as a non-immigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act."

(5) Paragraphs (2) through (5) of section 205 are redesignated as (3) through (6) respectively and the following new paragraph (2) is inserted:

"(2) has attained age fourteen but not attained age twenty-two at the time of enrollment;".

(6) The reference in section 205(5) to sections 104 and 105 are changed to "206" and "207", respectively.

(7) The reference in section 208(c) to section 609(3) is changed to "205(1)."

(8) The reference in section 209(b) to "Part B of this title" is deleted and the following is substituted therefor: "titles I and III of this Act and title I of the Economic Opportunity Act of 1964."

(9) Section 210 is amended by adding a new subsection (e) to read as follows: "(e) In conducting programs under this title, the Secretary shall consult with the Secretary of Health, Education, and Welfare with regard to institutional training provided for enrollees of the Job Corps."

(10) Section 211 is amended by adding a new subsection (e) as follows: "(e) Under such circumstances as the Secretary may determine, he may prescribe by regulation changes in the amount and method of payment of allowances and provision of expenses to correspond more closely to the methods and amounts prescribed in title I of this Act. Such changes may include provision of higher allowances to cover appropriate enrollee expenses and offsetting charges to enrollees for living expenses."

(11) Section 214(d), as amended, is further amended by deleting "the Department of Labor and".

(12) Section 214(e) is amended by inserting a comma after the word "feasible", by deleting the words "in accordance with section 637(b) of this Act", and by changing the reference to 109(c) to 211(c).

(13) Section 214(e) is further amended by striking out the comma and inserting a period in lieu thereof after "employment service offices" and deleting the words "and shall furnish copies of such records to the Secretary of Labor."

(14) Section 215(a) is amended by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(15) Section 215(b) is amended by striking out both references to "part B of this title" and substituting in lieu thereof "Title I of this Act" and by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(16) Section 216 is amended by striking out the last sentence.

(17) Section 217(c) is amended by striking out the word "Act" and substituting in lieu thereof "title".

(18) Section 219 is amended by striking out subsection (a) and the first sentence of subsection (b), and redesignating subsections (b) through (d) as subsections (a) through (c) respectively.

(19) A new section 221 is added to read as follows:

ADDITIONAL AUTHORITIES

"SEC. 221. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this title, to—

"(1) Utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;.

"(2) Allocate and expend, or transfer to other Federal agencies for expenditures, funds made available under this title as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements; and

"(3) Expend funds made available for purposes of this title, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this subsection—

"(A) Except when necessary to obtain an item, service, or facility, which is required in the proper administration of this title, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

"(B) Prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

TITLE III SPECIAL FEDERAL PROGRAMS

INFORMATION, RESEARCH AND DEVELOPMENT

SEC. 301. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement; and improvement of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary

shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 302. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 303. The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 304. The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 305. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare where appropriate shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years.

TITLE IV—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 402. The Secretary shall develop and establish a computerized job bank program for the purpose of:

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this title shall be coordinated with the comprehensive manpower program established under title I.

CONDUCT OF THE PROGRAM

SEC. 403. For the purpose of carrying out the program established in section 402, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this title. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this title be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this title.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 404. The Secretary may conduct directly, or through contracts, grants or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this title.

RULES, REGULATIONS, AND STANDARDS

SEC. 405. The Secretary shall prescribe such rules and regulations, and standards as may be necessary to carry out the purposes of this title, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this title, and including rules and regulations to assure the confidentiality of information submitted in confidence.

TITLE V—ACTIVE MANPOWER POLICY AS AN ECONOMIC STABILIZER

FINDINGS AND PURPOSE

SEC. 501. The Congress hereby finds and declares that an active manpower policy can be a significant economic stabilization tool. The manner in which manpower program resources are used can enhance price stability when unemployment is relatively low and can help prevent increases in unemployment when the rate of economic advance slows down. The Congress further finds that a timely increase in available manpower program resources as an economic slow-down begins, can both ease the impact of unemployment for the affected individuals and reduce the pressures which tend to generate further increases in unemployment. It is, therefore, the purpose of this title to provide an automatic increase in manpower program resources in a timely manner when serious deterioration in the level of economic activity is reasonably anticipated.

EXTENDED APPROPRIATIONS

SEC. 502. (a) For the purpose of providing rapid action in situations involving excessive unemployment, until the Congress shall have an opportunity to act, there is hereby appropriated out of moneys in the Treasury not otherwise appropriated, and in addition to the sums heretofore appropriated to carry out the provisions of this Act during the current fiscal year, an amount equal to 10 per centum of such sums heretofore appropriated. Funds appropriated under this title shall be utilized, without regard to the apportionment formula prescribed in section 601, in financing training and related activities for unemployed individuals as authorized by title I of this Act which afford the most effective opportunity to alleviate the situation.

(b) Subsection (a) shall become effective only for that fiscal year during which the Secretary determines that for each of the most recent three consecutive calendar months ending prior to the date on which a determination is made, the rate of national unemployment (seasonally adjusted) had increased to 4½ per centum or higher.

(c) During any fiscal year in which a determination is made under subsection (b) which requires an appropriation under subsection (a), no further obligation of funds so appropriated may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary determines that the unemployment rate criteria prescribed in subsections (b) or (c) have been met, he shall promptly notify the Congress and the Secretary of the Treasury, and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he believes appropriate.

CONDUCT OF THE PROGRAM

SEC. 503. The Secretary is authorized to make grants to or contracts with public agencies or private nonprofit organizations, or contracts with other private organizations for the purpose of carrying out the program provided for by this title. In carrying out this section, the Secretary shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare; Commerce; the In-

terior; Agriculture; and Housing and Urban Development; the Chairman of the Council of Economic Advisers; and the Director of the Office of Economic Opportunity. In order to achieve maximum economic stabilization effect, the Secretary shall develop and maintain (or cause to be developed and maintained) contingency plans for the expeditious implementation of the program authorized by this title.

TITLE VI—MISCELLANEOUS

APPORTIONMENT

SEC. 601. (a) Seventy-five per centum of the funds appropriated to carry out the provisions of this Act (except titles II, IV, and V) and available for the purpose shall be apportioned to the States for grants under title I in accordance with criteria established by the Secretary: *Provided*, That no amount may be apportioned to any State which exceeds nine times the contribution made by such State in cash or kind to carry out programs authorized by title I. The Secretary may waive all or a portion of this matching requirement when he determines that special circumstances warrant such waiver. Apportionment criteria shall include the number of individuals in the labor force, the number of unemployed, and the estimated number of disadvantaged individuals as determined by the Secretary who reside in the State as compared to the number of such individuals in the Nation. The Secretary shall designate for use in any Standard Metropolitan Statistical Area or other area or areas within a State which he deems appropriate, a minimum share of the funds apportioned to the State under this subsection. Such minimum share shall be determined by the Secretary in accordance with the proportion which (1) the number of persons within the labor force and (2) the estimated number of disadvantaged individuals within such area bears respectively to the number of all persons within the labor force and all disadvantaged individuals within the State.

(b) Five per centum of the funds appropriated to carry out the provisions of this Act (except titles II, IV, and V) and available for the purpose, shall for such period and in accordance with such regulations as the Secretary may prescribe, be available for further apportionment to States and areas for which an apportionment has been made under subsection (a) and for which additional contributions to such activities are being made by State or local public agencies or instrumentalities. Such additional apportionment shall equal $2 for each $1 of such non-Federal funds. An additional apportionment may be made to a State or area under this subsection only if the Secretary determines that in the conduct of programs assisted under title I, such State or area is complying with the standards of exemplary performance prescribed by the Secretary under section 102.

(c) The Secretary is authorized to make reapportionments from time to time of the unobligated amount of any apportionment to a State under subsections (a) and (b): (1) to the extent that the Secretary determines it will not be required for the period such apportionment is available, or (2) where a State is not complying with a plan approved under section 104: Except, that no funds apportioned to a State under subsections (a) or (b) in any fiscal year may be reapportioned to any other State or for other purposes for any reason before the expiration of the ninth month of such fiscal year and only upon fifteen days' advance notice to such State of the proposed reapportionment.

(d) Twenty per centum of the funds appropriated to carry out the provisions of this Act (except titles II, IV, and V) and available for the purpose, and such other available funds as are not apportioned to a State or otherwise required to be held available for apportionment under section 601 (a) or (b) may be expended by the Secretary as he may find necessary or appropriate to carry out the purposes of this Act, including programs and activities authorized by title I. Notwithstanding any other provision, the Secretary may utilize funds subject to this subsection to conduct programs and activities either directly, or through such arrangements with public or private agencies, individuals or organizations as he may find appropriate. In conducting any programs described in section 104(b), the Secretary shall first obtain the concurrence of the Secretary of Health, Education, and Welfare.

PUBLICATION OF APPORTIONMENT FORMULA

SEC. 602. As soon as practicable after the effective date of this Act, the Secretary shall publish in the Federal Register the apportionment formula established pursuant to section 601 as well as the percentage of funds appropriated to carry out the purposes of this Act which shall be apportioned to a State. The Secretary shall review such apportionment formula annually and at such other times as the circumstances may warrant and may revise or modify such formula. Whenever the Secretary establishes or revises such apportionment formula, he shall also promptly publish in the Federal Register the factors which he had considered in arriving at the apportionment, the weight ascribed to the various factors, and the statistical data found necessary in determining the apportionment.

ADVISORY COMMITTEES

SEC. 603. (a) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall appoint a National Manpower Advisory Committee which shall consist of at least ten but not more than fifteen members and shall be composed of men and women representing labor and management in equal numbers, the public in general and other groups interested in such activities as manpower training, employment, vocational education and vocational rehabilitation programs. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment, manpower and to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a regional basis of labor-management public advisory committees.

(c) The National Manpower Advisory Committee may accept in the name of the Department of Labor and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(d) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

INTERGOVERNMENTAL ADVISORY COUNCIL

SEC. 604. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, shall establish an Intergovernmental Advisory Council on Manpower to advise him with regard to matters involving intergovernmental relationships in the development and conduct of programs under this Act, including, but not limited to the assignment of manpower responsibilities among Federal, State, and local governmental units, appropriations of funds, designation of program areas, selection of prime sponsors, and State and area compliance with provision of this Act. Members of the Council shall be selected by the Secretary from among governors, mayors, and other elected State or local public officials. In selecting members of the Council, the Secretary shall assure an equitable balance in the political affiliation of its members. The Secretary shall designate a Chairman of the Council. Members of the Council shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by 5 U.S.C. 5703 for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

REPORTS

SEC. 605. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

DEFINITIONS

SEC. 606. For the purposes of this Act, the terms—

(a) "Secretary" shall mean the Secretary of Labor;

(b) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) The term "United States" when used in a geographical sense includes all those places named in subsection (b), and all other places continental or insular, subject to the jurisdiction of the United States.

RULES AND REGULATIONS

SEC. 607. The Secretary may prescribe such rules and regulations under this Act as he deems necessary. Such regulations may include adjustments in any requirements of title I relating to elected officials of State and local governments, where such adjustments are necessary in light of the special status or governmental structure of such States, and may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 608. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or an approved State plan. Any funds so withheld shall be available for reapportionment by the Secretary in accordance with section 601(c): *Except*, That funds withheld during a fiscal year to cover amounts expended in a prior fiscal year shall be available for immediate reapportionment.

ACCEPTANCE OF GIFTS AND VOLUNTARY SERVICES

SEC. 609. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to:

(1) accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money, or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest or otherwise; and

(2) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CRIMINAL PROVISIONS

SEC. 610. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Manpower Training Act of 1969 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Manpower Training Act of 1969 induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

APPROPRIATIONS AUTHORIZED

SEC. 611. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such sums as may be necessary to carry out the provisions of titles I, III, IV, V, and VI of this Act.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of title II of this Act.

LIMITATIONS ON USE OF APPROPRIATED FUNDS

SEC. 612. (a) Funds appropriated under the authority of this Act may be transferred with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated. To the extent that the provisions of this Act are inconsistent with the provisions of such other Federal Statutes, the provisions of the latter shall govern, except as provided under subsection (c).

(c) Pursuant to regulations prescribed by the President, where funds are advanced for a program to any agency assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single local share requirement may be established according to the proportion of funds advanced by such agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

(d) The Secretary is authorized to vest in public or private non-profit agencies, title to equipment purchased to carry out the provisions of this Act purchased with funds appropriated for the purpose, as he may deem appropriate.

(e) Funds appropriated to carry out titles I, II, III, IV, and VI of this Act shall remain available for obligation for one fiscal year beyond that for which appropriated.

ADVANCE FUNDING

SEC. 613. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PAYMENTS TO PUBLIC ASSISTANCE RECIPIENTS

SEC. 614. Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under any such title shall provide that no payment made to any person pursuant to section 109(d)(1) or 109(e) of this Act shall be regarded (A) as income or resources of that person in determining his need under such approved State plan, or (B) as income or resources of any other person in determining the need of that other person under such approved State plan. No funds to which a State is otherwise entitled under titles I, IV, X, XIV, or XVI of the Social Security Act for any period before the first month beginning after the adjournment of the State's first regular legislative session which adjourns more than sixty days after the enactment of this section shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of this paragraph.

LABOR STANDARDS

SEC. 615. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

PROVISIONS AFFECTING EXISTING AUTHORITIES

SEC. 616. (a) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.), is hereby repealed.

(b) Title V, Part A of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

(c) Title I, Part B of such Act is amended to read as follows:

"PART B—RESEARCH, EXPERIMENTAL, AND DEVELOPMENT AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 120. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 121. (a) The Director is authorized to contract with or provide financial assistance to public agencies or private organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and follow-up services.

"(b) Notwithstanding the provisions of section 202 of the Manpower Training Act of 1969, the Director may, after consultation with the Secretary of Labor, carry out activities under the authority of this part which are of the type provided for in subsections (b) and (c) of section 215 of such Act.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 122. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 123. The Director is authorized to contract with or provide financial assistance to public agencies or private organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 124. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits, except that participants designated by the Director in projects and activities carried out by the Director pursuant to section 121(b) of this Act shall be deemed Federal employees to the same extent and for the

same purposes as enrollees in the program conducted by the Secretary of Labor pursuant to title II of the Manpower Training Act of 1969."

(d) The amendment of the provisions of title I–B of the Economic Opportunity Act of 1964 and the repeal of the Manpower Development and Training Act of 1962, as amended, provided for in this section shall not affect any grant or contract entered into pursuant to such statutes prior to the effective date of this Act. Unexpended appropriations to carry out the authorities repealed under subsection (a) and the authorities provided in Title I, Part B of the Economic Opportunity Act of 1964 prior to its amendment by this Act shall, except as directed by the President, be made available to carry out the provisions of this Act.

EFFECTIVE DATES

SEC. 617. (a) Titles I, III, IV, V (except section 502(a)), and VI shall become effective on July 1, 1970.

(b) Title II shall become effective on July 1, 1971, except for section 201(a), which shall become effective on the date of enactment of this Act.

The material furnished by Mr. JAVITS follows:

SECTION-BY-SECTION ANALYSIS OF MANPOWER TRAINING ACT OF 1969

Section 1. The Act is entitled the Manpower Training Act of 1969.

Section 2. Findings and Purpose.

TITLE I—STATE PLANS AND GRANTS

Section 101. Eligible Activities: The programs and activities for which funds under this title may be expended shall include, but are not limited to; basic education which aids employability; outreach; counseling; testing; recruitment; placement and follow-up services, orientation to work discipline and the work situation; occupational training; supportive services; work experience for unemployed and disadvantaged persons; part-time work for students; relocation assistance; the development of job opportunities, including job structuring and redesign; incentives to hire or upgrade individuals who may not at first be fully productive; training and technical assistance needed in connection with the program.

Section 102. Grants to States with Comprehensive Manpower Agencies: The Secretary will grant to a State 66⅔ percent of its apportionment if the State has submitted and complies with its approved manpower development plan and is maintaining a comprehensive manpower agency which is responsible for carrying out activities financed under this Act and the Wagner-Peyser Act.

The State must also provide for the designation of local prime sponsors who shall be responsible for planning, administering or providing for the administration of programs assisted under this Act in Standard Metropolitan Statistical areas or other areas which the Secretary deems appropriate. Prime sponsors will generally be units of local general government; however, authority exists to name other public bodies or private agencies under certain circumstances. Prime sponsors will plan and conduct programs in their areas. States which also comply with standards of exemplary performance will receive 100 percent of apportioned funds instead of 66⅔ percent.

Section 103. Grants to Carry out State Plans in Absence of State Comprehensive Manpower Agency: In the event that a State has an approved plan but no comprehensive manpower agency, the Governor may, by agreement with the Secretary, designate a lead agency to conduct programs under the Act and receive 25 percent of the State's apportioned funds. The Secretary will expend the remaining funds in accordance with the approved plan.

Section 104. Approval of State Comprehensive Manpower Development Plans: State plans must provide for the conduct of programs and the furnishing of services in accordance with requirements of the Secretary of Labor and the Secretary of Health, Education, and Welfare (as to the conduct of traditional health, education, and welfare activities). Plans must provide for establishment and support of state manpower planning organizations and area advisory bodies which will have planning and evaluation responsibilities. Provision is made for participation of low income groups in planning and evaluation. The Secretary may approve all or a part of the plan.

Section 105. Planning Grants: The Secretary is authorized to make grants to establish and support state and area manpower planning bodies and development of the State plan.

Section 106. Noncompliance or Absence of an Approved Plan: In absence of an approved plan, the Secretary will utilize the State's apportionment to provide manpower services within the State. The Secretary may withhold funds in event of noncompliance with the plan and furnish these services as provided in the plan. The Secretary may also provide services where the plan does not provide for all the services required in accordance with the Secretary's guidelines. Determinations of noncompliance must have the concurrence of the Secretary of Health, Education, and Welfare respecting those matters with regard to which his concurrence was required in the approval of grants.

Section 107. Eligible Individuals: In general, program participants must be unemployed, underemployed, low income, or otherwise disadvantaged persons age 16 or older. The Secretary may modify these requirements where appropriate.

Section 108. Special Conditions: This section prescribes condition for assistance under title I, including conditions relating to: compensation and allowances; conditions of employment or training; standards of health and safety; workmen's compensation protections; nondiscrimination ban on projects involving construction, operation, or maintenance of places of religious worship or sectarian instruction; displacement of employed workers; relocation of establishments; maintenance of state and local effort; and recordkeeping, reports, and inspections.

Section 109. Compensation and Allowances: This section sets forth the compensation and allowances which will, ordinarily, be payable to program participants. Full time institutional trainees and certain other program participants will receive a dependents' allowance and a basic allowance which is related to the average weekly wage covered by the unemployment compensation law in the State in which the individual was referred for participation. The basic allowance will be increased in three phases between date of enactment and July 1, 1972. The section contains special provisions for public assistance recipients, participants over 21 years of age who are not the heads of a household, participants under 18, participants receiving unemployment compensation, participants engaged in full time institutional training who are also engaged in work experience or on-the-job training programs, part-time participants. It also has special compensation provisions for participants engaged in work experience and employer compensated on-the-job training. It provides for transportation and maintenance allowances and a completion bonus, and imposes a 104 week maximum on certain allowances.

Section 110. Interstate Agreements: The consent of Congress is given to interstate agreements necessary to facilitate compliance with the Act's requirements where such agreements are approved by the Secretary.

Section 111. Interagency Concurrence: This section requires the Secretary of Labor, in any conduct of programs under the title, to obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to certain programs of a traditional health, educational, and welfare character.

Section 112. Advisory Panels: This section expressly authorizes the Secretary to utilize the advice of various advisory committees, panels, or organizations in carrying out his responsibilities.

TITLE II—JOB CORPS

Section 201. Amendments to the Economic Opportunity Act: This section amends the Job Corps provisions of the Economic Opportunity Act (effective on the date of enactment) and the provisions of title VIII of the Economic Opportunity Act (effective on July 1, 1971).

Section 202. Transfer of the Job Corps: This section transfers the Job Corps provisions of the Economic Opportunity Act to the Manpower Training Act and transfers authority of the Director to the Secretary of Labor, Appropriate amendments are made in these provisions, including provisions relating to allowances, and additional authorities for the Secretary of Labor.

TITLE III—SPECIAL FEDERAL PROGRAMS

Section 301. Information, Research, and Development: This section provides authority for the conduct by the Secretary of Labor of various programs of information, investigations, research and development, experimental, developmental, demonstration and pilot projects related to the purposes of the Act.

Section 302. Labor Market Information: This section requires the development by the Secretary of Labor of a comprehensive system of labor market information on a national, State, local or other appropriate basis.

Section 303. Manpower Utilization: This section requires the Secretary to establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower.

Section 304. Evaluation: This section requires the Secretary to provide for a system of continuing evaluation of all programs and activities conducted pursuant to the Act.

Section 305. Training and Technical Assistance: The section authorizes the furnishing of training and technical assistance needed in connection with programs established under the Act and permits special assignments of personnel to public or private agencies, institutions, or employers.

TITLE IV—NATIONAL COMPUTERIZED JOB BANK

Section 401. Findings and Purpose.

Section 402. Establishment of the Program: The section requires the Secretary to develop and establish the computerized job bank program making maximum effective use of electronic data processing and telecommunications systems. The program will be coordinated with the programs established under title I.

Section 403. Conduct of the Program: The Secretary is authorized to make grants to State or local agencies, including grants for purchase or other acquisition of necessary equipment. The Secretary is authorized under certain circumstances to conduct the program directly or through arrangements with public or private agencies and organizations.

Section 404. Experiments, Demonstrations, Research, and Development: This section provides authority for the Secretary to conduct experimental or demonstration projects, research and development necessary to improve the effectiveness of the job bank program.

Section 405. Rules, Regulations, and Standards: This section authorizes the Secretary to

prescribe rules, regulations, and standards, including those related to the compatibility of data systems on a nationwide basis and those necessary to assure the confidentiality of information submitted in confidence.

TITLE V—MANPOWER POLICY AS AN ECONOMIC STABILIZER

Section 501. Findings and Purpose.

Section 502. Extended Appropriations: The section provides an automatic additional appropriation of 10 percent of the appropriation in any year in which the Secretary determines that national unemployment has exceeded 4.5 percent for three consecutive calendar months. Funds so appropriated may be used without regard to the apportionment formula prescribed in title VI. No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment has receded below 4.5 percent. Whenever the Secretary makes a determination under this section, he must notify the Congress and the Secretary of the Treasury and publish his determination in the Federal Register.

Section 503. Conduct of the Program: This section establishes certain requirements, including interagency consultation, in the conduct of programs under the title.

TITLE VI—MISCELLANEOUS

Section 601. Apportionment: The section requires that seventy-five percent of the funds appropriated to carry out titles I, III, and VI be apportioned among the states for grants under title I in accordance with an apportionment formula which the Secretary shall prescribe. Apportionments to a State may not exceed nine times the contribution made by the State to title I programs, except where the Secretary waives this requirement. The Secretary will designate a minimum share of a State's apportionment for use in Standard Metropolitan Statistical Areas or other appropriate areas within a State.

Five percent of funds appropriated to carry out titles I, III, and VI will be available for such period as the Secretary may prescribe for additional apportionment to the states on a $2 for $1 matching fund basis if the State complies with exemplary performance standards.

The remaining 20 percent of the funds may be expended by the Secretary as he may find necessary to carry out the purposes of the Act, including programs and activities authorized under title I. He may conduct any such programs either directly or through other arrangements which he deems appropriate.

Section 602. Publication of Apportionment Formula: Provision is made for publication in the Federal Register of the apportionment formula and certain information related to the apportionment of funds. Annual review of the apportionment formula is required.

Section 603. Advisory Committees: The section establishes a National Manpower Advisory Committee and regional advisory committees.

Section 604. Intergovernmental Advisory Council: The section establishes an Intergovernmental Advisory Council on Manpower which shall consist of members selected from among governors, mayors, and other elected State or local public officials. The Council will advise on matters involving intergovernmental relationships in the development and conduct of programs under the Act.

Section 605. Reports: The section requires the Secretary to make appropriate reports and recommendations to the President and requires the President to make an annual manpower report to the Congress.

Section 606. Definitions: The section includes definitions of "state", "Secretary", and "United States" when used in a geographical sense.

Section 607. Rules and Regulations: The section authorizes the Secretary to prescribe rules and regulations deemed necessary, including adjustments in certain requirements of the Act.

Section 608. Authority to Contract and Expend Funds: The section contains provisions related to the expenditure of funds and the withholding of funds to cover amounts improperly expended.

Section 609. Acceptance of Gifts and Voluntary Services: The section authorizes acceptance by the Secretary of gifts and voluntary services notwithstanding other provisions of law.

Section 610. Criminal Provisions: The section amends title 18 of the United States Code to make a Federal criminal offense the theft or embezzlement from manpower funds and certain improper inducements related to conduct of programs under the Act.

Section 611. Appropriations Authorized: The section authorizes necessary appropriations to carry out the provisions of the Act.

Section 612. Limitations on Use of Appropriated Funds: This section authorizes transfer of funds between departments and agencies of the Federal Government under appropriate conditions, and includes joint funding provisions. It authorizes vesting of equipment in public or private nonprofit agencies and provides that funds appropriated to carry out titles I, II, III, IV and VI will remain available for obligation for one fiscal year beyond that for which appropriated.

Section 613. Advance Funding: This section provides that appropriations for grants and other payments under the Act are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

Section 614. Payments to Public Assistance Recipients: This section provides that incentive payments to public assistance recipients under title I will not be regarded as income or resources for the purposes of determining need under titles I, IV, X, XIV, or XVI of the Social Security Act.

Section 615. Labor Standards: This section provides prevailing wage standards for laborers and mechanics employed by contractors or subcontractors in construction, alteration or repair work assisted by the Act.

Section 616. Provisions Affecting Existing Authorities: This section repeals the Manpower Development and Training Act and Title V, Part A of the Economic Opportunity Act. It provides a revised part B of Title I of the Economic Opportunity Act. The new Part I–B authorizes the Director of the Office of Economic Opportunity to undertake various programs of research, experimental and developmental activities.

Section 617. Effective Dates: Titles I, III, IV, V (except section 502(a)) and VI are made effective on July 1, 1970. Title II will become effective on July 1, 1971, except for section 201(a) which is effective on the date of enactment.

STATEMENT IN EXPLANATION OF MANPOWER TRAINING ACT OF 1969—A DRAFT BILL TO ASSIST PERSONS IN OVERCOMING OBSTACLES TO SUITABLE EMPLOYMENT

GENERAL

Many new manpower programs have been developed in recent years to aid the unemployed, underemployed, and low income groups. Efforts to coordinate these separately conceived programs through existing administrative arrangements have been ineffective. The patchwork of programs and responsibilities within and among agencies has made it impossible to establish a constructive Federal-State-local partnership for providing manpower services to the individual. Separate categorical programs are often unresponsive to community needs and may impede the delivery of manpower services to persons they are intended to help.

The proposed Manpower Training Act will create a comprehensive manpower services system. The Secretary of Labor will provide guidelines and national priorities, review and approve annual State plans of service, and evaluate performance of State and area manpower service systems. The concurrence of the Secretary of Health, Education, and Welfare will be required with regard to those programs within that Department's traditional areas of responsibility. The Governors will determine the utilization of manpower program resources, be responsible for State comprehensive manpower plans, assure the provision of manpower services in rural areas and nonmetropolitan areas, and monitor program performance. The Mayors will be responsible for planning and implementing manpower programs in urban areas.

The Act will:

(1) Assure that the people who need and desire job training, especially the disadvantaged, have ready access to the combination of training and other manpower services *they* require to find and hold good jobs. These services will be tailored to the needs of the individual.

(2) Decentralize administration of manpower programs to States and metropolitan areas, step by step, as Governors and Mayors demonstrate interest and establish administrative capacity in the manpower area. As the system develops the States and areas will be delegated administrative responsibility for successively larger shares (ultimately 100%) of the funds apportioned to operate manpower programs. The Secretary will retain 20% of funds appropriated for direct use, as in national projects.

(3) Provide flexible funding for manpower programs so that they may be planned in the community to meet community needs.

(4) Consolidate manpower programs administered by the Labor Department.

(5) Unify administration of manpower services by establishing State and area single Prime Sponsors who will be responsible for the planning and conduct of all services.

(6) Make the present training allowance system more equitable.

(7) Require annual comprehensive manpower plans which are responsive not only to State and local needs but also to national priorities and guidelines, as the basis for grants.

(8) Provide an equitable distribution of resources among the cities and rural areas while working through a State grant system.

(9) Provide for a National Computerized Job Bank.

(10) Facilitate the use of the manpower program as an economic stabilizer by automatically increasing appropriations 10 percent if the national unemployment rate reaches 4½ percent for three consecutive months.

(11) Establish an Intergovernmental Advisory Council on Manpower, composed of Governors, Mayors and other local officials.

SUMMARY OF MAJOR PROVISIONS

Individualized services

All program services—currently encompassed in separate programs—will be available to design and carry out an "employability development plan" for each individual tailored to his needs. In general, persons who are 16 years of age and older and who are unemployed, underemployed, or low income would be eligible to receive services under the Act. Any other person could participate when it was determined such participation would improve the utilization of the Nation's manpower resources.

Three-stage decentralization of administrative responsibilities

First, State administration of 25 percent of apportioned funds when it designates a "lead agency" and develops comprehensive manpower planning capability and an approved manpower plan; second, State administration of 66⅔ percent of the funds when it establishes (1) a Comprehensive Manpower Agency to operate the unified programs in accordance with an approved plan, (2) a State manpower planning organization to coordinate all manpower related programs, and (3) arrangements to designate Mayors as area prime sponsors; and third, State control of 100 percent of its apportioned funds when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

Allowances and wages

The basic allowance to individuals enrolled in a manpower training program will be based on the average weekly wage in employment covered by the State's unemployment compensation law. In FY 1971 the basic allowance will be 40 percent of such average weekly wage, in FY 1972—45 percent and in FY 1973 and thereafter—50 percent. Trainees with family responsibilities will be allowed an additional $5 per week for each dependent, up to six dependents. In lieu of such allowances, public assistance recipients will receive an incentive and expense allowance of $30 per month in addition to their welfare payments during training.

A completion bonus equal to twice the individual's weekly allowance, will be paid upon the successful completion of an authorized training course of 15 weeks or more duration.

Workers employed in "work experience" programs will be paid wages at rates no lower than the lowest rate prescribed in the Fair Labor Standards Act. Workers undertaking employer compensated on-the-job training will be compensated at the higher of the applicable minimum wage rate or the prevailing wage rate for similar work in the locality.

State apportionment of funds

The Secretary of Labor would apportion at least 75 percent of the funds appropriated to carry out the Act (except its Job Corps, Job Bank and extended appropriation provisions) each year among the States in accordance with criteria which he would publish. Metropolitan areas within States (Standard Metropolitan Statistical Areas, or other designated areas) would be guaranteed apportionment of an amount in proportion to the numbers of persons in the labor force and number of disadvantaged individuals residing in the area compared with the State total of such persons. Federal funds apportioned to the States under the regular program would be available to pay 90 percent of program costs.

Incentive apportionment

An amount equal to 5 percent of the funds appropriated will be available for supplemental apportionments to States and areas which meet the exemplary performance standards. The Federal Government will contribute $2 for every dollar of available State funds.

Federal program authority

The remaining 20 percent of the funds will be available for expenditure directly by the Secretary to carry out the purposes of the Act. The Federal Government would be authorized to arrange directly for all or a portion of the operation of program activities when a State failed to assure its responsibilities under the Manpower Training Act or when it was only in partial compliance with provisions of the Manpower Training Act. In addition, such programs could be conducted directly with funds not apportioned to the States. In conducting research and demonstration programs under title III, the Secretary of Labor will consult fully with interested Federal agencies (including the Civil Service Commission with regard to the effect of the programs on the Federal service).

Manpower training as an economic stabilizer

In any fiscal year in which the national unemployment rate reaches 4.5 percent for three consecutive months, the Secretary of Labor could spend additional funds on authorized programs equal to 10 percent of the amount then appropriated under the Act for that year. When unemployment drops below the trigger level, remaining unobligated funds will no longer be available.

Computerized Job Bank

A National Computerized Job Bank would be established in each State, or on a regional basis where sparsely populated States can be grouped together, to facilitate the placement of persons in employment for which they are qualified. The Bank would be operated within each State by the State Employment Service. The Secretary would operate the interstate phase of the Bank's operation, collecting information from each State and making it available to all States. Information regarding both job applicants and job orders would be processed through the system. To the extent that Federal agency vacancy information may be required, the Secretary will consult fully with the Chairman of the Civil Service Commission in developing any reporting requirements. Federal vacancies will be filled in accordance with laws and regulations which apply to Federal employment.

Advisory bodies

The National Manpower Advisory Committee will be continued.

A new Intergovernmental Advisory Council on Manpower will be established. It will be composed of representative Governors, Mayors, and other elected local officials, and will advise the Secretary on the Federal-State-local partnership established to administer manpower programs.

Other acts affected

The Manpower Development and Training Act of 1962 and Title V of the Economic Opportunity Act are repealed and replaced by the manpower services provisions of this Act. The provisions of Title I–B of the Economic Opportunity Act are also replaced by the manpower services provisions of this Act. A new Title I–B of the Economic Opportunity Act authorizes the Office of Economic Opportunity to undertake experimental programs in the employment and employment-related problems of the poor. Title I–A of the Economic Opportunity Act (Job Corps) is transferred to the Manpower Training Act, and administration is placed directly in the Secretary of Labor.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield myself two and a half minutes.

Mr. President, I should like to sum up the situation with which we are confronted in connection with the Fulbright amendment.

The first thing I wish to make clear to the Senate is that the Armed Services Committee already has cut research, development, test, and evaluation by over a billion dollars. The cut suggested by Senator Fulbright amounts to close to $46 million, in an area in which we already have cut $50 million, of which $40 million will be falling on the same programs about which the Senator from Arkansas is complaining so strongly.

The committee has had the best of staff work, excellent staff work. This year, the chairman set up the R. & D. Subcommittee, and a hard and close scrutiny was conducted into these areas of the budget.

Sometimes when we approach a problem and try to cut in and reduce the expenditures, we suddenly become aware that if we cut too deeply, go a little too far, we may be doing more harm than good and may nullify any good that has been done.

In 1970, we have been able to reduce this budget. We feel very strongly that when Senator FULBRIGHT suggests that some of these small programs be cut by 58 percent, by 36 percent, by 33 percent, he is in effect reducing these programs more than he should. So when we consider our own cuts, which have measured anywhere from 10 to 12 percent on these programs, it seems that it is piling on too much and that, in the interest of good budgeting and forward-looking work for the research and development and in the area of military research, the amendment of the Senator from Arkansas should be defeated, and defeated soundly.

Mr. FULBRIGHT. I yield myself 3 minutes.

Mr. President, there is over $400 million for basic research or nonmission research, in the $7 billion research authorization for the Department of Defense. I am proposing the following: to cut $45 million overall. It will reduce the funds for the so-called think tanks by 10 percent, or $27 million, which is much the largest item. There are 16 of these research centers called think tanks.

It will reduce the research in foreign institutions by $2 million, which is one-third, which is the point the Senator meant. I think it should be cut out. It will cut behavioral and social research performed in other places by $3 million. An example of that is the Hudson Institute.

It will hold the line on new starts under Project Themis by cutting the budget request by $8 million. It will reduce the counterinsurgency research, Project Agile, by $5 million.

All this amounts to $45 million. All I can say is that I apologize to the Senate for being so timid that I did not propose three or four times this amount, because

several of these programs should never have been started and should be stopped.

The only excuse I can give for not proposing $145 million or $200 million is that, out of deference to the Senator from New Hampshire—he has made a good beginning—I thought I had better be as modest as I could and hope to get something beyond what he has done. He has done a good job, but not good enough, because a number of these projects should be discontinued. They are inappropriate for the Defense Department. It does not necessarily mean that all of them are inappropriate for other agencies, but they are not related to the mission of the Department of Defense. It is not a question of redefining the Department of Defense mission in this case. It is in other areas that we discussed the other day, particularly in the field of hardware, but not in these research projects, especially in foreign universities, in the behavioral sciences.

I hope the Senate will continue to take the attitude that from now on we are going to subject the Department of Defense appropriations or authorizations to the same kind of scrutiny which is given to other departments of the Government. I may say that $45 million in any other department of the Government would not seem like a pittance. I agree that in this agency it seems very small.

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

Mr. FULBRIGHT. I am proud that the Senator from Oregon has cosponsored this amendment with me.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the situation as to time?

The PRESIDING OFFICER. Each side has 3 minutes remaining.

Mr. FULBRIGHT. Mr. President, I will be pleased to yield to the distinguished chairman of the Committee on Armed Services the remainder of my time.

Mr. STENNIS. I thank the Senator for his generosity.

Mr. President, nothing has been gone over more carefully by a well-informed subcommittee, unusually well staffed, than the items about which we have been talking. That subcommittee recommended a 12-percent reduction in these items. That reduction was adopted and brought here before the Senate. It is about $40 million.

The amendment of the Senator from Arkansas would reduce the amount around $45 million more in those same categories. A great deal of what the Senator is talking about here is in the 1968 budget, or at least a part of it. A great deal of his criticism is that these items should be in some other departments of Government. We state in our report that some of them should be transferred to the Department of State. I suggested yesterday that the Senator pick out some of them and give them to the committee. We thought it was too late in fiscal year 1970 to dump them out in the waste basket without anyone having jurisdiction over them. Therefore, we dealt with the situation as best we could.

In this group I am fully satisfied that the subcommittee intelligently and diligently made an effort to get a firm recommendation for the Senate. I hope the Senate takes the recommendation seriously and approves the work of the subcommittee with this understanding. We are sending a letter to the Department of Defense and any other department involved that all of these items are to be looked over and divided up and sent to us the next time so that they will come to us in more detailed form.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YOUNG of North Dakota. Mr. President, I wish to point out to the Senator that the Committee on Appropriations will also be making cuts.

Mr. STENNIS. Yes.

Mr. YOUNG of North Dakota. In the past the argument was usually made for the foreign aid authorization program that it could be cut later and it usually was by the Appropriations Committee. This is not the last committee that will review the matter.

Mr. STENNIS. I thank the Senator. Any information we have will be passed on.

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

Mr. STENNIS. I yield.

Mr. FULBRIGHT. What the Senator from North Dakota has said about foreign aid certainly does not apply to the Military Establishment and never has over the years.

Mr. YOUNG of North Dakota. We rarely appropriate as much as the authorization provides. Our committee cut $1.5 billion last year over even the House action.

Mr. FULBRIGHT. Is the Senator saying the percentage of the cut on the Military Establishment has been comparable to that on foreign aid by the Committee on Appropriations?

Mr. YOUNG of North Dakota. Yes, it is for other than military personnel costs.

Mr. FULBRIGHT. I cannot remember that ever having been true.

Mr. STENNIS. Mr. President, there is one additional point. I know the Senators are busy, and I am also busy and I am not able to be in the Chamber as much as I would like to. However, it is tragic to me to see all the work that has been done by this subcommittee slashed to pieces when during the fine debate on both sides attendance was limited to three or four Senators. Many Senators have not heard the real facts.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator yield to me for 1 minute?

Mr. FULBRIGHT. I yield all my time to the Senator from Mississippi.

Mr. STENNIS. I yield.

Mr. PASTORE. Mr. President, the thing that is confusing and puzzling in this matter is that it has been admitted that there are some research programs included here that are not connected with defense. For the life of me, I cannot understand in view of this fact how a cut of $45 million is going to jeopardize the country. I am going to vote for the cut.

Mr. STENNIS. There is no mention of unworthy items in here.

Mr. BYRD of Virginia subsequently said: Mr. President, as a member of the Subcommittee on Research and Development of the Committee on Armed Services, I supported a reduction of more than a billion dollars in the funds requested by the Department of Defense for research and development. As a member of that subcommittee and as a member of the Armed Services Committee, I supported a reduction of 12 percent in funds requested by the Department of Defense for research and development. Some feel that these cuts were too heavy; others feel that perhaps some additional reductions might be made. I am a little inclined to the latter view. I am a little inclined to think that perhaps we could further reduce, in a small way, the remaining funds. But the majority of the committee felt that a 12-percent reduction at this time is as far as we should go. Most of the members felt that a billion-dollar reduction in these funds is as far as we should go at the present time.

So, Mr. President, on the matter of funds for the Department of Defense, I feel that there can be and should be reductions in the amount requested; and I feel that the Armed Services Committee has taken an important step in this regard when it has recommended to the Senate that the requested funds for research and development be reduced by $1 billion, or 12 percent.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT). In this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. Moss), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. Moss), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "yea."

The Senator from Illinois (Mr. PERCY) is detained on official business and, if present and voting, would vote "yea."

The result was announced—yeas 49, nays 44, as follows:

[No. 79 Leg.]

YEAS—49

Aiken	Harris	Pastore
Bayh	Hart	Pearson
Boggs	Hartke	Pell
Burdick	Hatfield	Prouty
Byrd, W. Va.	Hughes	Proxmire
Case	Inouye	Randolph
Church	Javits	Ribicoff
Cook	Kennedy	Schweiker
Cooper	Mansfield	Scott
Cranston	Mathias	Spong
Dole	McCarthy	Symington
Eagleton	McGee	Tydings
Ellender	McGovern	Williams, N.J.
Fulbright	Metcalf	Williams, Del.
Goodell	Mondale	Young, Ohio
Gravel	Nelson	
Griffin	Packwood	

NAYS—44

Allen	Fannin	Miller
Allott	Fong	Montoya
Anderson	Goldwater	Mundt
Baker	Gurney	Murphy
Bellmon	Hansen	Muskie
Bennett	Holland	Russell
Brooke	Hollings	Smith
Byrd, Va.	Hruska	Sparkman
Cannon	Jackson	Stennis
Cotton	Jordan, N.C.	Stevens
Curtis	Jordan, Idaho	Talmadge
Dirksen	Long	Thurmond
Dodd	Magnuson	Tower
Dominick	McClellan	Young, N. Dak.
Ervin	McIntyre	

NOT VOTING—7

Bible	Moss	Yarborough
Eastland	Percy	
Gore	Saxbe	

So Mr. FULBRIGHT'S amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Fulbright amendment which was just adopted by the Senate is in my opinion of a most significant nature. It should have far-reaching effects on realining the Federal sponsorship of research at all sources but especially at our academic institutions. I am particularly pleased with the adoption of that part of the amendment adding a new section 205. That new section should go a long way toward obtaining the needed readjustment of sponsorship.

I had prepared the following amendment in the event the Fulbright amendment were not successful:

On page 3, line 25, insert the following new section:

"SEC. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation."

The amendment is identical with that part of the Fulbright amendment that adds a new section 205. That section 205 is now a part of this bill.

It should be emphasized again as the debate continues on this measure that the vigorous give and take displayed again today is not intended as an attack upon the military. Rather it is serving to raise and illuminate many important issues, one of which is the extent the Defense Department should fund research, particularly research not directly and visibly linked to present and foreseeable military needs and responsibilities.

The Nation's scientific community has a longstanding debt to the Defense agencies. It was the Office of Naval Research that stepped into the vacuum left by the wartime Office of Scientific Research and Development to continue Federal funding of research at our leading universities. The ONR, the Army, and the Air Force all helped sustain the pace of postwar research and to build up the immense national resource now represented by our trained scientists and engineers, by our laboratories, by the distinguished science faculties of many public and private universities. This military support for research was in the national interest during the decade that saw the creation of the research programs of the National Institutes of Health, the Atomic Energy Commission, and the National Science Foundation.

Now the situation has changed.

There exists today a whole panoply of Federal departments and agencies each with responsibilities for the funding of research. The Bureau of the Budget in its special analysis Q for the fiscal year 1970 budget lists 14 separate departments and agencies with such responsibilities. Their estimated obligations range from $1.491 billion for NASA down to $7 million for the Department of Justice. The range of their interests sweeps across the whole of the life and physical sciences and is beginning to extend to the social sciences. They represent an existing mechanism for civil agencies to assume more responsibility for the overall funding of research so that the military can concentrate upon its proper functions and responsibilities.

What is our present situation?

Yesterday, Senator PROXMIRE inserted into the RECORD nine tables beginning at page 23298. Examination of these tables shows how much our research has come to depend upon the Defense agencies, particularly basic research of the kind that should be sponsored by civil agencies, especially by the National Science Foundation. If we look at table III, we see that the Defense Department for the fiscal years 1966 to 1969 has funded more research at colleges and universities than has the National Science Foundation. If we look at table IV, we see that over these 3 fiscal years, the Defense Department in virtually every field of science is a major Federal sponsor and far outspends the NSF. Table V makes the case even stronger, for here the Defense Department has been funding as much or more basic research than the agency which Congress established for this very purpose; namely, the National Science Foundation.

What has happened is that research has ridden on the coattail of military appropriations simply because that money was easy to obtain.

Take basic research as a case in point, which by definition cannot be closely, directly and visibly linked to a given need or problem. If the linkage is direct and visible, then the work is probably applied research, or engineering. A year ago last April, the Senate Foreign Relations Committee held hearings on Department of Defense sponsored foreign affairs research. At those hearings Admiral Rickover, who is given to calling a spade by its proper name, was asked about the peculiar jurisdiction of the Department of Defense for basic research. The chairman, the Senator from Arkansas (Mr. FULBRIGHT) said to him:

It would seem that the National Science Foundation, NIH, or the AEC should have almost exclusive jurisdiction to do basic research as distinguished from applied research. Do you agree with that?

This is what the admiral replied:

I think the problem you have here is that the Department of Defense is able to get large funds for doing basic research while this is not possible for other Government agencies. I once had a discussion with Secretary of Defense McElroy on that subject, and this is the point he made. He said it is important that basic research be done in the United States. As I remember his words, he said it was not too important that the Defense Department do it, but that the work, should be done, and since the Defense Department has the funds to pay for the work, it is therefore being done by them.

The ready accessibility of Defense funds for research has kept the Defense Department in the role of a principal sponsor or patron. This then is the issue: Should our research scientists and engineers continue to look to the defense agencies for $1.3 billion out of a total estimate of $5.2 billion of Federal obligation for research?

This is the issue that has attracted the attention of many college students and contributed to campus unrest.

Consider the recent first report of the MIT Review Panel on Special Laboratories, issued last May 31. Here the review panel clearly expresses its concern with heavy emphasis on defense-related research. It said:

We find today a heavy emphasis on defense-related research and development in the country at large, an emphasis which detracts from similar efforts aimed at other urgent needs of society. Although the emphasis on defense work came about as a response to perceived national needs, it has hampered the nation's ability to cope with the problems of the contemporary world. As far as M.I.T. is concerned, the nation's emphasis on defense produces a bias toward specific areas of research at the institute, and makes it more difficult to move in other directions. M.I.T. has a role to play in attempting to redress this balance, not only within itself but also at the national level.

Many of you will recall the request made last year for current information about ongoing research projects of Federal departments and agencies. The resulting 12 cartons have been mentioned many times in this Chamber. I must confess that trying to get an overall grasp of this massive outpouring of information has been no easy task, and I wonder, based on our experience, what mechanisms exist within the executive branch to grasp the whole of these varied, diverse research programs.

We have made two preliminary forays into this massive collection of project information. Taking one field of science, chemistry, we counted 1,988 chemistry research projects reported by eight departments and agencies. Of these, the top three agencies were DHEW with 617 projects, NSF with 458, and DOD with 392. The DOD projects represented costs of about $17.4 million for fiscal years 1967 and 1968. Of these, 124 Air Force projects were with universities and 17

with industry; 157 Army projects were with universities and one with industry; 21 Navy projects were with universities and five with industry. Taken together, of the 392 chemistry projects reported by DOD, 302 were in universities and educational institutions, 23 were in industry, 53 were performed abroad, and 14 were with other kinds of organizations.

These figures reveal how much research in chemistry has come to depend upon DOD funding.

Turning to other fields of science, we looked at project information reported under the combined heading of behavioral and social sciences. Here we find 280 DOD research projects reported representing obligations of $14.8 million for fiscal years 1967 and 1968 combined. Of these, 186 were going on at universities: seven were funded by the Advanced Research Projects Agency; nine by the Army; 63 by the Air Force; and 107 by the Navy. Our initial screening identified 11 subjects in which more than one Defense agency was sponsoring research; table I shows this information.

Going further, an admittedly subjective reading of these project titles for the behavioral and social sciences suggested that many could have been equally well funded by the National Science Foundation. In fact, of the 280 projects reported by DOD for behavioral and social sciences, as many as 212 representing obligations of $9.7 million out of a total of $14.8 million for fiscal years 1967 and 1968 combined, seemed appropriate for NSF and other civil agency support; table II gives the details. With the permission of the Senate, I would insert in the RECORD a list of the titles for Defense research projects reported in behavioral and social sciences that initial reading suggests are appropriate for funding by the National Science Foundation.

The members can judge for themselves how directly and visibly related to defense needs are such research projects as "rate-controlled speech and mediating variables in second-language learning," funded by ARPA; or "the socio-economic aspects of command control in developing nations" by Army; or "organ pathology and prenatal-postnatal biochemical responses associated with early social-developmental relationships" by the Air Force; or 'organizational, cultural and personal factors influencing work productivity" by the Navy.

I cite these titles not to point a finger of ridicule, for we have no information as to the scientific quality of the work or the standing of the investigators. What I do intend is to question the relevance of subjects of these kinds to the military needs of the Nation, and to question why scientific research of this kind, if needed in the national interests, is not funded by other departments and agencies.

Mr. President, this body can long debate the issue of Defense support for research that is more appropriate to other agencies without ever affecting what is going on. Debate can frame the issues, but only action can produce change. The change that national interests dictates is to relieve the military of its present funding of research not clearly, directly, and visibly linked to its responsibilities and functions. Whatever action we take will be painful, particularly if other members of this body who are concerned with funding of research by civil agencies under their jurisdiction are not persuaded to provide the funding so that DOD can transfer such work without disrupting too much of the ongoing research.

Despite the pains of reductions, or terminations, or transitions, I propose that our national interests require us to act now and at least to begin the disengagement of Defense from funding of research not closely related to its needs.

Mr. President, I ask unanimous consent to have printed in the RECORD three tables which bear on this subject.

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

TABLE I.—RESEARCH SPONSORED BY MORE THAN 1 DEFENSE AGENCY

Project	Navy	Air Force	Army	ARPA
Learning foreign languages	x	x	x	x
Pattern recognition	x	x	x	
Learning	x	x	x	
Visual perception	x	x	x	
Decisionmaking	x	x	x	
Teaching complex material	x			x
Effects of drugs on performance	x		x	
Behavior under stress	x	x		
Leadership	x	x		
Group interaction	x	x		
Memory	x	x		

TABLE II.—COMPARISON OF TOTAL NUMBER OF DEFENSE PROJECTS IN BEHAVIORAL AND SOCIAL SCIENCES FOR 1968 WITH THOSE POSSIBLY APPROPRIATE FOR SUPPORT BY THE NATIONAL SCIENCE FOUNDATION

	Number of projects	Number of NSF type	Percent	Fiscal year 1967: Funding for all behavioral and social science research	Fiscal year 1967: NSF type	Fiscal year 1967: Percent	Fiscal year 1968: Funding for all behavioral and social science research	Fiscal year 1968: NSF type	Fiscal year 1968: Percent
ARPA	12	12	100	$611,683	$611,683	100	$654,775	$654,775	100
Army	22	18	81	849,045	744,673	87	341,825	340,242	99
Air Force	76	71	93	1,595,000	1,554,000	97	1,020,000	1,008,000	98
Navy	170	111	65	5,372,000	3,038,000	56	4,440,000	2,824,000	63
Total	280	212	75	8,427,728	5,948,356	70	6,456,000	4,827,017	74

PROJECTS IN THE BEHAVIORAL AND SOCIAL SCIENCES REPORTED BY THE DEFENSE DEPARTMENT IN 1968 THAT APPEAR APPROPRIATE FOR SUPPORT BY THE NATIONAL SCIENCE FOUNDATION

ADVANCED RESEARCH PROJECT AGENCY

Research on the psychological origins of revolution, fy '67, $39,000.

Factors associated with cultural change in Middle Eastern countries, fy '68, $238,000.

Research on behavior in international systems, $0.[1]

Experimental study of the psychological processes involved in the use of language, $0.

Handbook and casebook for practical evaluators, fy '68, $32,000.

Risk-taking and negotiation in leader and delegate groups, fy '67, $36,483.

On-line computer studies of bargaining behavior, fy '67, $246,000.

Computer recognition of patterns of behavior, fy '68, $89,775.

The characteristics of incentive systems and their effect on individual behavior, fy '68, $95,000.

Psychological processes of the central nervous system, fy '68, $200,000.

Modes of organizing and presenting complex educational material fy '67, $110,800.

Rate-controlled speech and mediating variables in second-language learning fy '67, $179,400.

DEPARTMENT OF THE ARMY

The relationship between subjective and objective assessments of fatigue. fy '68, $7,850.

The effects of psycho-active chemicals on cognitive social skills. fy '67, $10,688; fy '68, $1,840.

Socio-economic aspects of command control in developing nations. fy '67, $85,934; fy '68, $74,000.

Temporal orientation and task performance. fy '67, $49,523.

Comparative studies of the central mechanisms of sensory discrimation. fy '67, $24,912.

Performance: vigilance-factors influencing detection and monitoring. fy '67, $30,667; fy '68, $30,890.

Effects of drugs on sensorimotor processes and mentation. fy '67, $32,586; fy '68, $30,321.

Perceptual lag as a function of onset and offset visual stimulation. $0 either year.

Stimulus factors in human timing behavior. fy '67, $1,899; fy '68, $300.

Remote detection of cortical unit spike discharge: is it possible? fy '67, $18,689.

Sleep and dream research. fy '67, $28,063; fy '68, $22,500.

Analysis of visual and pupillary functioning. fy '67, $14,338.

Basic studies of psycho-physic measurement theory applicable to human sensory processes. $0 either year.

Adaptation to bodily rotation. fy '67, $16,436; fy '68, $1,791.

Suppression and fusion in stereopsis. fy '67, $44,856.

Development of a psychophysical photo quality measure. fy '67, $10,948.

Interdisciplinary research in learning control systems and pattern recognition. fy '67, $341,500; fy '68, $170,750.

Suppression and fusion in stereopsis. fy '67, $33,634.

DEPARTMENT OF THE AIR FORCE

An information system for an enclaved society. fy '68, $89,000.

Military contribution to modernization—Middle East and North Africa. fy '67, $36,000.

Decision making in situations of practical action. fy '67, $57,000.

Persuasive communication in functional organizations. $0.

Visual perception of movement. $0.

Research to improve language training/Western Europe. fy '68, $49,000.

Political development and moderization in Islamic countries—military planning. $0.

Measurements of attitude and attitude change. $0.

Ultrasonic determination of body composition. fy '67, $28,000.

An experimental study of the development of consensus. fy '67, $21,000.

[1] "$0" means a project is on-going in fy '67 and '68 but was previously funded.

Studies of uncertainty, information search and decision-making. $0.

Theory and methods in the study of organizational stress. fy '67, $22,000.

A model for stimulus relevance. $0.

Performance and biochemical responses related to social changes versus chemotherapy. fy '67, $38,000.

Organ pathology and prenatal-postnatal biochemical responses associated with early social-developmental relationships. $0.

Spatial-temporal effects of high intensity point sources of light on the induction of apparent motion. fy '67, $21,000.

Examination of short term and long term memory processes/role of temporal lobe. fy '67, $16,000.

Study of the narrative review in programmed instruction. $0.

Human selective learning. fy '67, $18,000; fy '68, $20,000.

Effects of physical and symbolic stressors on perceptual mechanism. fy '67, $25,000.

Social-cultural aspects of development. fy '67, $33,000.

Emergent leaders in developing nations. $0.

Research in background imagery interpretation. fy '68, $16,000.

Military implications of change: Communist China. fy '67, $104,000.

Predictive model for intra-group negotiation, fy '67, $26,000.

Methodology for analysis of internal social movements. fy '67, $9,000.

Innovation, social exchange and institutionalization. fy '67, $49,000.

Measurement of reactions to stress. fy '67, $33,000.

Aerospace power and behavioral knowledge. fy '67, $105,000.

Psycho-physiological measurement of response to information overload or complexity. fy '67, $68,000.

Transfer of technology under military and related conditions—Japan and other countries. $0.

Social psychological aspects of stress. fy '67, $94,000.

Rational models for strategic behavior. fy '67, $24,000.

Movement, learning and behavior. fy '67, $30,000; fy '68, $36,000.

Transformational and organizational processes in memory. fy '67, $14,000.

Comparative study of normative behavior among Japanese and American youth. fy '67, $34,000.

Social-psychological factors in the development of new nations. $0.

Influence of memory factors on sensory discrimination. fy '68, $15,000.

Leadership, organizational effectiveness, and human resources. $0.

The desire for group achievement: origins and effects. fy '68, $61,000.

Operational description of behavioral laws. fy '67, $19,000.

Cultural differences in task approach and optimal performance in a transfer task. fy '68, $400,000.

Simulation studies of organizational communication behavior under stress. fy '67, $47,000; fy '68, $43,000.

An analysis of group feedback effects. fy '67, $30,000.

Allocation of resources in a multiman-machine system simulation. fy '68, $40,000.

Elementary processes in pattern perception. $0.

Social mobility and professional motivation-application to Air Force manpower pool. fy '68, $11,000.

Speech characteristics as indices of attitude, mood and motivational state. fy '67, $47,000.

Study of cognitive and affective attitudes. $0.

Altered levels of consciousness and human performance. fy '67, $64,000.

Psychophysiological baseline pattern analysis. fy '67, $33,000; fy '68, $32,000.

Elite structure and elite transformation in totalitarian political systems. $0.

Perception of dynamic stimuli. fy '67, $38,000.

The prediction of subject motivatibility in laboratory experimentation. fy '67, $29,000; fy '68, $19,000.

A study in social science decision making. $0.

Experimental study of the effects of surround brightness and size on visual performance. fy '67, $29,000.

Organization of information about human learning transfer and retention. fy '67, $25,000.

Criteria for the design of new forms of organization. fy '67, $45,000; fy '68, $65,000.

Remembering, forgetting and recovery of memory. fy '67, $30,000.

Psycho-physical relations in perception of space, time and velocity. fy '67, $8,000.

Executive decision making in organizations under stress and crisis. fy '67, $47,000.

Operational analysis of behavioral situations, fy '67, $20,000.

Political-idological systems and hostility patterns. $0.

Movement and perceptual-motor performance during atypical input conditions. $0.

Individual differences in motor and verbal skills. fy '68, $62,000.

Expectations of motivations related to power differences within groups. $0.

Decisions and decision-makers: the effects of confidence, social risk and commitment. fy '67, $29,000.

Effects of supportive, close and punitive styles of supervision. fy '67, $5,000.

Improvement of learning capabilities. fy '67, $87,000.

A systematic investigation of contrast effects related to vigilance tasks. fy '67, $17,000.

Effects of task characteristics on performance. fy '68, $50,000.

U.S. DEPARTMENT OF THE NAVY

Human engineering guide to equipment design and evaluation, fy '67, $15,000; fy '68, $80,000.

Experimental techniques for predicting performance of electronics personnel. fy '67, $20,000; fy '68, $37,000.

Properties of visual displays and methods for evaluating the effectiveness of displays. fy '68, $20,000.

Functional evaluation of electroluminescent pictorial status displays. fy '67, $20,000.

Psycho physiological problems of pilot protection. fy '67, $40,000; fy '68, $30,000.

An integrated system for measuring diver performance. fy '67, $26,000; fy '68, $50,000.

Development of computer assisted instruction procedures to aid in teaching complex concepts. fy '67, $70,000; fy '68, $70,000.

Determination of the relationships between the electrical activity of the human retina and the perception of form. fy '67, $15,000.

The role of motivation in Naval leadership. fy '67, $57,000.

Investigation of habit reversal techniques of potential use with Navy personnel. fy '67, $15,000; fy '68, $14,000.

Image enhancement of Navy display systems. fy '68, $11,000.

Inducing cooperation between adversaries. fy '67, $41,000.

Psycho physics mechanisms of attention, memory, information processing and decision making. fy '67, $31,000; fy '68, $25,000.

Dynamics of conflict and cooperation in small groups, teams, and crews. fy '67, $45,000.

Speech as an indication of stress, $0.

Recognition and discrimination of complex visual stimuli in continuous motion. fy '67, $55,000.

Pattern recognition of EEG to determine level of alertness. fy '68, $46,000.

New techniques for presenting human-engineering data to design engineering. fy '68, $20,000.

Effect of cold water on divers. fy '67, $30,000; fy '68, $37,000.

Systems analysis research on pilot landing performance. fy '67, $40,000; fy '68, $26,000.

Development of techniques for using computers to administer and score psychological tests to Navy applicants. fy '67, $26,000; fy '68, $26,000.

Computer-assisted instruction information exchange. fy '67, $47,000; fy '68, $56,000.

Diver performance measures. fy '67, $30,000; fy '68 $23,000.

Machine augmentation of human strength and endurance. fy '68, $400,000; fy 68, $167,000.

Improving intelligibility of divers using helium-oxygen breathing mixtures. fy "68, $44,000.

Comparison of different organizational structures in terms of crew effectiveness. fy '67 $10,000.

Psychological and physiological factors affecting team performance. fy '67 $27,000.

Effects of perceptual isolation on the human subject. fy '67 $26,000; fy '68 $23,000.

Instructional strategies in computer assisted instruction. fy '67 $57,000; fy '68 $71,000.

Improving search and acquisition for targets in peripheral vision. fy '67 $31,000; fy '68 $20,000.

Computer classification of physiological responses in hazardous environments. fy '67 $34,000.

Application of attitude change principles to equipment acceptance. fy '68 $39,000.

Relationship between Navy vigilance tasks and body chemistry changes. fy '68 $40,000.

The effects of persuasive communications on attitudes. fy '67 $38,000.

Effects of drugs on stress and vigilance behavior of Navy operators. fy '67 $35,000.

Drug enhancement of performance on Naval personnel under stress. fy '67 $22,000; fy '68 $22,000.

Electrical activity of human eye muscles under static and dynamic viewing conditions. fy '67 $16,000; fy '68 $16,000.

Special methods for resisting psychological warfare techniques. fy '67 $26,000; fy '68 $65,000.

Comparative study of electroencephal patterns. fy '68 $14,000.

Determination of the relationships among sensory and display interpretation factors in man-machine information transfer situations. fy '67 $35,000; fy '68 $35,000.

Organizational, cultural and personal factors influencing work productivity. fy '67 $131,000.

Determination of the effects of high intensity light flashes on the eye and on visual perception. fy '67 $4,000; fy '68 $15,000.

Survey of human factors and biotechnology research. fy '68 $22,000.

Interaction of drugs with other factors determining human performance. $0.

The measurement of stress and its relationship to and effects on human performance in mental and motor work. $0.

Processing of information sequentially displayed by computer-driven cathode-ray tubes. fy '67 $28,000.

Work producing capabilities of underwater operators. fy '67 $31,000; fy '68 $30,000.

Symposium on applied models of man-machine systems. fy '68 $4,000.

Defining the conditions which control how well test material is learned and how long it is remembered. fy '67 $32,000.

How human beings acquire and evaluate information in the process of making judgments and decisions. fy '68 $30,000.

Military implications of modernization in the Far East. $0.

The study of leadership effectiveness in complex situations. fy '67 $15,000.

Sound conduction in the ear affecting military communications. fy '67 $26,000.

Group information processing and decision-making in complex situations. fy '67 $50,000.

Military implications of social change. fy '67 $440,000.

Determination of the relationships between the responses of humans and the physical dimensions of stimulation for the sense of taste. $0.

Research to improve methods of training in foreign languages. fy '67 $19,000.

Helium speech distortion correction using an analog simulation of the human ear. fy '68 $35,000.

Development of classification procedures to identify pilot vertigo research. fy '68 $50,000.

Biophysical changes affecting behavioral performance. fy '67 $20,000; fy '68 $20,000.

Consulting and advisory services for the social and behavioral science. fy '67 $14,000; fy '68 $17,000.

Identification of variables which predict international conflict. fy '67 $26,000; fy '68 $24,000.

Analysis of reward as a means of promoting adult learning. fy '67 $29,000.

Enhancement by drugs of Naval personnel performance under stress. fy '67 $65,000; fy '68 $49,000.

Control of purposive movement through sequenced electrical stimulation of brain sites. fy '67 $121,000; fy '68 $51,000.

Investigation of methods to reduce training failures among intellectually able students. fy '68 $25,000.

Effects of extreme environments on performance of Navy teams and groups. fy '67 $5,000.

Mechanisms of human auditory localization as related to Naval communications systems. fy '68 $33,000.

Techniques for improving human memory. fy '68 $43,000.

Neural mechanisms involved in the processing of visual and auditory information. $0.

Comparative studies of conflict and conflict resolution. fy '68 $36,000.

Analysis of the human behavior processes involved in solving complex problems. fy '67 $22,000; fy '68 $20,000.

Basic mechanisms in attention and vigilance of human operators. $0.

Atlas of principles of group behavior for studies of crew isolation and confinement. fy '67 $15,000; fy '68 $33,000.

Speech analysis of men under stress. fy '67 $25,000; fy '68 $25,000.

Determination of the factors influencing the perception of form and distance of underwater divers. fy '68 $7,000.

Underwater work measurement techniques. fy '67 $25,000; fy '68 $34,000.

Biophysics of vision for design of optimal target displays. fy '68 $4,000.

Attitude change for the enhancement of morale. fy '67 $30,000.

Improvements in underwater voice communication. fy '68 $34,000.

Research on psychiatric effectiveness of future weapon systems crews. fy '67 $54,000.

Research on physical and psychological factors involved in underwater speech communication. fy '67 $50,000; fy '68 $57,000.

Effect of noise on inner-ear cells. fy '67 $43,000; fy '68 $28,000.

Behavioral science inputs to the prediction of conflict. fy '68 $275,000.

Conference on psychological problems in large-scale change. fy '67 $7,000; fy '68 $24,000.

Automatic teaching systems; man-machine interactions involving high speed digital computers. $0.

Effect of environmental restriction on performance. fy '68 $4,000.

Factors involved in modifying hostile attitudes. fy '67 $2,000; fy '68 $36,000.

Comparative study of interaction between ideology and behavior. fy '67 $50,000.

The measurement of speech intelligibility. fy '68 $16,000.

Leadership requirements in differing organizational settings. fy '67 $23,000; fy '68 $30,000.

Experiments on leadership, authority and influence. fy '67 $22,000.

Theories and models of military group behavior. fy '67 $37,000.

Research on panic behavior. fy '67 $5,000; fy '68 $4,000.

The influence of power on group productivity and morale. $0.

Reduction of hostility within groups to enhance team performance. fy '67 $20,000; fy '68 $20,000.

Studies of computer-assisted instruction; instructional strategies and behaviorally oriented language. fy '68 $68,000.

Conference on group decision making. fy '68 $6,000.

Effects of group interaction on problem solving. $0.

Identification of factors influencing the effectiveness of management and leadership. fy '67 $28,000; fy '68 $45,000.

Theory and measurement of international conflict. fy '68 $165,000.

Research on how visually patterned stimuli are classified by the nervous system. $0.

Undersea work performance and psychological adjustment. fy '67, $22,000; fy '68 $30,000.

Research on factors involved in the detection and identification of visual and auditory signals. fy '67 $35,000.

Techniques of differential assignment of personnel. $0.

Comparative research on interpersonal perception. fy '68 $15,000.

Characteristics of Navy trainees that enhance or inhibit learning. fy '67 $44,000.

Comparative analyses of leadership practices. fy '68 $31,000.

Implications of organizational stability and instability for psychological operations. fy '68 $150,000.

Experimental analysis of aggressive behavior. fy '67 $43,000; fy '68 $26,000.

Brain nucleic acid changes during learning. fy '68 $26,000.

AMENDMENT NO. 129

Mr. FULBRIGHT. Mr. President, I call up my amendment (No. 129).

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The legislative clerk read the amendment, as follows:

On page 5, line 11, strike out the quotation marks and the word "Funds" and insert in lieu thereof the following: "Not to exceed $3,000,000,000 of the funds".

On page 5, line 17, strike out the words "the Secretary of Defense" and insert in lieu thereof the words "the President".

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Washington (Mr. JACKSON) without losing my right to the floor.

CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE KENNEWICK DIVISION EXTENSION, YAKIMA PROJECT, WASHINGTON

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 742.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes, which was, on page 2, line 4, strike out "fifty-six-year", and insert "fifty-year".

Mr. JACKSON. Mr. President, the construction of the Yakima project was initiated in 1905. There are presently six operating divisions in the project. The Kennewick Division is the most recently constructed, having been authorized in 1948. S. 742 would authorize an extension to the Kennewick division and would bring 6,300 acres of land under irrigation and provide wildlife and conservation benefits.

When the Senate approved this bill last March, it was the fourth time the legislation had been passed by this body. The House of Representatives passed the legislation with minor amendments in June. However, at that time I received a communication from officials of the Yakima Indian Tribe expressing concern over whether this project, if approved and constructed, would jeopardize the water rights of the Yakima Tribe, and in addition, whether the construction of this project in any way would adversely affect proposed Indian irrigation projects on the Yakima Reservation.

I have discussed this matter with the Indians, and members of the staff of the Committee on Interior and Insular Affairs have reviewed the questions raised by the Indians. In addition, the Secretary of the Interior and his staff have gone into the issues very carefully to determine if the Kennewick extension would adversely affect the Indian projects or impair the water rights of the Indians in any way.

By letter dated today, the Secretary of the Interior has assured me that hydrologically the authorization and subsequent construction of the Kennewick extension would not affect adversely the water available to the tribe for their projects. I quote from the Secretary's letter:

Further, in our view, the need for, and desirability of, the three Indian projects will not be affected by the Kennewick extension. These three projects must stand or fall on their own merits and justification. Finally, there is nothing in our opinion, in the language of S. 742 or its legislative history which we would construe as adversely affecting the Indian interests. We will, in the development of the project, make certain that any prior and superior water rights of the tribe are fully protected and will require that these rights be recognized explicitly in contracts entered into pursuant to S. 742.

Mr. President, I ask unanimous consent that the full text of the Secretary's letter appear at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 12, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of June 4, 1969, enclosed for comment a telegram from Chairman Robert E. Jim of the Yakima Tribal Council which expressed concern regarding the effects of S. 742, a bill to authorize the Kennewick extension of the Yakima reclamation project in Washington, on Yakima Indian rights to the use of water

for their reservation. The Department has received similar telegrams from Mr. Jim.

Since these telegrams were sent, the bill passed the House of Representatives with a minor difference—not in issue here—from the previously-passed Senate version.

The Kennewick project was authorized by the Act of June 12, 1948 (62 Stat. 382), which reserved capacity in the main canal for the future extension of irrigation to 7,000 acres of additional land. S. 742 would authorize this extension.

Mr. Jim and the Yakima Tribe are concerned that this project will impair the water available to the tribe and lessen substantially their chances of obtaining the necessary funding and authorization for three irrigation projects which they consider extremely important to the economic development of the reservation. We can appreciate their concern and, for this reason, we met with them within the last few days in order to obtain a more complete understanding of their position on the legislation and to try to alleviate their concern to the greatest extent possible.

The irrigation projects which the Yakima Indians wish to construct in order to utilize fully the water available to them are: the Wapato Satus unit, the Satus Creek project, and the Toppenish Creek project.

The Wapato unit is an authorized Indian project which would irrigate an estimated 5,000 acres at a cost of about $500,000. No appropriation has been requested for this project. We have, however, agreed to review the project for the purpose of considering such a request in the near future.

The other two projects would be located on the Satus and Toppenish Creeks, respectively. Authorization for these projects has not been requested by the Department to date. We will review these projects and provide you with more information on them as soon as possible.

We have advised Mr. Jim and the tribe that the Department does not want to prejudice their ability to gain approval of all or some of these projects in the near future, nor do we want to do anything that would impair or infringe on their rights to water for all of these projects.

We are satisfied, based on information furnished by the Bureau of Reclamation, that hydrologically the authorization and subsequent construction of the Kennewick extension would not affect adversely the water available to the tribe for the above projects. The project is not dependent on water from the Yakima Reservation. Further, in our view, the need for, and desirability of, the three Indian projects will not be affected by the Kennewick extension. These three projects must stand or fall on their own merits and justification. Finally, there is nothing in our opinion, in the language of S. 742 or its legislative history which we would construe as adversely affecting the Indian interests. We will, in the development of the project, make certain that any prior and superior water rights of the tribe are fully protected and will require that these rights be recognized explicitly in contracts entered into pursuant to S. 742.

We hope that the expression of the Department's views herein will help to remove the deep concern expressed by the tribe and result in final passage of S. 742 as quickly as possible.

It should be noted that the tribe has indicated that their concern is caused partially by some statements made by the Department on the project a few years ago. If you find any such statements in the record of this legislation which may have contributed to the concern of the tribe, we will be glad to clarify them.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

Mr. JACKSON. Mr. President, in view of the assurances provided by the Secretary of the Interior, I move that the Senate concur in the amendment of the House.

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

The motion was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is my intention shortly to call up House Concurrent Resolution 315, but if the distinguished minority leader, in the meantime, has any questions, I will endeavor to answer them.

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader about the program for the balance of the day, but more particularly about the program for tomorrow, and whether or not there may be recorded votes on any amendments that may be submitted, knowing, of course, that a substantial contingent will be going to the dinner in California.

Mr. MANSFIELD. Mr. President, it is a good thing that the distinguished minority leader raised that particular question at this time. It is my understanding that the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT), has two amendments which may not take too much time.

It is my further understanding that there is a very strong possibility that a yea-and-nay vote on House Concurrent Resolution 315, the resolution to adjourn for 3 weeks, will be asked for; and, of course, if it is, it will be granted.

It is my further understanding that before the Senate concludes its business tonight, the distinguished Senator from Wisconsin (Mr. PROXMIRE) will lay down his amendment on the C5–A; that we will come in at 10 o'clock tomorrow morning; that the Senator from Wisconsin and other Senators will lay the foundation for the amendment. The amendment, however, would not be voted on tomorrow, but would be the pending business when the Senate returned on September 3. It is a very important amendment, and it is hoped that a full attendance will be in the Senate at that time.

In other words, to those of you who are interested in attending the state dinner at Los Angeles—and that is only one factor among many others—if we go through with what I have just discussed, there will be no rollcall votes tomorrow; and all I can say, on that basis, is Godspeed.

ADJOURNMENT FROM AUGUST 13 TO SEPTEMBER 3, 1969

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of House Concurrent Resolution 315, with, of course, the proviso that the Senator from Arkansas does not lose his right to the floor.

The PRESIDING OFFICER. The concurrent resolution will be stated by the clerk.

The legislative clerk read the concurrent resolution (H. Con. Res. 315) as follows:

H. CON. RES. 315

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Wednesday, August 13, 1969, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1969.

Mr. PROUTY. Mr. President, may we have order?

The PRESIDING OFFICER. The motion is not debatable.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The question before the Senate is an adjournment resolution, and is not debatable.

Mr. PROUTY. Mr. President, I ask for the yeas and nays, then, if I cannot speak.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What are we voting on?

The PRESIDING OFFICER. The clerk will restate the resolution.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Wednesday, August 13, 1969, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1969.

Mr. MANSFIELD. This is a fulfillment of the pledge made by the joint leadership to all Senators, and about which all Senators were informed as long ago as last January, with no objection at that time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), and the Senator from Illinois (Mr. PERCY), are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), and the Senator from Illinois (Mr. PERCY), would each vote "yea."

The result was announced—yeas 76, nays 14, as follows:

[No. 80 Leg.]

YEAS—76

Anderson	Gurney	Montoya
Baker	Hansen	Mundt
Bayh	Harris	Murphy
Boggs	Hart	Muskie
Brooke	Hartke	Nelson
Burdick	Hatfield	Packwood
Byrd, Va.	Hollings	Pearson
Byrd, W. Va.	Hruska	Pell
Cannon	Hughes	Proxmire
Case	Inouye	Randolph
Church	Jackson	Ribicoff
Cook	Javits	Schweiker
Cranston	Jordan, N.C.	Smith
Curtis	Jordan, Idaho	Sparkman
Dirksen	Kennedy	Spong
Dodd	Long	Stennis
Dole	Magnuson	Stevens
Dominick	Mansfield	Symington
Eagleton	Mathias	Thurmond
Ellender	McCarthy	Tower
Fannin	McGee	Tydings
Fong	McGovern	Williams, N.J.
Fulbright	McIntyre	Young, N. Dak.
Goodell	Metcalf	Young, Ohio
Gravel	Miller	
Griffin	Mondale	

NAYS—14

Aiken	Ervin	Prouty
Allen	Goldwater	Scott
Allott	Holland	Talmadge
Cooper	McClellan	Williams, Del.
Cotton	Pastore	

NOT VOTING—10

Bellmon	Gore	Saxbe
Bennett	Moss	Yarborough
Bible	Percy	
Eastland	Russell	

So the concurrent resolution (H. Con. Res. 315) was agreed to.

ORDER OF BUSINESS

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

Mr. FULBRIGHT. I yield.

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

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there may well be one or two rollcall votes this evening before adjournment. I do not think that the debate on the next two amendments will take very long.

I would suggest that in the interest of better procedure and a more expeditious departure, Senators stay as close to the floor as possible so that we can dispose of the amendments one way or the other.

Mr. FULBRIGHT. Mr. President, I point out that my statement will not take over 3 or 4 minutes.

Mr. MAGNUSON. Mr. President, will the Senator yield me 1 minute?

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Washington.

JURISDICTION OF SENATE COMMITTEES ON MASS TRANSIT MEASURE

Mr. MAGNUSON. Mr. President, yesterday the administration sent up a proposed piece of legislation on mass transit that encompassed a great number of transit problems and rapid transit in urban areas.

It goes back in some instances to the proposal contained in the original mass transit bill, the jurisdiction of which lies in the Banking and Currency Committee.

Many of the suggestions contained in the bill are also within the province of the Commerce Committee.

The distinguished Senator from Utah introduced a bill and had it referred to the Committee on Banking and Currency. However, the distinguished chairman of that committee and the Senator from New Hampshire (Mr. COTTON) and I have an agreement that when they get through with that measure, it will be forwarded to the Commerce Committee so that we may consider the sections that properly belong within the jurisdiction of that committee.

This is an all-inclusive, pretty wide-ranging bill.

I wanted the record to reflect this situation.

PROPOSED MEETING OF FOREIGN RELATIONS COMMITTEE

Mr. FULBRIGHT. Mr. President, before I make my statement on the pending matter, there is one other matter that I should like to point out. Because of an unexpected emergency, we were not able in the Committee on Foreign Relations this morning to vote on a pending matter. There was a rollcall in the Senate much earlier than we had expected.

As soon as we dispose of the two amendments, if we can get a quorum, I would appreciate it very much if the committee members could come to the committee rooms so that we might have a very brief meeting. It should not take more than 5 or 10 minutes to dispose of the one remaining piece of business—the Peace Corps measure—before we adjourn.

Mr. President, I hope that the committee members can come to the committee room. I guarantee them that it will not take more than a few minutes. We will either do it or not do it within 10 minutes. I would appreciate it if after the disposal of these two brief amendments the members of the committee would come to the committee room.

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. FULBRIGHT. Mr. President, amendment No. 129 does two things.

First, it makes clear that no more than $3 billion of the funds appropriated for use of the Armed Forces of the United States may be used to support the forces of Vietnam and other free world forces in Vietnam, or local forces in Laos and Thailand.

Second, this amendment requires that the decisions as to the expenditures of these funds are to be the responsibility of the President rather than the responsibility of the Secretary of Defense.

My purpose in proposing this amendment is to tighten up the provisions of this authorizaton bill.

As it now stands, the Congress would be authorizing the Secretary of Defense "on such terms and conditions as he may determine" to spend, without any limitation whatsoever, an amount that could be as high as $80 billion to pay the expenses of armed forces other than those of the United States.

This, I know, is preposterous. The Secretary of Defense would do no such thing. But that is precisely what the language of title IV authorizes as I read it.

There must be some limit on the amount we are expected to take from the use of our Armed Forces and give to other free world forces.

I guess I do not know what that limit is.

My amendment specifies that not more than $3 billion may be spent on foreign armed forces. That is more than we spend for economic foreign aid and for many domestic programs. It is but 10 percent of the some $30 billion which the Vietnam war costs the United States annually.

I know it will be said that there must be a broad delegation of discretion in the expenditure of these funds because we hope that South Vietnam forces will take over more and more of the burden. But I suggest that the Senate is entitled at least to have an estimate of how much next year is to be used to pay for the forces of allies fighting with us in Vietnam.

If the chairman of the Armed Services Committee is not agreeable to the limiting figure of $3 billion for this purpose, I would be interested in receiving some other estimate.

It does not make much sense to me to hold elaborate hearings on the Defense Department budget, to receive detailed estimates on the costs of various weapons systems, and then to adopt language in this bill which says in effect that notwithstanding any other law authorizing funds for the Armed Forces of the United States, the Secretary of Defense can spend whatever he desires to support other free world forces in Vietnam and local forces in Laos.

The Congress must be cautious of such wide open delegations of authority.

I hope the chairman of the Committee on Armed Forces will accept this amendment.

Mr. STENNIS. Mr. President and members of the committee, I call special attention to the situation with respect to title 4. It may be that a rollcall vote will not be required on the matter.

I will first make a brief explanation of title 4 of the bill. It covers what was once called foreign military aid or foreign aid for the military. But this section is limited to the South Vietnamese and other

free world forces in Vietnam, local forces in Laos and Thailand, and for related costs during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine.

Mr. President, that is the identical language that was used for last year in the authorization bill as brought forward without any change and also for the year 1968.

I am going to propose an amendment as a substitute to the amendment of the Senator from Arkansas. The funds now in the bill for this purpose amount to only $147 million. That is in hardware. The authorization is merely for the Appropriations Committee, concerning such other amounts as they may appropriate and for whatever purposes they may appropriate. The Appropriations Committee now has authority to appropriate items except military hardware for our Army or Navy, but they do not have authority to appropriate even O. & M. funds—operation and maintenance funds—for the Army of South Vietnam. So this would be a general authorization.

When this matter came before us, my best recollection is that in looking at it, the Chief of Staff said that this is identical to the matter of last year, and that was correct. We did not get to the figures then, however, and they gave me the figures later, and showed how it was spent last year for this purpose—$2.5 billion. For this year, it is estimated to be $2.26 billion for this purpose.

On that point, I did not notice the open end clause in here, which is the three or four words on pages 12 and 15: "under this or any other act." That gives it an open end, unlimited authorization. I have not favored that since we built the Air Force Academy. I do not like us to make open end authorizations unless it is absolutely necessary. That is my record on it.

But I failed to point that out to the committee; I am sure I did. That is why I want to offer this substitute amendment now. Instead of saying "not to exceed $3 billion," I think we should put it at $2.5 billion; and if more money is needed, they can get the authorization for it.

So I do not think we should try to step on the President of the United States by requiring him to issue a certificate.

My amendment, which reads as follows, is offered as a substitute:

On page 5, line 11, strike out the quotation marks and the word "Funds" and insert in lieu thereof the following: "Not to exceed $2,500,000,000 of the funds".

On page 5, line 17, insert for the word "conditions" the phrase "under Presidential regulations".

That will put it forth in the register. The President is responsible for what it does, anyway. I think that will take care of the situation.

So I offer that as a substitute, and I thank the Senator from Arkansas very much for calling attention to that matter. This language, if it is going to refer to the other authorization bills, should have a limit on it, and it is limited. Let me repeat for clarity, that it is limited to the forces in Vietnam, other free world forces in Vietnam, and the local forces in Laos and Thailand.

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

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Inasmuch as it does deal particularly with the local forces in Laos and Thailand, two countries in which, at least technically and legally, we are not at war, does the Senator not think it would be better that this responsibility be given to the President? We are now discussing before our committee a matter involving Thailand, and it seems to me that this is a matter of such consequence that it should be squarely the President's responsibility to make a decision on a matter of this kind, as distinguished from the ongoing war in Vietnam. That is the part of it that struck me—that it should be a presidential responsibility in the law.

Mr. STENNIS. I think it should be a presidential responsibility. He is responsible for it, anyway. Certainly, we can trust him to make the regulations about this matter, and then the Secretary of Defense, acting under those regulations and our law and restrictions, I believe——

Mr. FULBRIGHT. Customarily, I say to the Senator, under the foreign aid bill which my committee has handled, the funds are made available to the President.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. That has been traditional, since the beginning. Actually, this is an item which has been in the foreign aid bill, in foreign assistance, in the past. In fact, some Members presently are considering taking it back into that bill.

Therefore, I would suggest—I do not know that it is all that important—that it would still be more appropriate for the responsibility to be given to the President.

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

Mr. STENNIS. I yield.

Mr. SYMINGTON. Mr. President, there is a $500 million difference here. As I understand the position of the distinguished Senator from Mississippi, he agrees with the principle of what is desired by the distinguished Senator from Arkansas. We are in a fight in Vietnam, and we are and have been taking military action in Laos and Thailand.

I would hope that the able chairman of the Committee on Foreign Relations would accept the proposal presented by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I intended to do that when I rose. I certainly accept the amendment of the Senator from Mississippi as to the amounts. His explanation of it is understandable.

I say to the Senator from Missouri that the prosecution of the war, of course, is a military matter. But this involves far more than a military matter, as we found this morning; and it is the very matter into which the Senator from Missouri is looking. I think it is primarily a political matter as to how far we go in a commitment to support the local forces in Laos and Thailand in particular, as distinguished from Vietnam.

Mr. SYMINGTON. I know of the legislative background incident to the matter we were discussing this morning, and ascertained that the Secretary of Defense believes the matter we discussed this morning, if implemented, would necessitate the approval of Congress.

Again, it is my hope that the chairman of the Committee on Foreign Relations would take the language suggested by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I am willing to accept the Senator from Mississippi's proposed amendment in place of mine and would, of course, support it. I merely brought that to his attention, in that I thought there might be a distinction between the significance of the local forces in Laos. But if the Senator from Mississippi feels that strongly about it, I am perfectly willing to accept his amendment as a substitute for mine.

Mr. STENNIS. It is my intention to have the presidential responsibility at the very peak, but I think he should be permitted to make the regulations, and then the Secretary can act on them.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it proper for me to accept the substitute or withdraw my amendment?

Mr. President, I modify my amendment as proposed by the Senator from Mississippi.

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

Mr. STENNIS. I do not understand.

The PRESIDING OFFICER. The Senator from Arkansas has modified his amendment.

Mr. FULBRIGHT. I modify my amendment in accordance with the suggested words of the Senator from Mississippi. It is his proposal, and that disposes of it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STENNIS. I want to discuss it a little further, but I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. SPONG in the chair). Will the Senator send the amendment, as modified, to the desk.

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

Mr. FULBRIGHT. Mr President, will the Senator yield to me first briefly?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Did the Senator suggest to strike "any other act" and only confine it to this act?

Mr. STENNIS. No, that was done in marking it up.

Mr. FULBRIGHT. The Senator does not wish to strike out "any other act."

Mr. STENNIS. No, that is part of it. The ceiling is on it now.

Mr. FULBRIGHT Very well.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I did not wish to intervene until the Senator from Arkansas and the Senator from Mississippi had agreed upon the questions which the Senator from Arkansas had raised. Now, I wish to raise another question on this section. I hope I may have the attention of the Senate for just a few minutes.

When I first read title IV on page 5

of the bill, the thought came to me that it could be considered a commitment as defined in the national commitments resolution which was adopted almost unanimously by the Senate. I may attach too much importance to language, but I want to give the reasons for my thinking in this direction.

In Vietnam we are furnishing supplies and equipment to the South Vietnamese and to other free forces who are assisting the South Vietnamese. We are also using our troops in support of the South Vietnamese.

The same situation may prevail in Laos and Thailand, as far as I know. We have authorized the supply of equipment and materiel to Laos and Thailand. Until a few years ago such supplies were authorized under the military assistance section of the foreign aid bill; in 1967 the authority was transferred to the military authorization bill.

My question goes to the meaning of the word "support." Is it intended in this section that support of free forces in Laos and Thailand is limited to equipment, materiel, and supplies, or is it intended that word "support" shall include the use of our own Armed Forces in support of the local forces of Thailand and Laos.

Mr. STENNIS. No.

Mr. COOPER. If use of our forces is intended, article IV of the bill could be construed as a commitment of our Armed Forces.

Mr. STENNIS. Mr. President, the Senator presents a very good question but I do not hesitate for one moment in answering. It does not include troop personnel of that kind.

As a matter of fact, I shall have printed in the RECORD within just a few minutes an itemization of these very items for fiscal year 1968, fiscal year 1969, and fiscal year 1970, prospectively. We are dealing here with $2,226,400 for fiscal year 1970 which includes no military construction at this time, but procurement for the Army, Navy, shipbuilding conversion, aircraft procurement, missile procurement, and other procurement, and the operation and maintenance for the Army, Navy, Marine Corps, and Air Force. So it is strictly military matters, and military matters alone.

Mr. COOPER. Mr. President, I accept, of course, as all of us do, the statement and intention of the Senator from Mississippi, about his understanding of the matter. But it is important that we know the intention of the language which speaks of itself. I would ask if the Senator from Arkansas and the Senator from Mississippi would be willing to modify paragraph (2) which now reads "(2) local forces in Laos and Thailand;" so as to insert before "local" the words: "to provide equipment, material supplies, and maintenance thereof to"; The additional language would remove any question of the intention—I do not know this is so intended; I hope it is not intended to use any of these funds for our forces to support the local forces of Laos and Thailand.

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

Mr. COOPER. I base my suggested language in part on a statement made by former Secretary of Defense McNamara when he asked that funds to assist Laos and Thailand local forces be taken out of the foreign aid bill and placed in the defense bill. He supported his request in a letter to Senator RUSSELL, chairman of the Armed Forces Committee.

> We are prepared to provide Laos and Thailand the equipment and supplies they require to combat the armed Communist forces which threaten their freedom. Therefore, the transfer itself implies neither escalation of conflict nor change in type or level of assistance; it merely reflects the most effective manner to handle the problem.

My amendment would limit the use of any of the funds, as far as Laos and Thailand are concerned, to equipment, material, and supplies.

Mr. STENNIS. The Senator might supply his language on that point. With respect to equipment and supplies there, we already have a list in the RECORD of what is represented.

Perhaps the language would provide this would not include any troops or U.S. forces. Maybe that would cover it.

Mr. COOPER. "Other than U.S. forces."

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

Mr. STENNIS. I yield.

Mr. MILLER. Mr. President, I would like to make a comment. Perhaps the Senator from Mississippi and the Senator from Kentucky might indicate whether or not this is within the scope of the Senator's proposed language. My understanding is that maintenance can be involved as well as the actual supplies and material.

Mr. STENNIS. Yes.

Mr. MILLER. If we are going to have maintenance, this could indicate contract maintenance, or it could indicate modifications of equipment. So I certainly think maintenance should be in this language if we are going to use specific language.

Mr. STENNIS. The word "maintenance" is in the bill of particulars that I am going to have printed in the RECORD. It does include many things in addition to military hardware. It really has no place in this bill, strictly speaking, except $147 million. As a matter of convenience we put it in 2 or 3 years ago.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am certain I know what the Senator from Kentucky is getting at. I find myself in favor of that but I have a question as to whether or not his exclusion would be so complete that we could not, for example, install radars in Laos or Thailand, or electronic detection equipment, or electronic relay equipment that would require, at least for a time, personnel from the United States. These people might not be in uniform. They might be South Vietnamese. Would the idea of the Senator from Kentucky go that far?

Mr. COOPER. Mr. President, I shall try to make myself clear. I do draw a distinction between operations, on the one hand, in Vietnam and in Laos and Thailand, on the other.

Whatever may be one's views on Vietnam, we are assisting Vietnam in at least two ways: one by the supply of equipment and materiel; and the other, and of greatest importance, by the use of our Armed Forces in support of Armed Forces of Vietnam and other free forces. I have never voted against funds for these purposes.

It has been said by former President Johnson that we have made a commitment for the use of our Armed Forces by the Gulf of Tonkin resolution. It has been debated and debated. In any case, we are in Vietnam, and we are at war. I do not know what is occurring in Laos or Thailand but I know it has not been declared either by the Executive or the Congress that we have a commitment in Laos and Thailand against the Pathet Lao, or any insurgents in Thailand, or Loas. The United States is at least not at war in Laos or Thailand. My purpose is to be sure that we do not provide funds for the use of our Armed Forces in support of the local forces of Laos and Thailand and thus run the risk of becoming engaged in war without joint authority of the Executive and Congress.

On June 25, the Senate passed a resolution which had been introduced by the Senator from Arkansas, which was later modified and passed almost unanimously by the Senate. It states:

> *Resolved*, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

Mr. President, this bill when enacted will become a statute. It will represent the action of both Houses of Congress. It leaves no doubt that we are ready to provide financial resources of the United States to local forces in Laos and Thailand, but if we do not make certain by proper language that it does not provide funds for our Armed Forces to engage in fighting in support of the local forces of Laos and Thailand, it would be interpreted that this statute does provide such funds for such use of our Armed Forces. This may be said to strain language, but if it is strained, we become involved in Vietnam by strained action, by the strained premises by the evolution of events which, I am sure, no one in the early years intended or thought would bring us into that war.

I want to provide language in this section, that will insure that use of the funds involves only the financial resources of the United States. That means our money, our equipment, our materiel, our supplies and operations related thereto. It would prohibit the use of Armed Forces in support and combat support, of local forces fighting in Laos and Thailand.

Mr. SYMINGTON. Mr. President, perhaps we are missing a danger involved in all of this; namely, if we lend or sell equipment to the present Vietnam Government, it is very possible that in the not too distant future, the North Vietnamese and the Vietcong could well be using that equipment against some of the countries which today are on our side; specifically, Laos and Thailand.

That, I think, is a great danger, as evidenced by the fact that in the hearings conducted in the Foreign Relations Committee last year, relative to the sale of arms to other countries, we found there were some 6,000 American tanks which, in effect, were for sale if it could be arranged on the right basis to countries in other parts of the world where the tanks were not considered obsolescent.

With complete respect for the remarks of the distinguished Senator from Kentucky, there is no real secret about the fact that we have and are conducting military operations in Laos; also that we are conducting military operations from Thailand. I believe that it is important to recognize tonight if Americans are in danger in Thailand, or if Americans are in danger in Laos, because of actions taken over recent years, it is as important for us to work to defend them in those countries as to defend them in South Vietnam.

This morning, in a hearing conducted in the Foreign Relations Committee with respect to certain activities, the witness, not of high rank, testified that before anything occurred under the contingent agreement in question, the matter should be taken up with the Congress.

That, to me, made considerable impression, because at least up to this administration, many things took place in Laos and Thailand which were not taken up with the Congress. So I checked the legislative history of the present Secretary of Defense when he was a Member of the other body, and found that he was forceful in stating such matters should be taken up with the Congress.

I also found to my satisfaction that the reason this witness stated it should be taken up with the Congress was probably because the Secretary of Defense believed it should be taken up with the Congress. I believe, therefore, that we are in a new era when it comes to the method and the nature of risking troops and utilizing equipment, in foreign countries. I would give full and great credit to the efforts which have been made by the chairman of the Foreign Relations Committee so as to clarify this matter in these hearings.

But, for these reasons and because of the position taken by the current management of the Defense Department, I would hope that we would see fit to pass title IV as it is now in the bill.

Mr. President, I regret implications—not made here on the floor of the Senate—which would imply that we have no military operations in Laos. We know we are having them there; and we know we have built six major bases in Thailand.

I believe that title 4 is all right. I think this discussion has been constructive from the standpoint of the future.

Mr. STENNIS. As it is, by adoption of the amendment of the Senator from Arkansas?

Mr. SYMINGTON. That is right; the amendment of the able Senator from Arkansas, as modified by the amendment of the distinguished chairman of the Armed Services Committee. We will have both committees working together, and this part of the bill will be settled.

Mr. STENNIS. Mr. President, the Senator from Texas had asked me for recognition. I yield to him.

Mr. TOWER. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Missouri. I think the thrust of the amendment of the Senator from Kentucky would be to deny involvement of American personnel. It should be roundly defeated. To begin with, what we are talking about when we talk about Thailand and Laos forces is paramilitary forces, regarding counter-insurgency work. We are trying to give them the sophisticated equipment to do anything, for example, airlift and radar. If we cannot train them to use the equipment, it is pretty useless to give it to them.

I might say that our bases in Thailand are defended by Thai troops. Is is proposed that they get no personnel support from the troops in Thailand? Are we going to get no support for the air bases that are supposed to be defended?

The thrust of the amendment of the Senator from Kentucky would be to necessitate using American personnel for work that they would not have to do if we were to allow some support of Thai troops or paramilitary troops.

Mr. COOPER. Mr. President, I would like to hear from the Senator from Arkansas.

Mr. STENNIS. Mr. President, if the Senator will excuse me just a minute, the Senator from Arkansas and the Senator from Indiana asked me to yield to them. I believe the Senator from Arkansas asked me first. I yield to him.

Mr. FULBRIGHT. Mr. President, as I said a moment ago on this particular amendment, it seems to me that, with the amendment of the Senator from Mississippi, it would be satisfactory. I think the matter raised by the Senator from Kentucky, however, is a very significant one, and I do not want, in any offhand way, to make what might be called a national commitment with regard to Thailand.

In my next amendment as printed, No. 111, which deals with the question of the Secretary of Defense making available reports prepared by outside organizations, I have in mind such things as "think tanks," and so on. That amendment is before the Senate.

I have also prepared another section which I want to discuss as a modification to my amendment, which provides that—

The Secretary of Defense shall also provide to the Committees on Armed Services of the Senate and the House of Representatives a copy of all bilateral contingency plans, signed by a representative of the Department of Defense and an official of a government of a foreign country, involving use of United States forces for the joint defense of that country.

It deals, in effect, with the point the Senator from Kentucky has raised.

The point of the Senator from Kentucky is a very important one. I do not wish, through inadvertence, to see another Gulf of Tonkin resolution go through here without knowing it. I am inclined to believe that, with the explanation and interpretation given by the Senator from Mississippi and the Senator from Missouri, it would be certainly an outrageous way to interpret it if it were done that way.

I wonder if the Senator from Kentucky could not offer this amendment at a later date as his own amendment on this precise subject. I do not know whether the next amendment would cover it.

I think the Senator has a valid point, but I do not think it is necessary, with what has been said with regard to this amendment.

Mr. STENNIS. Mr. President, if I may say this, I think the Senator from Kentucky has made a contribution here. I have enjoyed getting his thought. This is purely a money bill. This is purely a special section here for foreign military aid. It has 2 years of use as a precedent. Except to put a ceiling on it, I believe we ought to proceed in that way.

Mr. FULBRIGHT. The Senator believes it would be an outrageous distortion to interpret it as authority for use of our military forces, apart from what they are presently doing?

Mr. STENNIS. I do not see how it could be interpreted that way. It would be a real monstrosity.

I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I do not think there is any question that the amount is for military hardware and uses of that kind, and does not involve soldiers at all. But I rose to ask the Senator this question: He earmarked $2.5 billion. During the hearings that were held 2 weeks ago, the figure was $2.2 billion instead of $2.5 billion.

Mr. STENNIS. That is correct.

Mr. ELLENDER. Would the Senator modify his amendment to include that figure?

Mr. STENNIS. No. I think there should be some latitude. The $2.2 billion, which I mentioned during the debate, was arrived at when the budget was written up. We have already had a somewhat augmented program to aid the Vietnamese to build up their military forces.

I think that $2.5 billion figure is a realistic one.

Mr. ELLENDER. The reason why I raised the question is that we used the figure of $2.5 billion during all the hearings we had as being the amount of foreign aid to be used for military hardware.

Mr. STENNIS. It will not hurt at all to have this excess. I suggest that in the supplemental bills the extra amount of money will be used. It is better to have it done that way than to have the department draw the money from somewhere else and then come before the Congress with a big deficit. I think we ought to accept the figure of $2.5 billion.

Mr. COOPER. Mr. President, it is late and I do not want to detain the Senate. As I have said, I may be straining the point, but I do not think so.

This is an important matter. For years we have been talking about Vietnam, and cries of anguish have gone up because we did not look ahead and consider the end that the steps that were being taken could lead to—our involvement in war. This bill before us will become a statute—could be another step involving the United States much as the course of events led to our involvement in Vietnam.

I would agree that it would be a monstrosity if the President of the United States, upon the language of this section, should consider the language of this bill as authority to enter war in Laos or Thailand. It would be a monstrosity, and I have full confidence in President Nixon, and that he would not do so, but that does not relieve us of our responsibility.

It is admitted here by the chairman of the committee that these funds shall be used only for what has been termed miltiary assistance.

Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. COOPER. And, as I understand that they shall not be used for our Armed Forces in support of fighting, or assisting fighting of the local forces of Laos and Thailand, other than for supplies. Therefore, I will propose another amendment. "Military assistance," I believe, is a phrase of art. Is it not?

Mr. STENNIS. Well, the Senator would know more about that than I would.

Mr. FULBRIGHT. For years it was in the foreign aid legislation. I assume it is still considered as such.

Mr. COOPER. In the testimony of the Secretary of Defense before both the Armed Services Committee and the Foreign Relations Committee in 1967, he spoke of the transfer of military assistance from the foreign aid bill to the defense bill. He called it military assistance.

Mr. FULBRIGHT. That is right.

Mr. COOPER. That is what it had been termed when it was considered by the Foreign Relations Committee.

I propose: On line 15 before "local" insert the words "military assistance" so as to read "Military assistance to local forces in Laos and Thailand." If these two items, Vietnam, Laos, and Thailand, were separated and distinguished there would be no problem of a misunderstanding.

However, the same words are employed for the use of funds in Vietnam as for Laos and Thailand, and there could be a mistake about their meaning. I would urge that before "local" there be inserted the words "Military assistance."

Mr. FULBRIGHT. I would think that would be all right.

Mr. STENNIS. We are talking about money. We are talking about funds. The first sentence reads "Not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces," and so forth. We are talking about money, and that is all.

Mr. FULBRIGHT. Yes.

Mr. STENNIS. And it would not fit in there before the Senator's words "local forces," it seems to me.

Mr. COOPER. I thought my suggestion would help. I will offer the amendment I first proposed. Is it in order for me to offer an amendment?

Mr. SYMINGTON. Will the Senator read it?

The PRESIDING OFFICER. The Chair rules that it is not in order for the Senator from Kentucky to offer an amendment at this point, except by unanimous consent.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. After the pending amendment is voted upon, as it has been modified, would an amendment to the modified amendment then be in order?

The PRESIDING OFFICER. Will the Senator from Kentucky send his proposed amendment to the desk?

The Chair would say, in answer to the inquiry of the Senator from Kentucky, that after the pending amendment, as modified, is voted upon, it would be in order that his amendment be considered.

Mr. STENNIS. Mr. President, I think the amendment has been fully explained. I ask unanimous consent that the table of funds to which reference has been made, the last item being $2.2 billion, be printed in the RECORD at this point.

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

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALINEMENT

[In millions of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Military personnel:			
Army	118.0	114.2	116.3
Navy	.8	.6	.1
Marine Corps	15.0	14.8	14.2
Air Force	.2	.2	.2
Total, military personnel	134.0	129.8	130.8
Operation and maintenance:			
Army	605.8	708.0	632.8
Navy	43.3	47.5	53.7
Marine Corps	6.1	10.7	10.3
Air Force	55.0	131.8	157.1
Total, operation and maintenance	710.2	898.0	853.9
Procurement:			
Army	552.5	1,243.5	927.3
Navy:			
Other procurement	5.8	10.2	4.2
Shipbuilding and conversion	4.5	6.5	3.4
PAMN—Navy aircraft and missiles			.2
Marine Corps	68.5	50.8	88.3
Air Force:			
Aircraft procurement	36.1	88.1	103.9
Missile procurement	.1		
Other procurement	67.4	85.4	114.4
Total, procurement	734.9	1,484.5	1,241.7
Military construction:			
Army	1.7	10.7	
Navy	1.9	3.3	
Air Force	9.0	1.5	
Total, military construction	12.6	15.5	
Grand total	1,591.7	2,527.8	2,226.4

Mr. STENNIS. Mr. President, I believe that for the information of Senators, the clerk should read the amendment of the Senator from Arkansas, as modified.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Arkansas, as modified.

The legislative clerk read as follows:

On page 5, line 11, strike out the quotation marks and the word "Funds" and insert in lieu thereof the following: "Not to exceed $2,500,000,000 of the funds".

On page 5, line 17, strike out the words "the Secretary of Defense" and insert in lieu thereof the words "the President".

On page 5, line 17, insert after the word "conditions" the phrase "under Presidential regulations".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Does the Senator from Kentucky now call up his amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, line 15, after (2) insert the following: "to provide equipment, material, supplies, and maintenance thereof to".

Mr. COOPER. Mr. President, there has been a very good discussion, but I do want to have for the RECORD an interpretation of the section. I would not be so interested if I had not been conscious of the steps by which our country became involved in the war in Vietnam. I shall spend a minute or two on the subject.

It all started very simply. Under President Eisenhower, military advisers were sent to Vietnam. I do not know whether I should speak of a statement former President Eisenhower made when he is now dead, but I think it proper. He came here one day 2 years ago and talked to a number of us. He said——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. He said that the only commitment he had made, was to provide military assistance in the form of advisers, and to provide economic aid as long as South Vietnam made appropriate steps to help itself.

I may say that, after searching the record, that is all I could ever find that he had promised.

For years, he had our military advisers in Vietnam. We furnished equipment to Vietnam; we supported various regimes—it is hard to remember how many—and then, as the fighting increased in the outer areas, we began to send troops to those areas, to assist the South Vietnamese in actual fighting. They were finally fired upon, and it became a matter of national honor to defend them, as the President had the right to do, additional troops were sent to South Vietnam and step by step we had become involved in the war in Vietnam.

I am sure that President Eisenhower

President Kennedy, or President Johnson never intended that we would be involved in war and certainly no major war. But we conveyed to South Vietnam the impression that we would stand with them and defend them. I believe we conveyed that impression throughout Southeast Asia.

Wars start from small beginnings. I have thought, and many Senators have thought—it was definitely the expression of the Senate in the adoption of the national commitments resolution—that a likely way to become involved in a war is to put our Armed Forces in another country where there is a local war. And if we stay there long enough and send enough men there, they will be fired on some day, and then, as I have said, it is a matter of national honor and, because the President has the constitutional duty to protect our troops, we will be involved in a war.

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

Mr. COOPER. I yield.

Mr. FULBRIGHT. What the Senator has said does revive in my memory very clearly what was said, and particularly what I said, after having been briefed and informed by the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs, in regard to the Gulf of Tonkin resolution.

The Senator is very persuasive. It is a fact, even though I thought it was a monstrosity, that later the resolution was interpreted as it was by the President of the United States, that it was so interpreted; and every time the matter came up it was thrown in our faces. I believe the Senator's amendment will make the Senate's intent clearer and more positive. I do not really see how this can restrict the President's obligations, and I hope the Senator from Mississippi will accept the suggestion of the Senator from Kentucky. What we are trying to do is protect ourselves from such a monstrous interpretation. That having happened within the memory of all of us here, I believe it would be a very healthy thing for it to be accepted.

Mr. President, I am not sure; can I accept it? I would be willing to do so, with the agreement of the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senate has voted on the other amendment.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. I have the floor, but I will yield to the Senator for that purpose.

Mr. STENNIS. Mr. President, the amendment of the Senator from Arkansas has already been agreed to. Can any one Senator accept another amendment to that?

The PRESIDING OFFICER. Is the Senator from Mississippi asking that question as a parliamentary inquiry?

Mr. STENNIS. Yes, of course.

The PRESIDING OFFICER. The Chair rules that it cannot be accepted. The amendment of the Senator from Arkansas has been voted upon. This is new matter.

Mr. COOPER. I hope not, but it is possible we may be in war in Laos or Thailand; and if we go into war with the concurrent authority of the President of the United States and Congress, we will understand where we are, and at least Congress and the President will have made a determination that it is in our national interest.

We may become involved in war without such a determination at some point, with some 35,000 troops in Thailand, as I recall.

Mr. FULBRIGHT. There were 45,000 at the last count, I think.

Mr. COOPER. If at some point we thus became engaged in fighting, we may find ourselves at war by the same process as that by which we backed into war in Vietnam.

Again, I point out that the language of the amendment applies both to Vietnam and to Laos and Thailand. It is the identical language.

I read the language to which I refer:

> Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand;

The same language is used for both countries. It is a possible interpretation that these funds could be used in the same way in Laos and Thailand as they are now being used in Vietnam.

I have said that it would be preposterous if the Secretary of Defense or the President were to use the funds in Laos and Thailand as they are being used in Vietnam as a result of the language of title IV. However, it is our province and our responsibility to make certain that the funds are not treated in the same way. This is the purpose of my amendment. It is simply to provide that as far as Laos and Thailand are concerned, these funds will only involve material, equipment, supplies, and related costs. The term "related costs" is in the language of the bill.

If this is what is intended by the sponsors of the bill and the administration, I do not see why they should not accept my language. It would remove all doubt.

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

Mr. COOPER. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I make two points. In effect, we have been in war in Laos for years, and it is time the Ameircan people knew more of the facts.

Second, the present Secretary of Defense states that, if this matter comes up again from the standpoint of any contingent agreement, he believes it is a matter which should be taken up with the Congress.

Mr. ALLOTT. Mr. President, I believe that the previous remarks of the distinguished Senator from Missouri, as well as his just completed remarks, are well taken.

Mr. SYMINGTON. Mr. President, I thank the Senator.

Mr. ALLOTT. Mr. President, I have been very quiet during the course of this debate. And, as I have listened to the debate, I find my emotions swelling up within me to the place where I think I would be hard pressed to express them in the period of 3 or 4 hours.

I am not a warlike man, nor am I an unpeaceful man. But I find it difficult for anyone who was concerned with the vital committees of the Senate to stand on this floor and say he did not know in the spring of 1964 that we were becoming involved in the war in Vietnam.

It is impossible for anyone not to have known it.

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

Mr. ALLOTT. I yield.

Mr. COOPER. Mr. President, was the Senator referring to me?

Mr. ALLOTT. I was referring to anyone who was a member of the Foreign Relations Committee or the Appropriations Committee at the time.

Mr. COOPER. Let me say in response that during that debate I said that I knew what we might get into. I voted for the resolution, but I had no misapprehension about its possibilities. The debate will show that on that day I said that it could lead us into war, but we had confidence in the President that he would use his authority with judgment.

However, I do not want the United States to get into the same situation again by the failure of the Congress to exercise its responsibility.

Mr. ALLOTT. Mr. President, I appreciate the situation of the Senator. And I ask him, and he can answer it in any way he wants to, if he does not believe the Secretary of Defense of his own party and if he does not believe his own President, because we have had assurances from both of them that we will not have any more commitments of troops in the Far East.

Mr. COOPER. Mr. President, will the Senator let me respond?

Mr. ALLOTT. The Senator may respond.

Mr. COOPER. Mr. President, I believe in the responsibility of the President, and I believe in President Nixon. He is my President whether he is Republican or Democrat. It happens that we are members of the same party, of which I am proud.

I understand and respect his responsibility. I believe that he will exercise it to the best of his ability, and he has great ability.

I believe also in the responsibility of Congress, both the House of Representatives and the Senate. I believe that we have a responsibility to determine also, whether the United States should go into war and whether we should become involved in situations which will send us into war—whether our national interests, security and proper commitments are actually involved.

We are talking about the future, and whether we will take steps or refuse to take steps that may prevent or inhibit the possibility of war.

Mr. ALLOTT. Mr. President, I understand the concern of the Senator about not wanting to become involved in another Vietnam. However, my state-

ment was that there is no reason for anyone who was a member of the Foreign Relations Committee or the Appropriations Committee, and particularly the Defense Subcommittee, or the Armed Services Committee, not to have known in the spring and summer of 1964 that we were going to become involved in a war.

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

Mr. ALLOTT. Mr. President, I yield for a question.

Mr. FULBRIGHT. Mr. President, it seems to me that repeating the statement is inviting comment upon a matter which was discussed at length. And the Senator looks in this direction.

I was there. It is true that in the spring of 1964, we had approximately 15,000 or 16,000 soldiers in Vietnam. There had been a gradual escalation from the time that President Kennedy came in, when there were less than 800 men who were considered to be advisers. They were not considered to be combat soldiers.

Mr. ALLOTT. There were 636, if the Senator wants the exact figure.

Mr. FULBRIGHT. Mr. President, I do not think anyone thought that we were at war or anticipated that we would be at war there in the future.

President Eisenhower had been given the opportunity to go to war in Vietnam and he rejected it—I think very wisely—on the advice of General Ridgeway and General Gavin.

I certainly did not think we were getting into war when President Kennedy sent adviser personnel out there.

It is my impression that at about the same time he sent troops to Germany because Khrushchev had threatened him, he believed, at the meeting at Vienna.

I do not believe that he intended to get into war any more than he intended to get into war in Germany by sending those troops there.

No action had been taken when it came to the Gulf of Tonkin incident itself——

Mr. ALLOTT. Mr. President, with all due deference to the Senator, I said that I would yield for a question. I have been listening to the distinguished Senator, without interrupting him for weeks now. I yielded for a question, not for a speech.

Mr. FULBRIGHT. Mr. President, I will put it this way. Has the Senator read the report of the Foreign Relations Committee on the incidents of the Gulf of Tonkin?

Mr. ALLOTT. Recently?

Mr. FULBRIGHT. At any time.

Mr. ALLOTT. Yes.

Mr. FULBRIGHT. Was the Senator not impressed with the fact that the representations given to that committee by the then Secretary of State, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff proved to be in error?

Mr. ALLOTT. I am completely aware of that. And I was present during all of the Gulf of Tonkin debate. I am aware of the statements made by various Senators at that time.

Mr. FULBRIGHT. The Senator is aware that the statements made by the chairman of the Foreign Relations Committee were based on information given to him which information proved to be in error.

The question I ask the Senator is this: That being so, how can he make the statement that we all knew—and I assume he means by that intended to accept—the Southeast Asia resolution was the equivalent of a declaration of war?

Mr. ALLOTT. Mr. President, I have made no such statement. I have tried to make my remarks, and I am going to make them if we stay here until midnight, despite the Senator's loquacity. I never made the statement or implied the statement that when the Gulf of Tonkin resolution, for which I admit I voted was passed, everybody knew we were going to get into war. That was not in 1964. The Gulf of Tonkin resolution was not passed in 1964.

Mr. PASTORE. Yes; it was.

Mr. FULBRIGHT. Unfortunately, it was in August of 1964.

Mr. ALLOTT. I thought it was before that. I apologize.

Mr. FULBRIGHT. I happen to know about that. I was present.

Mr. ALLOTT. I apologize. I had my dates crossed.

Mr. FULBRIGHT. The alleged incidents took place on the 2d and 4th of August 1964. The resolution had been prepared long before that, I think. It was introduced in the House, and it was acted upon almost instantaneously.

Mr. ALLOTT. Let me say to the Senator that my mind played me a trick. I thought it was before this.

But I will still go back to the statement I made that in 1964 no member of the Armed Services Committee or the Appropriations Committee—particuarly the Defense Committee or the Foreign Relations Committee—should not have known that we were being committed to a war at that time.

Now, Mr. President, I want to continue——

Mr. FULBRIGHT. Maybe we should be a lot brighter than we are, but I did not know it, I am frank to say.

Mr. ALLOTT. Well, I am not surprised.

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

Mr. ALLOTT. I yield.

Mr. GOLDWATER. Mr. President, having had some unpleasant personal experiences about that time in 1964, involving this subject, I can speak with some experience on it.

I have made the charge repeatedly, and it has never been denied—and this information came to me before my campaign actually started—that we did not drift into this war. We had a small numbers of advisers over there in 1960 and 1961, and suddenly 15,000 to 16,000 men were sent over, with explicit orders to shoot back.

I tried to bring this to the attention of the American public; I could not get anybody to listen to me. I do not think it would have made a bit of difference.

But we were at war when the Gulf of Tonkin incident took place. I remember begging for equal time on television so I could present not the Republican side but this American side of the understanding of what was going on in Vietnam, and I never got any place. When you are shooting back in a situation such as that, you are in war; and although we had advisers over there who were explicitly told never to fire on anyone, this advisory situation ended some time in 1962, when the troops were told to fire back.

I suggest to the Senator from Kentucky that, unless I am badly mistaken, even his language could not prevent a President from giving the same orders or a Secretary of Defense from giving the same orders.

So I have a feeling that what we are talking about now gets to the fact of whether or not we, as Senators, have faith, regardless of whether we are Republicans or Democrats, in the man who has been elected President and the men with whom he has surrounded himself as Secretary of State and Secretary of Defense.

I merely wanted to inject this because I have not heard it brought up. I have never been challenged on it, and I have made it and made it and made it.

Mr. ALLOTT. I would say to the Senator that I see no reason to challenge it, looking backward for 5 years now.

Mr. STENNIS addressed the Chair.

Mr. ALLOTT. I wish to continue.

Mr. STENNIS. Mr. President, if the Senator will yield for this statement—it is 6 o'clock, and if we are going to have a vote tonight, I think we should vote, with all deference to the Senator from Colorado. I just want to give my opinion.

Mr. ALLOTT. Mr. President, I want to defer to the Senator, but I have kept very quiet during the past weeks. My remarks will be very short. The fact that I would like to speak for 3 or 4 hours does not mean I am going to do so or have any intention of doing so.

Mr. STENNIS. I withdraw my request.

Mr. ALLOTT. If the Senator will permit me to continue for a short time, I will be very grateful to him.

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

Mr. ALLOTT. Mr. President, looking at the present amendment, I wish to say this: The thing that has concerned me about many of the rash of amendments that we have had—some of them have been meritorious—is that in my belief the Senate may be moving toward the position of creating a vacuum in Southeast Asia.

I know that the domino theory was discredited by all the intellectuals in this country several years ago. But whether the domino theory was discredited by the intellectuals or not, the fact is that if we do not preserve free governments in Southeast Asia, we are leaving a vacuum which is going to be filled faster than we can turn around by the Red Chinese and by the North Vietnamese.

As long ago as 1962, I brought to the attention of the State Department—without any action or any acknowledgment in any way—the fact that Red Chinese troops were roaming at will through a good portion of northern Thailand. They still are, except that now they are actually engaging in acts of war.

This is a large area. It is composed of many people, and with it a lot of the natural resource wealth of the world.

We have done very well, in my opinion, in Indonesia; perhaps not as startlingly well as in Malaysia.

But if we permit Laos to go completely down the drain, Thailand to go down the drain, and Vietnam to go down the drain, as some people would like to do—and some people would like to have us encourage the promotion of a dual government there—I do not think it will be long before Southeast Asia will have become a Communist strongold. When this occurs, I think our position in the world will be much more difficult; our position with the Philippines will be much more difficult; our position with Indonesia will be much more difficult; and our position with Malaysia will be impossible.

When we formed the tripartite situation in Laos, I said at the time it would not work. It has not worked. Today we find that the Plain of Jars in Laos is pretty much overrun by the Viet Minh.

If I may have the attention of the Senator from Kentucky particularly as I make this remark, I do not want to see commitments made for ground troops in this area any more than he does. He is no more sincere in his belief than I am. But I am sure he knows that we have air bases in Thailand. He knows that we have a naval base in Thailand. That is no secret. He knows of our activities now—which I shall not mention—in Laos, activities which do not involve ground troops.

I have read his amendment. I say in all sincerity, looking down the road to what I think could happen if the Senate keeps on with this sort of frenetic pattern it has established during the last few days and weeks, that I am afraid we shall be sending a good portion of the world down the drain. I have had the clerk write out the Fulbright amendment as modified. The amendment, so modified reads, in pertinent portion:

> Not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2)—

And this is where the Senator's amendment comes in—

> to provide materiel, supplies, equipment, and maintenance thereof to local forces in Laos and Thailand.

Have I quoted the Senator's amendment correctly?

Mr. COOPER. Correctly.

Mr. ALLOTT. In my opinion, what the Senator from Kentucky's amendment could mean is that we could not put supplies in Laos or Thailand to maintain our forces, or supplies to protect our airports, our Air Force, our naval bases, or anything else that we have there. The legislative history is quite clear, I think, as it pertains to every Senator, that none of us wishes to engage in more ground warfare in Southeast Asia or, for that matter, anywhere else.

But I cannot read his amendment in any way except as being a totally unacceptable and crippling burden upon the Secretary of Defense and the President. I know the Senator's concern. I know he is sincere. I have never seen him do anything in his life which was not sincere. He does not play games with people and he does not play games with legislation. He is completely a sincere, honest, and straightforward man.

But just as strongly, I would hope he would not press his amendment because I think it places a burden on our President with respect to the protection of our forces in those areas, which is something that no one, if he understood it as I interpret it, would wish to do.

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

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I wish to ask the Senator if it is not true that the President inherited the problems in Vietnam. I know the wish is shared by all of us that there had been another way to solve that problem. I know all of us wish that there was some way to solve it now without withdrawing from our commitments and without doing something that would not be in the best interests of our country.

However, is it not true that the President said on several occasions there will be no more Vietnams in his administration?

Mr. ALLOTT. That is my understanding of what he has said.

Mr. MURPHY. Would it not be considered responsible that this man who has been in public life for many years and who has been elected by the people of this country be given the confidence without trying to write into an authorization bill for military procurement provisions that might be a detriment to the protection of American people, American troops, and American property?

Mr. ALLOTT. I fully believe so; yes.

Mr. MURPHY. Mr. President, I have listened patiently to the discussion. As I said at the outset, and as the distinguished Senator from Florida stated, this entire discussion has been a filibuster. This entire discussion has taken place at the wrong time and under the wrong set of circumstances. It should not be a part of this particular bill. I made that statement on the first day we considered the bill.

I assure the Senate that the work of this committee was carefully and thoughtfully done. It was properly done. But now it is being shredded, twisted, and torn up. The more I hear this discussion, the more I am certain discussion on our foreign policy, present and future, should take place in this body, and I would enjoy taking part in it.

However, it would seem to me, and I hope the Senator agrees, that this evening, at this stage, in this protracted discussion this is an unfortunate attempt to place restrictions on a new President who has been doing a magnificent job, as far as I know, in bringing about solutions to problems that he inherited. By taking a good hard look at them he will be able to find solutions.

Mr. ALLOTT. I thank the Senator for his contribution. I am appreciative of the Senator's statements.

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

Mr. ALLOTT. I yield.

Mr. TOWER. Mr. President, I think this is a dangerous amendment. I think it is potentially mischievous and very unnecessary for us to vote on it tonight when it has not been printed and no one has had a chance to look at it. There is no copy available except what has been scratched in pencil on a piece of paper. I think the matter requires extensive debate.

I spent a great deal of time in Laos and Thailand. I know what we are engaged in and I know the extent to which we are involved.

If a rigid interpretation were applied to the amendment of the Senator from Kentucky it could seriously jeopardize the lives of American men. I am not prepared to vote willy-nilly on something that we know nothing about. We do not know the reaction of the Department of Defense to the amendment or how they would interpret it.

If extended discussion is required on the matter tonight I am prepared to discuss it at length as long as anyone is prepared to sit and listen.

Mr. STENNIS and Mr. FULBRIGHT addressed the Chair.

Mr. ALLOTT. Mr. President, I assured the Senator from Mississippi I would not retain the floor for more than a few minutes. I have no intention of holding the floor further.

I wish to say to the Senator from Mississippi that the statement made by the Senator from California is true. Senators can rest assured that any matter coming out of the committee of the distinguished Senator from Mississippi has had the most meticulous scrutiny, observation, discussion, and thought.

While I do not desire to retain the floor against the wishes of the distinguished Senator from Mississippi, I felt some of these things had to be said before this matter was voted upon because I am convinced this amendment would wreak a lot of havoc.

There can be no question in anyone's mind after this legislative history that the amendment agreed to a few moments ago was never intended to put ground troops in Laos and Thailand.

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

Mr. ALLOTT. I yield to the Senator from Missouri.

Mr SYMINGTON. I thank the Senator.

Mr. President, I would hope we could get on with the bill. I respectfully point out to the Senate the fact that the language was agreed to by the chairman of the Committee on Armed Services and the chairman of the Committee on Foreign Relations. I thought that the language agreed to was eminently satisfactory and that we could have gone ahead at least 1 hour ago and gotten through with this part of the bill.

Mr. ALLOTT. I yield the floor.

Mr. STENNIS. Mr. President, I appreciate the contribution of the Senator from Kentucky. I feel this section is old law. It already has a meaning. It has been followed these 2 years. It would be far better to keep this section now, as used heretofore, with the ceiling we have prepared. If the Senator from Kentucky wants to pursue his thoughts further, I

know what a draftsman he is and that he does not need anyone particularly, but if he would put anything he has in mind in a separate amendment, it would be helpful to see what others thought.

I am glad now to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have taken up a good deal of time tonight. I must say that I have not filibustered.

Mr. STENNIS. No.

Mr. COOPER. I have taken some time because I considered this to be an important matter, much more important than merely reducing the amounts involved, with due regard to my friend from Arkansas and my friend from Mississippi. We are dealing with an entirely different concept: The question of whether funds can be spent for the use of our Armed Forces in fighting in support of local Laos and Thailand forces without a commitment by the President or the Congress or both, which might lead to war.

I would therefore urge that the question is much more important than the matter of dollars and cents.

I want to thank my friend from Colorado (Mr. ALLOTT) for his statement. I know him. I know that he has deep feelings about these matters. He does sit quietly at times, but I know how deep his feelings run and he speaks with conviction, courage, and force. I appreciate very much what he has said, and for his kind remarks about me.

Perhaps I may be sincere, but someone else might say that I may be sincere, but I may not be always right or too bright about things. Sincerity does not always make up for those qualities.

My amendment has not been printed. I had thought about it but as we were coming to the close of the debate in these 2 days before we recess, I did not expect to bring it up until after the recess. But when the Senator from Arkansas offered his amendment, I knew that mine should be offered.

I will not press for a vote tonight. I know that I can withdraw, and offer this amendment later, but I ask a parliamentary question because I want to be certain: Mr. President, in the event the Senator from Kentucky withdraws his amendment this evening, would it be possible for him to submit the amendment at a later date?

The PRESIDING OFFICER. Yes. That would be completely in order.

Mr. COOPER. I thank the Chair. I will withdraw the amendment but I will bring it up again. I hope that by the time I bring it up again, the Senator from Mississippi will have consulted with the Defense Department to see if they would be willing to offer language in title IV conforming to the Senator from Mississippi's understanding that it was their intention. The Senator has said it was intended that funds were to be used for supplies, equipment, and such. We have absolute confidence in the Senator from Mississippi, but the Department of Defense should spell out clearly the purpose of title IV relative to Laos and Thailand.

Mr. President, we have been talking about the President. President Nixon is my President. He is a Republican President. I do not want to go back into history, but members of my family have been Republicans since the Civil War—longer than some others have been, and some fought in the Civil War as Republicans. I support the office of President, I support the great responsibility it carries, and I have great admiration for and confidence in President Nixon.

But, I also respect this body. We have responsibilities, too. I do not want the President of the United States—and we are talking about President Nixon—to be hindered in his efforts by the same mistakes which have been made before.

It is rather curious that before 1966, when this item had been carried in the foreign aid bill for years, it was used for military assistance, meaning equipment, supplies, maintenance, food, and money. Then it was changed, and placed in the Defense bill.

It is rather curious that after it had been put in the defense bill, we began to use helicopters in Laos and Thailand under orders of the Department of Defense, and I understand in military activities. I cannot understand why the language is not differentiated between funds to be used in Laos and Thailand and funds to be used in Vietnam. It is exactly the same language. Perhaps funds are to be used for some military activities such as for helicopters. Helicopters may take local forces to back areas. Firing on the helicopters begins, as it did in Vietnam, and war comes.

In 1963 or 1964—before the Gulf of Tonkin resolution—I remember the former Senator from Oklahoma, Mr. Monroney, came back from Vietnam and told us that our helicopters were carrying men up the mountains, that there were U.S. riflemen on the helicopters who were firing in defense of the helicopters and the pilots, and that their fire was being returned from the ground. That may be what we are doing in Laos and Thailand now.

The fact that some Senators have stated we are engaged in fighting in Laos and Thailand makes it more important that we limit the funds in this bill, because if we do not, if we approve that kind of activity, it may lead—I hope not—but it may lead us into war.

The SEATO Treaty states that in the event of armed aggression against any of the parties thereto, including the protocol states, Laos, Cambodia, or Thailand, the parties thereto shall take action according to their constitutional processes.

Mr. President, what are the constitutional processes?

It is not defined.

When Secretary of State Dulles testified before the Foreign Relations Committee on the SEATO Treaty—I have read the testimony—he was asked what constitutional processes meant. He replied that it meant the joint authority of the executive branch and the Congress.

The national commitments resolution was recently passed, expressing the same sense.

If we are fighting in Thailand and Laos now, we should know it.

The President of the United States—whether he be President Nixon, President Johnson, or any President, in my view, has no right to take our country into war without first coming to the Congress and asking for its authority.

If a situation should arise where our forces were being attacked, of course, the President has the constitutional right to defend them and to protect the security of our country. But I do not want war to occur because of carelessness or failure to look ahead. If we get into war, I believe that the Senate wants the determination to be made by the joint authority of the President and the Congress.

Mr. President, that is the meaning of my amendment.

I shall withdraw the amendment tonight because many Senators have not had the opportunity to read it and to consider it. Unless the Armed Services Committee and its chairman modify the section by amendment—it has to be by amendment—and by interpretation so precise that no one can think anything to the contrary. I want to say that I will bring up this admendment again and we can determine if this body wants to abide by the constitutional processes, wants to abide by its national commitments resolution and wants to disapprove funds for the use of our forces which could lead us into another war without the consent of Congress.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his amendment.

Mr. STENNIS. I thank the Senator very much for his splendid remarks and for what I think is a constructive step, too, in withdrawing the amendment for the time being. That is all I have to say.

Mr. COOPER. Mr. President, I thank the Senator, and I may add to my remarks that I shall ask for a rollcall.

Mr. FULBRIGHT. Mr. President, I do not know what the wishes of the leadership or of the Senator from Mississippi are. I have a very minor amendment, which can go over until September, but I wanted to inquire as to the wishes of the Senator from Mississippi.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Has the amendment been adopted?

The PRESIDING OFFICER. The amendment has been withdrawn. No amendment is pending.

Mr. FULBRIGHT. Mr. President, in other words, the one which I amended in accordance with the Senator's amendment has been adopted, according to my understanding.

Mr. STENNIS. That is my understanding.

Mr. FULBRIGHT. Mr. President, does the Senator wish me to offer amendment No. 111 at this time or not? The Senator is familiar with it.

Mr. STENNIS. I cannot agree to it.

Mr. FULBRIGHT. I thought the Senator had proposed an amendment to it.

Mr. STENNIS. No; that is the wrong one. The Senator is referring to another

amendment. I have only seen the amendment the Senator has handed me within the last hour or two.

Mr. FULBRIGHT. This is No. 111.

Mr. STENNIS. I was handed the wrong one.

Mr. FULBRIGHT. I am sorry the Senator was given the wrong amendment by mistake. Amendment No. 111 was submitted and printed about a week ago.

Mr. STENNIS. I am ready for the Senator to present his amendment, if he is agreeable to a proviso.

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

Mr. FULBRIGHT. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I do not feel I should let this occasion go by without expressing my respect, regard, and affection for the distinguished senior Senator from Kentucky (Mr. COOPER). What he tried to say and what he did was and is in the minds and hearts of all of us, and has been for almost half a decade, if not longer.

I want him to know that I honor him for his persistence as well as for his sagacity and I am delighted that he is going to introduce again the amendment which he has withdrawn, because none of us can alibi himself out of what he did on the Tonkin resolution. It was plain, clear, and legible, and every one of us understood it, but that does not mean many of us have not regretted it.

The reason why I am impressed by what the distinguished Senator has said is that he has tried, as best he knows how, to exercise his responsibility as a Senator of the United States, in the hope that this body—the Senate of the United States—will live up to its responsibility, collectively as well as individually, and that we will participate, insofar as we can within the realm of the Constitution, in making certain that we act in line with what President Nixon said just this past month, when he laid down, in Guam, the Nixon Doctrine for the Pacific.

He said, in effect, "No more Vietnams." He said, in effect, we are a pacific nation, with peripheral Asian interests in the mainland. He said, in effect, we are not going to get involved in internal difficulties. He said, in effect, we are not going to go to war again unless it is nuclear and our security is at stake.

So I am delighted that, even though the hour is late, the Senator from Kentucky did bring up this question. It is paramount. Everything that is happening and has been happening in Vietnam has an indirect and a direct relationship to many of the other troubles that confront this Republic today.

I agree with the Senator that we do not want to get involved again in an area which is not vital to the security of this country, and in an area which has cost this country over $100 billion—and the end is not yet in sight—and not just 36,000, but altogether 44,000 dead—with the end not yet in sight—and with wounded of over 200,000—and the end not yet in sight.

So I think the warning raised by the distinguished Senator from Kentucky should be and will be heeded.

I want him to know that I honor him for what he has said, and I honor him for what he has done in this body.

Mr. FULBRIGHT. Mr. President, I would like to associate myself with everything the majority leader has said about the Senator from Kentucky. The Senator from Kentucky played a leading role relating to the recent resolution with regard to the responsibilities of the Senate and the Congress. In offering this proposal and in making the statement he made, he was carrying into effect the letter, and I think the spirit, of that resolution. He has rendered a great service.

I could go further and say that, as a result of the efforts of the Senator from Kentucky, I have noticed that the Senate as a whole in recent weeks has shown a greater sensitivity to its responsibilities in this whole area than it has ever done in the 25 years I have been in the Senate. I think the Senator from Kentucky deserves the credit which the Senator from Montana so appropriately expressed.

Mr. JAVITS. Mr. President, if the Senator will yield, I wish to associate myself with the remarks just made by my colleagues. The Senator from Kentucky is a dear old friend of mine. I make the practical suggestion that to articulate this amendment properly it will take not only the Department of Defense, but it will take the State Department, which have a role in trying to coordinate the military and diplomatic activities of the United States.

I think the majority leader's words give added authority to the need for articulating an amendment which will be upon the level of the one we discussed so long and which was decided so narrowly, but which will truly seek to carry out a policy of the United States. That is what this amendment is really all about.

I know that I, as a member of the committee, and I am sure the chairman, will cooperate with our colleague from Kentucky, so that when he presents the proposal it will truly represent the Senate declaration as articulated, and which raises the question which the Senator from Colorado (Mr. ALLOTT) raised, all of which is pertinent to our security requirements.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. I think he has rendered a historic service.

Mr. FULBRIGHT. Mr. President——

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Mississippi yielded to the Senator from Arkansas. He had the floor initially held by the Senator from Mississippi.

The Senator from Arkansas.

Mr. FULBRIGHT. I was going to yield to the Senator from Kentucky.

Mr. STENNIS. I yield briefly to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks made by the majority leader and would like to say to my colleague that I would hope he would do us the honor, when he resubmits the amendment, to consider using the argument that is now in the RECORD and disseminating it to the Members of this body, and that he would do many of us the honor of asking for cosponsors to his amendment when it may be submitted in the future.

Mr. STENNIS. Mr. President, I yield to the Senator from Arkansas. If he would rather have the floor, I yield the floor.

Mr. FULBRIGHT. Very well. I will take the floor. I want to direct an inquiry to the Senator.

Mr. President, I wish to take the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. It is my understanding the Senator from Mississippi has prepared an amendment to my amendment No. 111—a proviso, I should say, at the end—which made the amendment acceptable to him. Is that correct?

Mr. STENNIS. I may say to the Senator from Arkansas that an additional question has arisen here about which I think we ought to have a colloquy with respect to possibly redrafting the amendment of the Senator. I am in sympathy with the amendment. I believe we could work something out along that line.

Mr. FULBRIGHT. Does the Senator wish to do that tonight or at a later date?

Mr. STENNIS. If the Senator wishes to briefly offer his amendment, I may ask him some questions about it. We can get to it rather quickly.

Mr. FULBRIGHT. The amendment is relatively simple. It would require the Secretary of Defense to make available to a congressional committee, upon request, any study or report prepared outside the Department of Defense which was financed in whole or in part by the Department. The purpose is to insure that the Congress is given access to research studies performed by the so-called "think tanks," the universities, or individuals whose work is paid for by the taxpayers. The amendment recognizes the issue of executive privilege and carefully specifies that the mandate applies only to work performed outside—I emphasize "outside"—the Department of Defense.

This amendment is the outgrowth of an effort by the Committee on Foreign Relations to obtain a study prepared by the Institute for Defense Analysis relating to the Gulf of Tonkin incident. It is my understanding that the study contains a review of what happened in the Gulf of Tonkin, how communications were handled, and in general how decisions were made. The purpose of the study, I was informed, was to determine what lessons could be learned for future crisis situations. I think that my colleagues will agree that there is much that all of us can learn from that incident and its aftermath. The committee has attempted several times to obtain this study from the Department of Defense, but has been refused each time.

The Institute for Defense Analysis receives virtually all its funds from the Department of Defense. In fiscal year 1969 this organization received $10,898,000 from the Department of Defense and the Department proposes to give them $11,150,000 in 1970.

I believe that the Congress, which imposes the taxes on the public to finance

this organization, and which authorizes and appropriates the money for it, should have the right to see how that money is being spent. The issue here is far more important than this one study—it is a question of whether the Congress has the power to obtain information, prepared outside the Government with tax money, for which no claim of executive privilege has been made.

The Senate is beginning, at long last, to reassert its constitutional prerogatives and to restore the proper balance to our system. Passage of this amendment will be one small, but positive, step in that direction.

So I do think that there is an important principle involved here. The Senator from Mississippi has proposed a modification, which I think is proper, but which he can discuss, which simply, as I understand it, says that these reports must be final in form—not tentative, or unfinished reports—which is what I intended. I am perfectly willing to modify my amendment in accordance with that suggestion.

With this stated, I may say that, as a consequence of this morning's meeting, I propose a further amendment which I hope will be acceptable to the Senator from Mississippi. I have not previously prepared it, because it grew out of this morning's meeting of the committee with the representative of the Joint Chiefs. If it is acceptable, I hope the Senator will add it. If it is not, I will do the same as the Senator from Kentucky, and reserve it for further consideration. But if I may, I should like to read it for the information of the Senate. It is only one paragraph.

I would add, if it is acceptable to the Senator from Mississippi, the following language:

The Secretary of Defense shall also provide to the Committees on Armed Services of the Senate and the House of Representatives a copy of all bilateral contingency plans, signed by a representative of the Department of Defense and an official of a government of a foreign country, involving use of United States forces for the joint defense of that country.

I mean, of course, that foreign country. I thought this language might solve or help solve a problem such as that which presently confronts us. It speaks for itself. If the Senator is willing to accept, it I shall include it; if he is not, I shall reserve it and see if we can work out something mutually acceptable at a later date.

Mr. STENNIS. Mr. President, addressing myself to the last point of the proposal, this is a highly important matter. It demands the most careful analysis and consideration of the language, the implications, and the complications involved; so I very respectfully, at this time, could not seriously consider accepting it.

Mr. FULBRIGHT. If the Senator will yield, I do solicit his assistance, because I know he has great influence in the Department of Defense, in working this matter out. I very deeply regret to have a difference of view of this character with the Department of Defense. It involves exactly the same principle of the right of Congress—and now, of course, we are speaking of the Senate—to such information as "What is the status of the agreement?"

So, in the interim between now and the time when I shall offer it later, I hope the Senator from Mississippi will use his influence with the Department of Defense to prevail upon their making available to the committee the documents, with which he is familiar.

Mr. STENNIS. We will give the problem attention. It is a matter that the full committee certainly ought to have a chance to pass upon. It appears to me that it is broad enough to include any and all kinds of war plans that might be made, or near war plans, so those matters would have to be taken care of.

Mr. FULBRIGHT. I emphasize to the Senator that I did not mean that. This refers only to matters signed by the representative of a foreign country, in this case the Prime Minister of Thailand.

This is most unusual. I asked the Department, "Is there any precedent? Is there anything similar to it?" They were unable to cite any other example of a similar nature.

Mr. STENNIS. Mr. President, I am not passing on the facts the Senator refers to. I have not seen it, and know nothing about the contents of it.

Back to the printed amendment, though, with the proviso on it, my proviso merely stated, "This shall apply only to reports, studies, and investigations which are already or substantially final and complete, and shall not be applicable to preliminary or tentative drafts," and so forth, "and working papers."

But going back, now, to the substance of amendment No. 111 as printed——

AMENDMENT NO. 111

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I believe I overlooked calling up amendment No. 111.

I call up my amendment No. 111, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Arkansas (Mr. FULBRIGHT) proposes an amendment (No. 111) as follows:

At the end of the bill add a new section as follows:

"SEC. 402. The Secretary of Defense shall, in response to any request made to him in writing by a committee of the Congress, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if such report, study, or investigation was made in whole or in part with Department of Defense funds and was made by a person, organization, foundation, association, corporation, or other entity outside the Department of Defense."

Mr. STENNIS. Mr. President, I do not think this in any way would involve war plans, because it pertains only to work done by someone outside the Defense Department. But I raise this question: Why should it not apply to other entities outside the Defense Department, or any other department of the Government? If we just say "Defense Department," other departments could have these studies made, and pay for them themselves, and we would have no access to them. Perhaps we would not want it.

But the main point is this: Suppose the President of the United States has an outside organization prepare something for him, and it should be thus paid for? Suppose it is military, and very properly paid for by the Department of Defense? We could not afford to think of having such an amendment here, requiring him to give us the report. That is purely executive privilege.

Mr. FULBRIGHT. Well, of course, there is no problem. The President has executive privilege.

Mr. STENNIS. I think the Senator should redraft this proposal, with the printed language modified to clearly exclude matters of executive privilege, because there is an instance that just came to mind a minute ago, that a President could very well have a department, have a study made, for himself and the department.

This executive privilege matter, I think, is a very serious thing. I have been through that. I am in sympathy with the intent of the Senator's amendment and its general, primary purpose, but I really think, with all due respect, it should be withdrawn.

Mr. FULBRIGHT. Mr. President, I believe I am correct in saying that the President of the United States can at any time—and of course he has pleaded on many occasions—plead executive privilege. We have never contested that with him.

I do not see how that would be a real problem. He is not the one who is withholding this. In fact, one request has been made of the President. I do not recall any incident with which I have been associated in which it has occurred.

Mr. STENNIS. Mr. President, the amendment merely provides that any kind of study, report, or investigation paid for with the Department of Defense funds shall be subjected to the will of Congress.

I think that is too much. A redrafting of it would make certain exclusions.

Mr. FULBRIGHT. Mr. President, I understood that the Senator, with his proviso, would accept it.

Mr. STENNIS. The Senator is correct. I had indicated that. However, in the last few minutes I have become concerned about the matter of executive privilege.

Mr. FULBRIGHT. Mr. President, does the Senator wish for us to proceed with the debate and vote tonight on this matter, or does he wish it to go over until September?

I do not think it is essential to the survival of the Republic that we vote on the matter tonight. It is perfectly all right with me for it to go over.

I do not wish to give up on it. It involves a very critical problem that we are in the midst of, and particularly the one I refer to with regard to the amendment.

Mr. STENNIS. I think it has much merit.

Mr. FULBRIGHT. That is what I understood the Senator to think.

Mr. STENNIS. Mr. President, I think it should spell out clearly the matter about executive privilege. I do not see how we can do that tonight.

Mr. FULBRIGHT. Mr. President, I want the suggestion of the Senator with regard to spelling it out. It is not clear as to how to accomplish what he has in mind.

Under the circumstances, if I may do so with the agreement of the Senator, I will withdraw the amendment temporarily with the assurance that I shall resubmit it when we return in September. Is that agreeable with the Senator?

Mr. STENNIS. That is what I had expected the Senator to do.

Mr. FULBRIGHT. Mr. President, is that satisfactory with the Senator?

Mr. STENNIS. Entirely so.

Mr. FULBRIGHT. I will also try to incorporate it with the provision and get it to the Senator in advance.

Mr. STENNIS. That is entirely satisfactory.

Mr. FULBRIGHT. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MANSFIELD. Mr. President, do I understand correctly that the amendment offered by the distinguished Senator from Arkansas has been withdrawn?

The PRESIDING OFFICER. The amendment has been withdrawn.

The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I call up amendment No. 108 and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

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

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

On page 2, line 7, strike out "3,965,700,000" and insert in lieu thereof "$3,432,700,000".

At the end of the bill add a new section as follows:

"SEC. 402. (a) None of the funds authorized to be appropriated by this or any other Act may be expended for the procurement of any C–5A aircraft in addition to those aircraft for which a contract has been entered into prior to the date of enactment of this Act, and in no event shall more than a total of fifty-eight of such aircraft be purchased until after the Comptroller General of the United States has completed and submitted to the Congress a comprehensive study and investigation of the past and projected costs of such aircraft. In carrying out such study and investigation the Comptroller General of the United States shall among other things, consider—

"(1) whether the C–5A aircraft is an economic replacement for the C–141 and other aircraft in view of the great increase in both the procurement and operating costs of the C–5A aircraft;

"(2) whether the purchase of a fourth squadron of C–5A aircraft would add significantly to the deployment capability of the military forces of the United States;

"(3) whether the purchase of a fourth squadron of C–5A aircraft would make the United States liable for all contractor losses and termination costs if a total of six squadrons of such aircraft were not procured;

"(4) whether the purchase of a fourth squadron of the C–5A aircraft would make the United States liable for the cost of repairs and modifications necessary to correct the structural defect revealed in the recent failure of the C–5A wing;

"(5) the current cost estimates necessary to complete—

"(a) Run A of the C–5A aircraft,

"(b) the first twenty-three units of Run B of such aircraft, and

"(c) the remainder of Run B of such aircraft, including spares and operating expenses for such aircraft over the next ten years; and

"(6) the cost results to the United States of applying the repricing formula contained in the C–5A procurement contract on the first twenty-three units of Run B of such aircraft and on the complete Run B of such aircraft.

"(b) In carrying out the study and investigation authorized by subsection (a) of this section, the Comptroller General of the United States shall consult with the Office of Systems Analysis of the Department of Defense.

"(c) The Comptroller General of the United States shall submit the results of his study and investigation, together with such recommendations as he deems appropriate, to the Congress not more than ninety days after the date of enactment of this Act."

Mr. PROXMIRE. Mr. President, this is the amendment that pertains to reducing funds for the C–5A.

I stated on the basis of the colloquy previously between the chairman of the committee and the distinguished majority leader that the amendment would not be voted on until we return in the fall, but that it would be the first order of business at that time.

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

Mr. PROXMIRE. I yield.

Mr. MURPHY. Mr. President, the Senator from California wants to confirm his understanding that the pending business when we return after the recess has already been laid down.

Mr. MANSFIELD. The Senator from California is correct. The C–5A amendment presented by the distinguished Senator from Wisconsin (Mr. PROXMIRE) will be the pending business.

Mr. MURPHY. That amendment will be the pending business.

Mr. MANSFIELD. The Senator is correct.

Mr. MURPHY. It is not the desire of the Senator to pursue this matter tonight, but to carry over on it; is that correct?

Mr. PROXMIRE. I will make remarks on the amendment tomorrow, but I understand that there will be no vote on it until the fall.

Mr. MURPHY. I thank the Senator.

Mr. MANSFIELD. Mr. President, I understand that there will be no further rollcall votes tonight. In all candor, there will be none on tomorrow, either.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 349 to 358.

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

MISS JALILEH FARAH SALAMEH EL AHWAL

The bill (H.R. 1707) for the relief of Miss Jalileh Farah Salameh El Ahwal was considered, ordered to a third reading, read the third time, and passed.

MISS MARIA MOSIO

The bill (H.R. 5107) for the relief of Miss Maria Mosio was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–357) explaining the purpose 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 facilitate the entry into the United States in an immediate relative status of the adopted daughter of a U.S. citizen.

BILL PASSED OVER

The bill (H.R. 3213) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

ANTHONY SMILKO

The bill (H.R. 8136) for the relief of Anthony Smilko was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–360), 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 credit the annual leave account of Anthony Smilko, a General Services Administration employee, with 321 hours of annual leave earned by him during the period beginning April 1959, and ending December 1965, inclusive which, through administrative error, was not credited to his annual leave account.

STATEMENT

The proposed legislation passed the House of Representatives May 20, 1969. The facts of the case as stated in the accompanying House Report 91–204 are as follows:

In its report to the committee on a similar bill in the 90th Congress, the General Services Administration recommended the enactment of the bill with corrections which are now embodied in H.R. 8136.

Mr. Anthony Smilko served as an employee of the General Services Administration in the period from April 1959 through the end of 1965 and in that period he was credited with 20 days of annual leave per year. However, it was subsequently determined that in that period he was, in fact, entitled to 26 days per year. The error in crediting his annual leave occurred because the leave was computed on the basis of a service computation date of August 6, 1949, rather than the correct date of April 5, 1944, which should have been used for purposes of determining annual leave computations. In the period in question Mr. Smilko was credited with 1,117 annual leave hours when he should have been credited with 1,438 hours. As a result, he was not credited with 321 hours to which he was entitled. This is the figure carried in the bill H.R. 8136.

In its report to the committee, the General Services Administration observed that this error can only be adjusted by legislation and, accordingly, it is recommended that the bill providing for a credit in a separate leave account be made to Anthony Smilko by enactment of the bill. The General Services Administration further stated that the Civil Service Commission has indicated to the General Services Administration that they do not object to the enactment of private legislation in this instance, for the leave merely provides for a restoration of the leave for use only and not for the purpose of a lump-sum payment. It is also appropriate to note that, whereas the Civil Service Commission states that future cases ought to be covered by general legislation, such legislation would not normally grant retroactive relief in Mr. Smilko's case.

In agreement with the views of the Civil Service Commission, the General Services Administration, and the House of Representatives, the committee recommends the bill favorably.

BERNARD L. COULTER

The Senate proceeded to consider the bill (H.R. 4658) for the relief of Bernard L. Coulter which had been reported from the Committee on the Judiciary with an amendment on page 2, line 4, after the word "of" strike out "Cooke" and insert "Cook".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 91–355—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, as amended, is to pay Richard S. Bell $313.66 in settlement of his claims against the United States and Bernard L. Coulter arising out of an accident in Chicago, Ill., which occurred on December 17, 1961, when Bernard L. Coulter was operating a Government motor vehicle in the course of his duties as an employee of the U.S. Department of Justice. The payment provided for in this bill would also be in full satisfaction of a judgment and costs entered against the Government employee in a municipal court of the Circuit Court of Cook County, Ill., based upon that accident.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives set forth the facts of the case and its recommendations as follows:

The Department of Justice in a report to the committee on a similar bill dated July 22, 1968, stated that it had examined the circumstances of the case and had concluded that passage of the bill would be equitable and that the Department had no objection to its enactment.

The report of the Department of Justice notes that had the accident occurred after March 21, 1962, the effective date of the Drivers Act Amendment to the Federal Tort Claims Act, 28 U.S.C. 2679(b–e), the Government would have been substituted for Bernard L. Coulter as the sole party defendant. The result of this substitution would have been that any judgment would have to have been paid by the Government. This amendment, which originated as a bill before this committee, was intended to protect employees such as Mr. Coulter in just such situations. Prior to the enactment of these provisions, this committee had granted relief such as that provided in H.R. 4658 in a number of cases. It might also be noted that had the other party elected to bring an action against the United States under the Federal Tort Claims Act, a recovery against the United States would have barred any action against the Government employee. This is provided in section 2676 of title 28, which provides as follows:

"§ 2676. Judgment as bar

"The judgment in an action under section 1346(b) of this title shall constitute a complete bar to any action by the claimant by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim."

In connection with the consideration of this matter, the committee was supplied with additional facts concerning the accident. It appears that Mr. Coulter had stopped at a stop sign at the intersection of 45th and South Drexel Boulevard in Chicago, Ill., while traveling in an eastbound direction. On December 17, 1961, there was ice on the streets and after starting the car, the Government employee realized that due to the icy condition, he was unable to accelerate the car enough to clear the intersection and avoid approaching traffic. He, therefore, stopped the car after proceeding 4 to 7 feet into the intersection. The oncoming car continued to approach and struck the Government vehicle at that point.

The committee has carefully considered the matter in the light of the recommendation of the Department and the facts of the case and has determined that this is a proper subject for legislative relief. The policy considerations reflected in the provisions of the Tort Claims Act as noted by the Department of Justice further provide a basis for such relief. Accordingly, it is recommended that the bill, with the corrective amendment recommended by the Department, be considered favorably.

The committee believes that the bill is meritorious and recommends it favorably.

THE NAVAJO INDIAN IRRIGATION PROJECT

The Senate proceeded to consider the bill (S. 203) to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, after line 3, strike out:

"(d) The Secretary of the Interior shall compensate the persons whose grazing permits, licenses, or leases covering lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act are canceled after the date this subsection becomes effective. Such compensation shall be determined in accordance with the standards prescribed in the Act of July 9, 1942, as amended (43 U.S.C. 315q), and shall be paid from the moneys received by the United States from the Navajo Tribe for the full appraised value of such lands under the provisions of section 3(a)."

And, in lieu thereof, insert:

(d) Any permits, licenses, or leases that have been granted on lands acquired and declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be canceled on the effective date of this Act, except that permits, licenses, or leases whose term has not expired at the time of cancellation thereof by this Act, shall continue in effect for the term of the permit, license, or lease under regulations for Indian lands until the land is required for irrigation purposes. When such lands are required for irrigation purposes, the permittee, licensee, or lessee shall be compensated by the Navajo Tribe proportionately for the value of developments or improvements made by such permittee, licensee, or lessee and which such permittee, licensee, or lessee was unable to utilize fully because of the cancellation of the permit, license, or lease, as determined by the Secretary of the Interior.

So as to make the bill read:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu therefor "$175,000,000 (January 1966 prices)"; and

(c) By adding the following subsection to section 3:

"(d) Any permits, licenses, or leases that have been granted on lands acquired and declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be canceled on the effective date of this Act, except that permits, licenses, or leases whose term has not expired at the time of cancellation thereof by this Act, shall continue in effect for the term of the permit, license, or lease under regulations for Indian lands until the land is required for irrigation purposes. When such lands are required for irrigation purposes, the permittee, licensee, or lessee shall be compensated by the Navajo Tribe proportionately for the value of development or improvements made by such permittee, licensee, or lessee and which such permittee, licensee, or lessee was unable to utilize fully because of the cancellation of the permit, license, or lease, as determined by the Secretary of the Interior."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–363), 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 MEASURE

The purpose of this legislation is to amend the act authorizing construction, operation, and maintenance of the Navajo Indian irrigation project in New Mexico to provide for the following:

1. Include additional townships in the area from which the project lands may be obtained.

2. Increase the amount of appropriations authorized for project construction.

3. Provide authority for the Secretary to make certain reimbursements to persons having grazing permits, licenses, or leases on lands which are taken for the project.

BACKGROUND

The Navajo Indian irrigation project was authorized by the act of June 13, 1962 (76 Stat. 96), as a participating project of the Colorado River storage project. The project was authorized for the principal purpose of furnishing irrigation water to approximately 110,630 acres of land.

The act provided that lands within certain townships in New Mexico which are outside of the Navajo Indian Reservation but which are necessary for economical irrigation development of the project may be acquired and held in trust for the Navajo Tribe. If such lands are public lands, the Navajo Tribe must pay the United States the appraised value. The tribe may also acquire non-Federal lands and convey title to the United States.

The Navajo Indian project which will obtain water from the existing Navajo Reservoir, includes a powerplant at Navajo Dam, a canal system, facilities for pumping water to a portion of the lands, a lateral distribution system, and a drainage system. Construction of the canal system began in May 1964. The appropriations for the construction of this project are made to the Bureau of Indian Affairs, which transfers funds to the Bureau of Reclamation to construct the project.

The Subcommittee on Water and Power held a hearing on July 15, 1969.

PRESENT LEGISLATION

The bill, S. 203, as introduced included the following provisions:

SUBSECTION (A)

To provide an efficient irrigation area of 110,630 acres, it will be necessary to incorporate lands from eight townships not included in the original authorization. Subsection (a) of S. 203 would amend the legislation to permit this.

SUBSECTION (B)

Detailed studies have shown that the authorized appropriations of $135 million (June 1961 prices) plus or minus indexing to reflect changes in construction cost indices are inadequate to complete the project as presently planned.

Studies completed in 1966 indicated that the authorization ceiling indexed to the 1966 price level was $148,200,000. Revised estimates of Federal project costs were found to be $175 million.

Subsection (b) of S. 203 would amend the authorizing act to authorize appropriations of $175 million (January 1966 prices) plus or minus cost indexing.

SUBSECTION (C)

Much of the land outside of the Navajo Indian Reservation which would be acquired for the project is presently under Taylor grazing permits. Subsection (c) would amend the authorizing act to require the Secretary to compensate persons whose grazing permits are canceled. The cost of such compensation would be paid by the Navajo Tribe.

However, the committee has amended this subsection as explained in detail below.

COMMITTEE AMENDMENT

The committee amended the bill by deleting the language of the new subsection 3(d) for the act of June 13, 1962, which was proposed in S. 203 as introduced, and substituting language recommended by the Department.

The amended language provides for the payment of compensation for the value of only that portion of developments or improvements made to grazing lands by the permittee, licensee, or lessee and which such permittee, licensee, or lessee was unable to utilize fully because of the cancellation of the permit, license, or lease, rather than payment of compensation for the loss of grazing privileges as a result of the cancellation as set out in the bill as introduced. The amendment further provides that recognition shall be given to those individuals holding unexpired grazing permits, licenses, or leases at the time of the cancellation thereof to continue the use of the land for grazing purposes for the duration of the period cited in the permit, license, or lease, provided that the land is not immediately needed for irrigation purposes. Such continued use of the land by the permittee, licensee, or lessee to be under regulations governing grazing on Indian-owned lands. Moreover, the continued use of the land by the permittee, licensee, or lessee may allow the scheduling of the phasing out of permittee operations and eliminate the necessity of the payment of any compensation.

COMMITTEE RECOMMENDATION

The Interior and Insular Affairs Committee recommends that S. 203, as amended, be enacted.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar on unobjected-to items.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the prayer and the disposition of the reading of the Journal on tomorrow morning the able junior Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 30 minutes.

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

ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business at this time, and that the statements made therein be limited to 3 minutes.

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

SENATE JOINT RESOLUTION 147—INTRODUCTION OF A JOINT RESOLUTION RELATING TO EXTENSION OF VOTING RIGHTS TO 18 YEAR OLDS

Mr. RANDOLPH. Mr. President, next year—1970—will mark the 100th anniversary of the ratification of the 15th amendment to the Constitution of the United States which insures that the right to vote will not be denied "on account of race, color, or previous condition of servitude." This was only the first step in the efforts of the citizenry of the United States to broaden the base of our unique system of government. It was not until 1920 that women were given the right to vote. And in 1964 the Constitution was again amended—to insure that the franchise was not "denied by reason of failure to pay any poll tax or other tax." Thus our efforts to expand and to perfect the democratic structure of the United States of America have been continuing.

However, there is yet a segment of our population which is denied the use of the ballot—our young citizens, 18, 19, and 20.

Our youth have waited a long time for this privilege. At the same time we have not hesitated to require them to bear the same responsibilities of those who have the right to vote. They are not excused from paying taxes, including deductions for retirement insurance—social security. They are the first called to bear arms in defense of our democracy and the foreign commitments of our Government.

So-called coming-of-age requirements vary depending on the disposition of the States. In many States 18-year-olds are treated as adults—not juveniles—in our courts of law and are responsible for their actions and can be sued. They are authorized to enter into legal covenants—marriages, wills, and purchase insurance—without the permission of a parent or guardian. They are responsible for the lives of their fellow citizens as they drive cars and purchase guns and ammunition.

In discussing this proposal it must be remembered that we are considering the role of approximately 7 percent of the total population of the United States in our democratic process. Over 14 million Americans are in this age bracket. In 1970 the median age of all Americans is projected to be 26.4 years. This figure will be steadily decreasing. This is indeed a young America.

In the last presidential election there were over 13.75 million U.S. citizens between the ages of 18 and 21. They could not vote. In 1972, the next presidential election year, these same young people will be 22, 23, and 24 and for the first time will have the opportunity to vote for the Chief Executive of the United States.

Our young people of 18 years of age have attained the knowledge, ability, and maturity to participate as responsible members of the democratic electorate.

Today's 18-year-olds are far ahead of their counterparts of previous generations in educational growth. In the not too distant past a sixth- or an eighth-grade education was looked on as a significant achievement. As recently as 1940 only 14.1 percent of our 18- and 19-year-olds were graduated from high school. Today this figure has risen to 53 percent.

An additional element is the advent of television by which young people witness the historic, the tragic, and the inspiring developments of our time—the assassination of a President, a Senator, and a civil rights leader, and the first landing of men on the moon. They are literally tuned in on the times in which we live.

The improvements in the transportation systems of the highways and the airways have significantly increased the mobility and the horizons of all.

The activities of this age group in pursuit of the goal of all humanity—a better world in both individual and collective terms—are well known. We are using their vitality, their energy, and their enthusiasm for important tasks from world peace to helping rear America's children. In the Peace Corps, they are our personal ambassadors carrying our good will and good works to foreign lands. As VISTA workers, they are bringing help and hope to the economically and socially disadvantaged at home. And

as volunteers they stimulate and spearhead creative and constructive civic programs.

Not long ago a voluntary task force, composed of 22 Members of the House of Representatives, after visits to over 50 universities emphasized the "candor, sincerity, and basic decency of the vast majority of students" who have not lost faith in our system and who wish to contribute to making it work even better. Included in the recommendations of the task force is the need to lower the voting age to 18. I believe that this is particularly significant.

Mr. President, there have been many encouraging developments in the past few months in the campaign to secure a lower voting age. It was my privilege in February to aid in the organization of the Youth Franchise Coalition, a broadly based and supported coalition of youth and adult organizations to promote a nationwide movement for a lower voting age. The Senator from New York (Mr. JAVITS) and I introduced the coalition to the Members of Congress. I have maintained close working relations with YFC. The organization's achievements in a few short months have been impressive. Under the banner of YFC have been welded together the energy and resources of younger and older leaders of the citizens division of the Democratic Party; the Committee for Community Affairs; NAACP, youth division; National Education Association; Student National Education Association; U.S. National Student Association; U.S. Youth Council; Young Democratic Clubs of America; Americans for Democratic Action; Southern Christian Leadership Conference; Executive Council of the Episcopal Church; Ripon Society; Student YMCA; Student YWCA and the National Association of Social Workers.

The YFC has established a national network of organizations. In every State, they are bringing local voting groups and interested individuals together to create steering committees for a unified campaign—to lower the voting age. Additionally, YFC is working with Members of the Senate and the House of Representatives.

It is exciting to see the development of this effort. Truly, the members of YFC are working diligently and effectively on the State and national level in support of 18-year-old voting.

State activity on this subject is mounting. Although I am a strong advocate of amending the Constitution of the United States to authorize the extension of the franchise, I welcome action by the individual States. To date, four States have a voting age below 21—Georgia and Kentucky at 18, Alaska at 19, and Hawaii at 20. This issue was actively discussed in 44 of the 50 State legislatures this year. Fourteen States took the initial step in lowering the voting age by approval of the proposal in the legislature. But this is a helter-skelter approach to an important change in our electorate. Prior to approval of the 19th amendment to the Constitution giving women the right to vote, 15 States had made them equal participants. In the Territory of Wyoming, women had the right to vote 50 years before ratification of the amendment in 1920. It is interesting that the arguments against giving the right to vote to women are the same we hear today against 18- 19- and 20-year-olds voting—emotional instability and lack of experience. It is my firm belief that the most direct and expedient method of bringing this proposal before the States is through a constitutional amendment requiring approval by three-fourths of the States for ratification. My colleagues in the Senate are convinced, as am I, that this should be done in 1969.

Mr. President, I have been proposing this course of action for 27 years. In 1942, as a Member of the U.S. House of Representatives, I introduced my first joint resolution to accomplish this goal. In January 1969, I introduced my ninth joint resolution, Senate Joint Resolution 7, to bring such a change. And now, I am pleased to introduce a new bill in which I am joined by 67 cosponsors:

The Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from Kentucky (Mr. COOK), the Senator from Kentucky Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIRKSEN), the Senator from Connecticut (Mr. DODD), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. HANSEN).

Also the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE).

Also the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Connecticut (Mr. RIBICOFF), the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), the Senator from North Dakota (Mr. YOUNG), and the Senator from Ohio (Mr. YOUNG).

Mr. President, I am very gratified that the able majority leader, the Senator from Montana (Mr. MANSFIELD) and the able minority leader, the Senator from Illinois (Mr. DIRKSEN) and Senators generally without regard to party have joined in this endeavor.

Several Senators who have consented to join in my resolution have introduced measures of their own or are cosponsoring other resolutions. Additionally, one Senator—not listed on my resolution—has introduced a similar proposal to amend the Constitution. Further, two colleagues have advised that although they are not cosponsoring resolutions they will support the issue when it comes to the Senate.

Mr. President, this takes us four over the 67 yea votes necessary for Senate passage of a constitutional amendment. I urge—I appeal to the Senate to expedite favorable action on this proposed constitutional amendment. The time is right. The time is now.

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

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, I support the Senator in his remarks and also in his resolution.

We have 18-year-old voters in Kentucky, and we are very proud of their interest and their record, and I think they have inspired and stimulated great interest in public issues.

Mr. RANDOLPH. I am grateful for the remarks of the Senator from Kentucky (Mr. COOPER). Since 1943, we have had only four States in which persons under 21 years of age have been permitted to vote. Kentucky and Georgia have the 18-year-old vote. In Alaska and Hawaii, 19- and 20-year old citizens participate. They do so with not just a piece of paper as a part of the process but with an intense interest and activity in public issues. We must move forward to provide this opportunity for the other young people of our Nation.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 147) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, introduced by Mr. RANDOLPH (for himself and other Senators) was received, read twice by its title, and referred to the Committee on the Judiciary.

APPOINTMENT AND PROMOTION IN POST OFFICE DEPARTMENT ON BASIS OF MERIT AND FITNESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, pursuant to the motion entered on July 9, 1969, the Senate reconsider the votes by which S. 1583 was read the third time and passed.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1583) to provide that appointments and promotions in the Post Office Department, including the Postal Field Service, be made on the basis of merit and fitness.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, this bill was reported unanimously by the Committee on Post Office and Civil Service, by those present. We have agreement on all sides that no objection is being filed to the bill.

I think the Senator from Kentucky would like to make a statement in regard to it. I know of no other statements that anyone has requested to make.

Mr. COOPER. Mr. President, this measure was brought up, as I recall, in the morning hour, on the calendar and was passed with a number of other measures. I do not excuse myself for not being present at the time. The Senator from Texas (Mr. YARBOROUGH) later made a motion to reconsider, and the bill was brought back from the House.

Mr. McGEE. It was brought back from the House; yes.

Mr. COOPER. I have talked with the Postmaster General about his proposed plan for the selection of postmasters. I have read the report of the committee, and I have read with care the statement of Postmaster General Blount, and other witnesses who testified in hearing before the Senate committee.

I must say that I cannot find fault in the principle of removing postmasters from politics, if it is possible. Talking with the Postmaster General, I inquired how the committees, which will select the postmasters, will be constituted. He explained that a number of private citizens would be appointed to these committees, that some of the members would be officials of the Post Office Department, and, in the regional committees, some members would be local postmasters.

I urged the Postmaster General that he watch carefully to see to it that the committees that are named to select postmasters are not politically oriented. In other words, it could be that there would exist a natural bias to accept the recommendations of Members for appointments of individuals from their own parties. I know that their recommendations must be considered at higher levels and finally passed upon by the Postmaster General. However, political factors could grow up in these selection committees, as has been done under the present system. I hope that will not occur.

The Senate committee unanimously voted for the changed principle.

Mr. McGEE. Mr. President, I should explain that the Senator from Texas was not able to be present at that particular session so I would not want the word "unanimous" to include him in the unanimity. He had some reservations about it.

Mr. COOPER. Mr. President, I assume that no other Member of the Senate other than Senator YARBOROUGH will raise any question about this bill and that it will be passed without opposition. I have thought the matter over. I know the questions that arise when political selections are made by Members of the Congress. But I must say, with the exception of large post offices which deal with millions of dollars, I am sure that the recommending bodies in the new plan could not make better selections than Senators and Members of the House.

I remember an old citizen of my county, a rural county, once said to me that before we had so many governmental agencies, that the post office, in cities, towns, and in rural sections with the flag flying over it, was the link between the Federal Government and the people. Postmasters are very much respected in smaller communities, as outstanding citizens of the community. Members of Congress and the Senate have taken care to appoint men and women of integrity and men and women who would represent faithfully the Government of the United States, and bring credit and honor to the Government and their communities. This is my judgment with few exceptions of the thousands of postmasters who have been appointed under the political system.

I believe, even though this measure has been recommended by the President and the Postmaster General and has been approved by the committee, that the smaller post offices, rural postmasters, and letter carriers could be selected better by the Members of Congress, who know the communities and people than by this new plan.

In addition to being efficient postmasters, and that is a chief requirement, postmasters must deal with people. The regard of the people of the community for the Government depends in large degree on the way they are treated by these representatives of the Federal Government. And we in the Congress have better judgment on this factor than some committee far away.

I must say I would have been glad if post offices in cities of 25,000 or over, or 50,000 people or over, had been classified for nonpolitical appointments or by the volume of business, and left the appointment of postmasters for smaller communities and rural areas to Members of Congress. The job could be done better. What could a committee drawn up of men from various groups over the State know about a post office and postmaster in a place like Pippa Passes, Ky., or Mayfield, or Burnside, Ky.?

Mr. McGEE. Or Spotted Horse, Wyo.

Mr. COOPER. I do not wish to place my opposition solely on that ground. I must say it would have been politically fair if there had been at least 2 years given to my party to catch up—we never could catch up, but we could have 15 to 20 percent of the post offices. It would be fair to my party. I live in a Republican county. I do not live in a Republican State. I have been in political life since 1925, and that makes 44 years.

When President Roosevelt came into power all Republican postmasters were fired. Then, when he was in office civil service was instituted and his party members were frozen in their jobs. When President Eisenhower was elected, Republicans believed at first they could come back, but they had been fired and frozen out. They are left out forever, with the exception of a few appointees during President Eisenhower's administration.

I do not think it fair to Republicans. I have recommended some Democrats as well as Republicans in my service. I have loyalty to my party, fairness to its members and this plan does not provide them an equal chance. Chiefly, I know that the boards sitting in Cincinnati or Cheyenne, Wyo., cannot select a postmaster for Pippa Passes, Ky., Cain's Store, Ky., or Waterloo, or Spotted Horse, Wyo., better than I can, or the distinguished chairman of the committee, Senator McGEE.

I shall vote against the bill. But I do give my thanks to the able Senator from Wyoming, Senator McGEE, for his fairness and to the distinguished Senator from Texas (Senator YARBOROUGH) for speaking up for the smaller communities and rural sections of Texas and the United States. I vote against the bill.

Mr. McGEE. Mr. President, at this hour of the evening no speech by me is going to change the bill, or the complexion of the bill, or moderate some of the views expressed. We applaud the expeditious way in which this department is able to dispose of the great business of this country.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3311 of title 39, United States Code, is amended to read as follows:

"§3311. METHOD OF APPOINTMENT

"The Postmaster General shall appoint postmasters in the competitive civil service."

SEC. 2. The amendment made by the first section of this Act shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

SEC. 3. (a) Chapter 41 of title 39, United States Code, is amended by inserting after section 3108 the following new section:

"§ 3109. NONPOLITICAL APPOINTMENTS AND PROMOTIONS

"(a) In the selection, appointment, and promotion of employees of the Department, no political test or qualification shall be permitted or given consideration, and all such

personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Department who violates this section shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

"(b) This section does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment."

(b) The analysis of chapter 41 of title 39, United States Code, is amended by inserting after item 3108 the following new item:

"3109. Nonpolitical appointments and promotions."

EXECUTIVE COMMUNICATIONS, ETC.

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

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Lower Pine Creek, Calif., Upper Pine Creek, Calif., Ledgewood Creek, Iowa, Salt Lick Creek Ky., Avoyelles-St. Landry watershed La., Buck and Doe Run watershed, Mo., Lovelock Valley watershed, Nev., Swift Creek, N.C., Upper Blackwater watershed, Va., and Candy Jack watershed, Wyo. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with headquarters, Department of the Army, and detailed to the Army General Staff, as of June 30, 1969 (with accompanying reports); to the Committee on Armed Services.

REPORT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on studies of death, injuries, and economic losses resulting from accidental burning of products, fabrics, or related materials (with an accompanying report); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on effectiveness and administration of the Acadia Job Corps Civilian Conservation Center under the Economic Opportunity Act of 1964, Bar Harbor, Maine, Department of the Interior, Office of Economic Opportunity (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMMISSION ON OBSCENITY AND PORNOGRAPHY

A letter from the Chairman, Commission on Obscenity and Pornography, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated July 1969 (with an accompanying report); to the Committee on Government Operations.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Galla Creek, Ark., Soque watershed, Ga., Copiah Creek, Miss., Line Creek, Miss., Corrales watershed, N. Mex., Town Fork Creek, N.C. (supplement), Square Butte Creek, N. Dak., Rush Creek, Ohio (supplement), North Tyger River, S.C., and McClellan Creek, Tex. (with accompanying papers); to the Committee on Public Works.

MANPOWER TRAINING ACT OF 1969

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

AMENDMENT TITLE 38, UNITED STATES CODE

A letter from the Deputy Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to participate in programs under title IX of the Public Health Service Act, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. Res. 96. Resolution to refer S. 881 to the Court of Claims (Rept. No. 91-376).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 404. A bill to provide for the construction and improvement of a certain road on the Navajo Indian Reservation (Rept. No. 91-384); and

S. 1609. A bill to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico (Rept. No. 91-377).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 204. A bill to amend the Indian Long-Term Leasing Act (Rept. No. 91-378).

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

S. 210. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna (Rept. No. 91-379).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 671. An act to compensate the Indians of California for the value of land erroneously used as an offset in a judgment against the United States obtained by said Indians (Rept. No. 91-381).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 921. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation (Rept. No. 91-382).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1766. A bill to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes (Rept. No. 91-380).

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

S. 775. A bill to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (Rept. No. 91-383).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EASTLAND, from the Committee on the Judiciary:

Douglas B. Baily, of Alaska, to be U.S. attorney for the district of Alaska.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Taylor G. Belcher, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Peru;

Walter L. Rice, of Virginia, to be Ambassador Extraordinary and Plenipotentiary to Australia; and

Nathaniel Samuels, of New York, to be U.S. Alternate Governor of the International Monetary Fund; U.S. Alternate Governor of the International Bank for Reconstruction and Development; U.S. Alternate Governor of the Inter-American Development Bank; and U.S. Alternate Governor of the Asian Development Bank.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of five general officers in the Army and 20 temporary appointments in the Marine Corps in the grade of brigadier general and major general.

I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Gen. Charles Hartwell Bonesteel III, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Jean Evans Engler, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. John Hershey Michaelis, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of general while so serving;

Maj. Gen. Joseph Miller Heiser, Jr., U.S. Army and Maj. Gen. Charles William Eifler, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, for appointment to the grade of lieutenant general while so serving;

Robert P. Keller, and sundry other officers, for temporary promotion in the Marine Corps; and

Charles S. Robertson, and sundry other officers, for temporary promotion in the Marine Corps.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. DOMINICK:

S. 2826. A bill to provide a practicable weather modification program for the Upper Colorado River Basin; to the Committee on Commerce.

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

By Mr. SCOTT:

S. 2827. A bill to provide injunctive relief to prevent serious disruption of federally assisted institutions of higher education; to the Committee on the Judiciary.

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

By Mr. PROUTY:

S. 2828. A bill to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; and

S. 2829. A bill to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests; to the Committee on the District of Columbia.

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

By Mr. AIKEN:

S. 2830. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in the monthly benefits payable thereunder; to the Committee on Finance.

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

By Mr. JAVITS (for himself, Mr. GOODELL, and Mr. BROOKE):

S. 2831. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture and Forestry.

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

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

S. 2832. A bill to defer the issuance of 1968 crop wheat export marketing certificates for 1 year; to the Committee on Agriculture and Forestry.

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

By Mr. SCOTT:

S. 2833. A bill for the relief of Jose A. Evangelista; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2834. A bill for the relief of John Borbridge, Jr.; and

S. 2835. A bill for the relief of Albert G. Feller and Flora Feller; to the Committee on the Judiciary.

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

By Mr. COTTON:

S. 2836. A bill for the relief of Konstantinos G. Parlitsis; and

S. 2837. A bill for the relief of Francesco Napoli; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. MURPHY, Mr. PROUTY, Mr. DOMINICK, Mr. SCHWEIKER, Mr. COOPER, Mr. COOK, Mr. SCOTT, and Mr. GOODELL):

S. 2838. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. TYDINGS (by request):

S. 2839. A bill to provide for the payment into a trust fund or to a third party of amounts necessary to fund certain fringe benefits arising out of agreements between employers and employees in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KENNEDY:

S. 2840. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts; to the Committee on Interior and Insular Affairs.

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

By Mr. RANDOLPH (for himself, Mr. AIKEN, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. CRANSTON, Mr. DIRKSEN, Mr. DODD, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GOODELL, Mr. GRAVEL, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. SYMINGTON, Mr. TALMADGE, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. YOUNG of Ohio, and Mr. YOUNG of North Dakota):

S.J. Res. 147. A joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

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

S. 2826—INTRODUCTION OF BILL RELATING TO WEATHER MODIFICATION

Mr. DOMINICK. Mr. President, for many years this country and in particular the seven Colorado River Basin States have faced a critical water problem which becomes more critical each year. In the 90th Congress I introduced a bill authorizing research of the results and effects of such a program and authorizing actual direct application of weather modification techniques. That bill, S. 2058, along with S. 373, introduced by Senator MAGNUSON to provide for a national weather modification program, had hearings on June 14 and 17, 1968.

Weather modification can offer an immediate and direct partial solution to the problem by increasing the supply of water in the Colorado River. My bill, which I introduce today, will provide for a pilot project for weather modification in the Upper Colorado River Basin. This bill will not only complement the Bureau of Reclamation's "Project Skywater" by increasing the scope of development, but will also provide the greatly needed funds to enlarge the research and the application of our present knowledge.

Tapping the rivers of the sky, as well as cleaning up our polluted waterways, and desalination of sea water, are all methods the Department of the Interior is looking toward to add to man's useful water supplies. Clearly, the increase of water supply into the basin would be of great help in taking pressure off the Upper Basin States. I am confident that the bill that I introduce today will insure the proper application of our growing body of knowledge in the field of weather modification. The bill is clearly intended to move more boldly in the direction of application.

Based on hearings conducted in 1966, 1967, and 1968, it is clear that the lack of funds has retarded the weather modification program. My bill recognizes that the Colorado River Basin States, consisting of Colorado, Wyoming, Utah, New Mexico, Arizona, Nevada, and California, rely on the Colorado River to a significant degree for their water supply. And we all recognize the urgent need to have an adequate water supply for the healthly survival of these States. Thus, a practical weather modification program for the Upper Colorado River Basin is quite consistent with our national needs.

This bill would direct the President to appoint a coordinating council consisting of the Secretaries of the Interior and Commerce, the Director of the National Science Foundation, and six public members. Two of the public members would be from universities, two from private firms experienced in the field and two representing water users. In my judgment, the council represents a broad base of expertise which would insure that divergent views within the fields of weather modification would share in the establishment of policy.

The Secretary of the Interior, in order to increase, to the extent practicable, the annual average supply of water from rainfall and snowfall in the Upper Colorado River Basin, shall carry out research and study programs with a plan, prepared within 1 year after enactment.

An important provision of this bill, which was added to S. 2058 of the 90th Congress, is a section allowing the Secretary of the Interior to make grants to States and political subdivisions to reimburse them for expenses incurred incident to any weather modification activities carried out pursuant to this act. This provision will be extremely helpful in aiding the small towns in coping with excess snow removal problems as well as possible flooding problems.

In addition to this important provision which has been added to the bill, I have made several other constructive changes that were recommended in the hearings held in 1968.

The bill would authorize $5 million over a period of 5 successive fiscal years. An additional $625,000 would be available for administrative costs and $250,000 for grants to States for expenses specifically related to excess water problems from weather modification activities.

This weather modification program calls for the evaluation of the practicability and efficacy of the program with emphasis upon environmental studies to determine the ecological, economic, legal, and social effects of such program. It also provides for studies to develop a precise determination of the meteorological conditions resulting from increased precipitation produced by such a program, and the development and testing of new and improved equipment and techniques necessary to such a program. To the ex-

tent practicable, funds should be spent in approximately a 3-to-1 ratio of research to development and testing of operational techniques.

Mr. President, it is now the time for us to get the ball rolling in an area that is extremely vital to the future health and welfare of our country, as well as our economic future.

Mr. President, I introduce, for appropriate reference, a bill to provide a practical weather modification program for the Upper Colorado River Basin.

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

The bill (S. 2826) to provide a practicable weather modification program for the Upper Colorado River Basin, introduced by Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on Commerce.

S. 2827—INTRODUCTION OF A BILL TO QUELL CAMPUS DISORDERS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to assure college and university administrators an adequate remedy for maintaining order on their campuses.

My bill will allow a college president to seek a Federal court order to prevent the serious disruption of an institution assisted by Government funds. Any person refusing to leave a building included in the court's injunction order could receive a fine, or prison sentence, or both. This legislation provides stricter fines and longer terms of imprisonment for outside agitators who are not faculty members or students in good standing. The difference in penalties emphasizes the importance of separating the legitimate expressions of university community grievances from the attempt of a few itinerant anarchists to cause confusion for confusion's sake. I have included a provision in this bill insuring a student's constitutional right to express individual views or opinions.

During the past academic year, our Nation witnessed a rash of campus disturbances involving more than 225 institutions of higher learning. Educational facilities suffered over $3 million damage, including a total of 61 cases of arson or bombings. More importantly, campus upheavals caused immeasurable damage to students and faculty members by disrupting and dislocating programs of study.

This destruction of property, and waste of our citizens' tax dollars, must end. The need for appropriate legislation is clear.

I am confident that this legislation will protect the right of all students to pursue their education on a campus free from violent interruptions, and in an atmosphere free from harassment and coercion. My bill places the burden of maintaining campus order upon university administrators, by giving them the discretion and authority to petition the Federal courts.

Mr. President, I urge prompt consideration of this bill.

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

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

The bill (S. 2827) to provide injunctive relief to prevent serious disruption of federally assisted institutions of higher education, introduced by Mr. SCOTT, 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. 2827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in any case in which the administration of or the activities conducted by a federally assisted institution of higher education are substantially interrupted as a result of a civil disturbance, such institution may institute a civil action for preventive relief including an application for a permanent or a temporary injunction, restraining order, or other appropriate order.

(b) The district courts of the United States shall have, without regard to the amount in controversy, jurisdiction of proceedings instituted pursuant to this section.

SEC. 2. (a) If any member of the faculty or a student in good standing at any such institution is an accused in any criminal contempt proceeding arising out of a civil action brought under section 1(a) of this Act, he shall be, upon conviction, punished by a fine not to exceed $1,000 or by imprisonment for a term of not to exceed six months, or both. If any person who is not such a member or student is the accused in any such proceeding, he shall be, upon conviction, punished by a fine of not less than $1,000 nor more than $2,000, by imprisonment for a term of not less than six months nor more than one year, or both.

(b)(1) In any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

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

(3) Nothing in this Act or in any other provision of law shall be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 3. Conviction of criminal contempt arising out of a violation of a court order issued pursuant to this Act shall be deemed conviction of a crime for the purposes of section 504 (a) of the Higher Education Amendments of 1968.

SEC. 4. Nothing in this Act shall be construed as indicating an intention on the part of Congress to relieve any State, political subdivision, or the District of Columbia of its obligation to take appropriate action under State and local law, with respect to the conduct described in section 1(a) of this Act.

SEC. 5. Nothing in this Act shall be construed to limit the freedom of any student to express individual views or opinions.

SEC. 6. As used in this Act—

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

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

(3) The term "civil disturbance" includes any riot, demonstration, strike, or seizure of property occurring in, around, or on the campus of a federally assisted institution of higher education involving an assemblage of three or more persons in which one or more acts of disruption occur.

S. 2828 AND S. 2829—INTRODUCTION OF BILLS RELATING TO HOTELS AND MOTELS IN THE DISTRICT OF COLUMBIA

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, two bills to revise the laws respecting hotels and motels in the District of Columbia. The first bill would revise the criminal laws relating to offenses against hotels, motels, and other commercial lodgings, and the second bill would revise certain laws relating to the liability of such establishments to their guests.

The major hotel laws in the District of Columbia were established at the time of the enactment of the District of Columbia Code on March 3, 1901, and have not been significantly changed since that time. They are outdated and inadequate to handle the present-day problems confronting the hotels and motels.

The hotels and motels of the District of Columbia are a vital and integral part of the business community of our Nation's Capital. They are needed by all who visit us in either a tourist or business capacity or both. Perhaps from the very nature of their operation they are more exposed to losses due to fraud and deceit than other businesses in the District. According to a recent survey by a Hotel Association of Washington, from the years 1965 through 1968, local hotels and motels lost well in excess of $1,000,000 as a result of forgeries, skips, and bad

checks. This important industry is not able to properly function in the business community of today when it must continue to look for protection to laws enacted more than 50 years ago.

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

The bills, introduced by Mr. PROUTY, were received, read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

S. 2828. A bill to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; and

S. 2829. A bill to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

S. 2831—INTRODUCTION OF A BILL TO AMEND THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

Mr. JAVITS. Mr. President, I am introducing, on behalf of myself, Senator GOODELL, and Senator BROOKE, a bill designed to help smaller cities and towns provide additional water storage facilities to first, minimize water pollution problems in smaller rivers and streams during periods of drought; and, second, construct reserve water storage facilities in anticipation of future industrial and community needs.

Specifically, the bill would authorize the Secretary of Agriculture to provide:

First. Federal grants to localities for the construction of multipurpose water management projects to insure high water quality standards on smaller rivers and streams.

Second. Federal grants of up to 50 percent to localities for the maintenance of reserve water supplies to allow future industrial or community growth. Federal loans repayable within 50 years would be advanced to cover the remainder of the costs of these municipal and industrial water storage facilities.

Congress has made great strides in recent years in facing up to the grave problem of water pollution, but, of necessity, has concentrated on the larger bodies of water. The bill we are introducing today is designed to fill a gap in recent legislation by allowing Federal assistance to water quality control projects on the smaller rivers and tributaries which are the lifelines of so many of our smaller cities and towns. In addition, these streams, in periods of drought, carry concentrated pollutants into the larger rivers, working against all our larger water pollution control projects.

Under existing law, Federal contributions to localities for dam and reservoir construction can only be made for flood prevention—so-called single-purpose facilities—recreation, and/or wildlife preservation. Under the first section of the proposal introduced today, a municipality could get a 50 percent Federal contribution to enable it to store water for release during critical periods of low stream flow, as is now provided by the U.S. Department of Agriculture for watershed works which are applicable to the agricultural phases of soil and water conservation, fish and wildlife development, and recreational development. The facility for storing water would probably be part of a reservoir or dam built for these other purposes.

The bill is not designed to provide a substitute for adequate anti-pollution treatment at the source, but to enable continually flowing streams to serve an essential function of diluting and carrying away waste not completely purified by treatment.

Streams and small rivers unfortunately are still being used for disposal of sewage and other pollutants and probably will continue to be so used. Consequently, there is a need and desire in many small watershed programs to incorporate water quality management. In New York State, for example, 19 projects are planned for 1969 and 1970, 17 of which will serve only the single purpose of flood prevention. Many of these could be designed to allow for another purpose—release of water for quality control. It is estimated that a single-purpose reservoir costing approximately $100,000 would only require an additional $25,000 to provide water quality control, if this additional capacity were included at the time the reservoir was constructed. If water quality control capacity were added to a single-purpose structure later on, the additional cost would be from two to four times more than if it had been added initially, according to Department of Agriculture estimates.

New York State is not alone in its upstream water pollution problems. The need in other States has been pointed out in Federal reviews of small watershed project work plans. Although the need has been recognized, no Federal assistance is now available. It is estimated that the cost to the Federal Government for its share in water quality management projects will be $3 million for the first two years and $3.5 million for each year thereafter.

The second section of the bill recognizes that water is often a significant factor in community growth. The availability and quality of water is a prime consideration of many industries in locating or expanding plants. If we are to enable our small cities, towns, and rural areas to hold the population they now have and to grow, job opportunities need to be opened.

This section provides for Federal assistance of up to 50 percent to allow for more complete development of dam sites at the initial stages of construction so that water reserves will be available for future municipal and industrial use. At present, these reserves can be provided only if the city or industry is willing to bear 100 percent of the cost. This section is designed to make more complete use of multiple-purpose features of water control and to provide financial help to localities that might want to include municipal or industrial water supply in small watershed projects.

In order to meet anticipated municipal or industrial water supply storage needs, it is estimated annual costs will actually be approximately $12 million with the Federal contribution amounting to $6 million in grants and $6 million in loans repayable within 50 years. These estimates are based on projections contained in a study of 126 planned reservoirs prepared for the Water Resources Council in 1966.

I send the bill to the desk for appropriate reference and ask unanimous consent that the text of the bill may also be printed in the RECORD as part of my remarks.

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

The bill (S. 2831) to amend the Watershed Protection and Flood Prevention Act, as amended, introduced by Mr. JAVITS (for himself, Mr. GOODELL, and Mr. BROOKE), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Watershed Protection and Flood Prevention Act, as amended (68 Stat. 666; 16 U.S.C. 1001–1008), is amended as follows:

(1) Clause (A) of paragraph (2) of section 4 is amended by striking out "or recreational development" and inserting in lieu thereof a comma and the following: "recreational development, or water quality management, but the Secretary shall not bear any portion of the cost of works of improvement for water quality management in any case in which such works of improvement are to be provided as substitutes for adequate treatment or other methods of controlling waste at the source".

(2) Clause (B) of paragraph (2) of section 4 is amended by striking out the first proviso and all that follows thereafter, and inserting in lieu thereof the following: *"Provided,* That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8 of this Act, the Secretary may pay for any storage of water for anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act not to exceed 30 per centum of the total estimated cost of such reservoir structure where the local organization gives reasonable asssurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of that part of the cost of such water supply storage which is to be borne by the local organization: *Provided further,* That the local organization shall agree, prior to initiation or construction or modification of any reservoir structure including such water supply storage, to repay not less than 50 per centum of the cost of such water supply storage for anticipated future demands: *And provided further,* That the part of the cost to be borne by the local organization shall be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for water supply purposes, except that (1) no repayment of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8 of this Act".

(3) Subsection (4) of section 5 is amended to read as follows:

"(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation, irrigation, or the prevention, control, and abatement of water pollution, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, or (c) which includes features which may affect the public health, shall be submitted to the Secretary of the Interior, the Secretary of the Army, or the Secretary of Health, Education, and Welfare, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, or the Secretary of Health, Education, and Welfare, as the case may be, is received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

S. 2832—INTRODUCTION OF A BILL RELATING TO EXPORT MARKETING CERTIFICATES

Mr. YOUNG of North Dakota. Mr. President, the Food and Agriculture Act of 1965 authorized the sale of export marketing certificates to exporters whenever world wheat prices were above those in this country. This money was to be used to offset costs of export subsidy payments when needed and any balance was to be distributed to wheat producers at the end of the marketing year.

This year, for the first time, a small balance remained in this export certificate pool. That balance, however, is less than $3 million. If the Department of Agriculture were to proceed to distribute this to wheat producers across the Nation, it would involve extremely small payments to so many farmers that the cost of distribution would amount to about as much as the payments themselves.

This distribution would require payments of less than $1 to 500,000 or about half of the wheat producers eligible for these benefits. Only about 50,000 growers would receive payments of $10 or more.

We believe, in view of this, that it would be best if this fund were to be kept intact for 1 year until additional funds are accumulated or other appropriate use for the money is determined. The bill we are now introducing would accomplish the one-year postponement of distribution.

If no action is taken, the Department of Agriculture, under the law, has no alternative but to proceed to distribute this money.

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

The bill (S. 2832) to defer the issuance of 1968 crop wheat export marketing certificates for one year, introduced by by Mr. YOUNG of North Dakota (for himself and Mr. DOLE), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 2834—INTRODUCTION OF A BILL FOR THE RELIEF OF JOHN BORBRIDGE, JR.

Mr. GRAVEL. Mr. President, I introduce today a private bill for the relief of John Borbridge, Jr., of Anchorage, Alaska. Mr. Borbridge, was paid the sum of one thousand six hundred thirty-nine dollars and sixty-one cents which represents the cost of moving Mr. Borbridge, his family, and his household goods, from Juneau to anchorage to accept a position in the Indian Health Service. GAO ruled that the Department of Health, Education, and Welfare in which the Indian Health Service is incorporated, had no right to either advise Mr. Borbridge or pay Mr. Borbridge for his moving expenses because Native Affairs Officer, the position to which Mr. Borbridge had been accepted, was not listed as one in which a manpower shortage existed. Therefore, the Government had no liability for the costs of moving which Mr. Borbridge incurred and which the Government subsequently and erroneously paid. However, Mr. Borbridge made this transfer to Anchorage with the assurances of the agency that he would be paid for his moving expenses. It seems grossly unjust to continue to hold Mr. Borbridge liable for these expenses. Therefore, this bill will relieve Mr. Borbridge of said liability and repay him any money received or withheld from him because of his pending liability.

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

The bill (S. 2834) for the relief of John Borbridge, Jr., introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the committee on the Judiciary.

S. 2835—INTRODUCTION OF A BILL FOR THE RELIEF OF ALBERT G. FELLER AND FLORA FELLER

Mr. GRAVEL. Mr. President, I introduce today a private bill for the relief of Mr. and Mrs. Albert G. Feller of Ketchikan, Alaska. On May 24, 1966, the Feller's son, Albert, Jr., was called to Anchorage by the Army for his preinduction physical. The young man was given a transportation request to Anchorage and after he failed his preinduction physical, he was given a transportation request to return to Ketchikan. For unknown reasons, Albert did not use that TR on the date for which it was issued. He subsequently drowned in Big Lake near Wasilla, Alaska. The Government was obviously responsible for financing Mr. Feller's return trip to Ketchikan and had, in fact, issued a TR for this trip. However, the Government has refused to take the responsibility for shipping Mr. Feller's body back to Ketchikan. Mr. Feller was in Anchorage at Government request and it seems perfectly clear that the Government is liable for Mr. Feller's return costs. This bill will reimburse Mr. and Mrs. Feller, Sr., for the costs, $267.12, of transporting their son's coffin and body from Anchorage to Ketchikan.

The Army states that it has no regulations to cover such contingencies as this. Although the Army agrees that it must pay for the return of any live person who has failed a preinduction physical, the Army feels it has no responsibility to pay for the return of a deceased person who has failed a preinduction physical. In short, coffin transportation is not covered under the transportation request authorized to Albert Feller, Jr. Despite this kind of bureaucratic juggling, I feel that the Government responsibility is obvious and it is time that the wrong done to Mr. and Mrs. Feller be rectified.

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

The bill (S. 2835) for the relief of Albert G. Feller and Flora Feller, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2840—INTRODUCTION OF A BILL TO STUDY THE FEASIBILITY OF CREATING THE BOSTON HARBOR NATIONAL RECREATION AREA

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to study, investigate, and formulate recommendations on the feasibility and desirability of establishing a Boston Harbor National Recreation Area. I ask unanimous consent that this 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, as requested by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in recent years and in recent Congresses, there has been a reawakening of the effort to conserve and restore our natural resources and environment. There has also developed an awareness of the real need for open spaces for recreation purposes in our urban areas. Presidents Kennedy and Johnson pushed the Nation very hard in the direction of conservation; we already see many results of their dedication. The Cape Cod National Seashore, authorized in 1961, was the first of 18 new national recreation areas in 17 States added to the National Park Service in this decade—adding approximately 1 million acres designed specifically for recreational purposes.

In an effort to ensure that this national commitment to the provision of recreational areas for our citizens is continued, I am introducing legislation to study the feasibility of creating a unique recreation area at the center of one of our largest metropolitan areas—Boston, Mass.

Boston Harbor, including Dorchester, Quincy, and Hingham Bays, comprises about 180 miles of irregular tidal shoreline, about 47 square miles of water, and some 30 islands. Surely such irreplaceable assets, located as they are at the core of a densely populated metropolitan region, should be at the disposal of our citizens. Unfortunately, through the absence of judicious planning and the onslaught of unchecked technological application, much of the shoreline is characterized by

dilapidated structures and is unprotected from the forces of erosion. The waters are polluted. Almost all of the islands are underutilized and virtually inaccessible.

Historically, Boston Harbor is of special significance. Its magnificent protected anchorage and strategically defensible hills were among the original reasons for the settlement of Boston. Its existence as an economically viable commercial port contributed to the early and continuing prosperity of the settlement, and later of the city. Its cod and shellfish at first gave sustenance to our early settlers, and then an economic value to the city as our traders expanded their markets. Its beaches have served as the recreation center for the city. Today, Boston Harbor is an example of the havoc that man has played with his environment.

It is our responsibility to restore, revitalize, and preserve this, one of the New England region's most valuable resources. To accomplish this goal, we will have to call upon the resources of all levels of government, Federal, State, and local, and on the sustained interest of the private and commercial sectors of our economy.

We have made efforts in the past to deal with the problems we have created in Boston Harbor. Individual towns which border the harbor have passed ordinances against the dumping of refuse and garbage in its waters. Through local development commissions, unplanned commercial and residential development of waterfront property has been halted. The State, through the Massachusetts Port Authority, the Metropolitan District Commission, and the Department of Natural Resources has done much to focus attention on the need for the restoration of the harbor and has taken steps to halt the continued abuse of this resource by municipal and industrial pollution. The Federal Government, through the Department of the Interior, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, and the Army Corps of Engineers has developed a sewage treatment facilities program; has cooperated in the funding of comprehensive studies of the harbor; has begun an effort to rid the harbor of drift and debris; and operates a limited dredging program to maintain the natural depth of the harbor channels.

But none of these fractionalized efforts has achieved even a modicum of success. The major stumbling block to that success is the very fact that the approach is fractionalized. No fewer than 17 agencies have responsibility in matters concerning the harbor. Thus, it is more than difficult to pursue a program of pollution abatemate, industrial and commercial revitalization, recreational restoration, or harbor development to final success.

The task of restoration is not a small one. Neither is it an impossible one. The Federal Government, through the Department of the Interior, is playing an everincreasing role in the preservation, restoration, and conservation of the natural resources that have made this country the great Nation that it is today. Certainly, our coastal areas are one of our finest resources. And, for both historical and physical reasons, the coastline of Massachusetts, and particularly Boston, deserve Federal protection and would serve as an ideal demonstration of the results of Federal involvement.

Therefore, I introduce this bill to authorize the Secretary of the Interior to study, investigate and formulate recommendations on the feasibility and desirability of establishing Boston Harbor, from Winthrop to Hull, its shores and its islands, as the Boston Harbor National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the Commonwealth of Massachusetts, and shall coordinate his study with other planning activities relating to the Boston Harbor area. The study will be of 2 years in duration, at which time the Secretary will make recommendations to the President.

Boston Harbor, once restored, will serve many more than the 2 million people in its immediate environment. Located in the great Northeast megalopolis the harbor has the potential to serve well the 50 million people who live within a day's drive of Boston. It is my earnest hope that this bill will be favorably considered so that the foundation is laid for the reclamation of a resource we have lost. And I hope as well that the present loss of this resource will serve as a warning that we cannot allow progress to continue unchecked without safeguarding our other natural resources. For we have learned that to destroy our natural resources is to destroy the wealth of our Nation and to deny to our children what, by right, we should leave to them—further developed, yet better preserved.

I ask unanimous consent that a letter addressed to me from the chairman of the Special Legislative Commission on Boston Harbor, of the Massachusetts Senate, be printed in the RECORD.

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

The bill (S. 2840) to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving the Boston Harbor area and appropriate segments of adjoining land in their natural condition for public outdoor recreation, and preserving the priceless natural beauty and historic heritage of such area, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing Boston Harbor, from Winthrop to Hull, Massachusetts, its shores and its islands, as the Boston Harbor National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the State of Massachusetts (including appropriate local bodies and officials thereof), and shall coordinate his study with applicable highway plans and other planning activities relating to the Boston Harbor area. In conducting such study and investigation pursuant to this Act, the Secretary of the Interior shall hold public hearings within the State of Massachusetts, upon the request of the Governor thereof, for the purpose of receiving views and recommendations on the establishment of such a national recreation area.

SEC. 2. Within two years from the date of the enactment of this Act, the Secretary of the Interior shall submit to the President of the United States a written report containing the findings and recommendations of the Secretary arising out of any study and investigation conducted pursuant to this Act. Such report shall contain, but not be limited to, findings with respect to—

(1) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including driving for pleasure, walking, hiking, riding, boating, bicycling, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(3) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in paragraph (1), including the consideration of scenic roads or parkways, and that also will have a minimum impact on other essential operations and activities in the area, and on private property owners.

SEC. 3. The President of the United States, following the receipt by him of such report, shall submit to the Congress such recommendations with respect thereto, including his recommendations for legislation, as he deems appropriate.

SEC. 4. There is authorized to be appropriated such sum, not to exceed $300,000, as may be necessary to carry out the provisions of this Act.

The letter, presented by Mr. KENNEDY, is as follows:

COMMONWEALTH OF MASSACHUSETTS,
Boston, July 7, 1969.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Old Senate Building,
Washington, D.C.

HONORABLE EDWARD M. KENNEDY: As Chairman of the Special Massachusetts Legislative Commission on Boston Harbor Islands, I wish to confirm our prior understanding relative to your proposed Federal legislation to create a Seashore National Park in Boston Harbor.

The proposed feasibility studies by the Department of the Interior relative to acquisition is in complete harmony with the *aims* and *objectives* of the Special Commission. It is our conviction, as reaffirmed by the recent conference on the future of Boston Harbor, that unless affirmative action is taken by all levels of government, the present haphazard use of the islands, shorelines and waters, will ultimately destroy the natural resource itself.

On the state level, this special commission has recommended immediate acquisition of all privately owned islands in a land bank pending further investigation for the purpose of determining maximum public utilization.

Although a consensus as to future harbor uses does not exist, it is generally recognized that the islands, shorelines, and waters constitute the most valuable single natural resource of the entire Boston metropolitan area. However, we are just now beginning to comprehend the fact that the harbor operates as a delicate physical mechanism in which changes that affect one part of the

harbor may also significantly affect all other parts. Thus, any governmental investigation which generates new information, identifies relevant constraints, or assesses the costs and benefits of any particular use, is most welcome by this special commission.

In the future, I hope we can look to Boston Harbor as a place where the people were able to decide and to adjust to the crisis that besets all our cities without sacrificing their rightful expectation of a free humane environment. Seven years from now, let us be able to look to Boston Harbor and know that it will be an exceptionally appropriate commemoration of our nation's bicentennial and an auspicious beginning for our third century.

Without reservation, I endorse your proposed studies with the expectation that they will contribute to a more considered determination of the ultimate use of Boston Harbor.

Very truly yours,

JOHN JOSEPH MOAKLEY,
Chairman of the Special Legislative Commission on Boston Harbor.

ADDITIONAL COSPONSORS OF BILLS

S. 1872

Mr. INOUYE. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 1872) to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950), the name of the Senator from Michigan (Mr. HART) be added as a cosponsor.

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

S. 2622

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Utah (Mr. Moss), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD), be added as a cosponsor of S. 2622, to amend the Small Reclamation Projects Act of 1956, as amended.

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

S. 2705

Mr. BAKER. Mr. President, at the request of the Senator from Arizona (Mr. FANNIN), I ask unanimous consent that at the next printing of the bill (S. 2705) to provide for medical and hospital care through a system of voluntary health insurance, and for other purposes, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor.

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

S. 2790 AND S. 2791

Mr. SCOTT. Mr. President, I ask unanimous consent that at the next printing of the bills (S. 2790) to incorporate the Catholic War Veterans of the United States of America; and (S. 2791) to incorporate the Jewish War Veterans of the United States of America, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mr. CRANSTON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors.

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

SENATE RESOLUTION 242—RESOLUTION TO INVESTIGATE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 242); which was referred to the Committee on Rules and Administration:

S. RES. 242

Resolved, That Senate Resolution 50, Ninety-first Congress, as agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to refugees and escapees) is hereby amended by striking out $100,000 and inserting in lieu thereof $109,000.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 12, 1969, he presented to the President of the United States the following enrolled bills:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado;

S. 1373. An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes; and

S. 1611. An act to amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

ESTABLISHMENT OF A NATIONAL DRUG TESTING AND EVALUATION CENTER—AMENDMENTS

AMENDMENT NO. 135

Mr. NELSON submitted amendments, intended to be proposed by him, to the bill (S. 2729) to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

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. 136

Mr. MONDALE. Mr. President, on behalf of myself and Senator CASE, I am submitting an amendment to the military authorization bill, now before the Senate.

This amendment withholds the $377.1 million authorized for laying the keel of the nuclear attack carrier CVAN-69, pending a full study and investigation by the Comptroller General of the justification for building an additional attack carrier.

The United States has 15 attack carriers, each requiring a task force of escorts and logistical ships, and it has maintained the same number—with few exceptions—since the end of World War II. No adequate rationale for a force level of this size has ever been presented by the Navy. That 15 is an arbitrary number is indicated by the fact that the United States has always had at least 15 capital ships since it was allotted this quota under the Washington Naval Disarmament Treaty of 1921. When the attack carrier replaced the battleship as the capital ship, the Navy switched from 15 battleships to 15 carriers.

With the advent of Minuteman and Polaris missiles, the attack carrier is no longer part of our strategic nuclear forces; its primary mission is to provide tactical air power. The use of 15 attack carrier task forces to carry out this mission is simply wasteful and inefficient.

First. The assignment of nine carrier task forces in the Western Pacific and six in the Mediterranean overlaps and duplicates U.S. land-based tactical air capacity.

The United States maintains some 138 squadrons of tactical fighters and bombers in active forces on land bases at home and abroad, including 3,350 active aircraft and 23 wings.

This capability for land-based tactical air power is impressive, especially in light of the fact that with modern mid-air refueling techniques, the U.S.-based tactical air forces can be operational in a very short period of time.

The geographic spread of overseas air bases operated by or available to the United States is such as to sharply reduce the need for continually maintaining attack carriers "on station" in the Mediterranean and the Western Pacific.

The Air Force is developing a Bare Base Support Program, which will enable the United States to convert 1,000 available overseas civilian runways into military airfields with the use of "pre-positioned" kits within less than 3 days.

Second. A carrier base is far more expensive than a land base.

The procurement cost of one nuclear carrier task force—one carrier and four destroyers—is a minimum of $1.4 billion, and it can run much higher. But to keep one such task force "on station" in normal times involves two complete task forces in reserve, thereby making the investment cost of placing one "on station" three times $1.4 billion or $4.2 billion.

To build an airbase in the Pacific costs $53 million; a civilian runway can be operational for tactical air with a bare base set for approximately $36 million.

Third. Because of their high degree of vulnerability to enemy attacks, carriers are far less effective than land bases.

In recognition of the carrier's vulnerability to attacks by submarines, aircraft, ship-to-ship and air-launched missiles, one-half of the cost of a carrier task force is for carrier defense.

About 25 percent of a carrier's aircraft are held back for defensive purposes—during the Korean war, 23 percent of the total combat sorties flown from carriers were defensive, in contrast to 2.7 percent flown from land bases.

Because of its tremendous investment in a carrier task force, the Navy is slow to commit the carrier to combat; once committed the carrier cannot effectively launch air attacks when attempting to evade enemy attack.

Rapid advances in missile technology have produced the STYX and other more advanced antiship missiles, making the carrier's position untenable in any conflict with a sophisticated enemy.

Fourth. Instead of reducing its carrier fleet, thereby accepting the realities of present and future defense needs, the Navy has continued to augment this fleet.

The carriers which have joined the fleet since the mid-1950's—eight *Forrestal* class, one *Enterprise,* and the CVAN–68—the nuclear carrier which will enter the fleet in 1972—are almost double the size of the older carriers, are equipped with the most modern aircraft, and, therefore, have far greater capability for tactical air than the oldest carriers which they replace. The Navy has stated that the nuclear carrier air wing is tactically more than twice as effective as that of the World War II carriers.

Since the Navy has followed a "one for one" replacement policy in the past, the actual capacity of the carrier fleet in terms of providing tactical air power is far greater than 15 carrier force level would imply.

There is no reason why the Navy cannot reduce the number of attack carriers by retiring two of the older carriers as each of the modern carriers joins the fleet.

Since the large, modern carriers are only effective in very limited conflicts, the Navy should use some of its antisubmarine carriers, CVS, for attack purposes; one of these carriers is now being used in Vietnam as an attack carrier.

Fifth. The fact that our adversaries and potential adversaries do not have attack carriers further weakens the justification for the present size of the U.S. carrier fleet.

Neither the Soviet Union or China has built a single attack carrier, and neither plans to do so. The British and the French are the only other nations with an attack carrier in their fleet, and the British have decided to phase out their carriers.

Whether the U.S. goal is military parity or superiority vis-a-vis the navies of other nations, it is obvious that we could substantially reduce our carrier force level without any danger to national security.

In addition to these arguments, there are serious foreign policy implications to the "show of force" role of the carrier in support of U.S. foreign policy commitments. It is official naval doctrine that one of the main advantages of carrier air power is that it can be employed unilaterally, without involving third parties and without invoking treaties, agreements, or overflight rights. However, except where the United States itself is threatened, it is highly questionable that we should be prepared to intervene in conflicts unilaterally and without making political arrangements.

If air power is needed to protect our interests, naval doctrine ignores the availabiilty of land bases in most areas of the world. If a "show of force" in the form of U.S. naval presence is needed, older attack carriers, antisubmarine carriers, or other types of ships will be adequate.

In the face of these arguments, it would be fiscally irresponsible to authorize an additional carrier at this time until there is a full discussion of the role of the attack carrier and the necessary force level needed to carry out this role. That is why our amendment calls for a study by the Comptroller General, and anticipates a full congressional debate before continuing to spend billions of dollars on this highly expensive and often ineffective means of providing tactical air power.

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

The PRESIDING OFFICER. 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. 136) is as follows:

On page 2, line 16, strike out "2,568,200,000;" and insert in lieu thereof "2,191,100,000;"

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be expended in connection with the production or procurement of the nuclear aircraft carrier designated as CVAN–69; and no funds may be appropriated for any such purpose until after the Comptroller General of the United States has completed and submitted to the Congress a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. In carrying out such study and investigation the Comptroller General of the United States shall, among other things, consider—

"1. What are the primary limited war missions of the attack carrier; what role, if any, does it have in strategic nuclear planning;

"2. To what extent and in what way is the force-level of on-station and back-up carriers related to potential targets and the number of sorties needed to destroy these targets;

"3. What is the justification for maintaining on continual deployment 2 carriers in the Mediterranean and from 3 to 5 in the Western Pacific;

"4. What is the over-all attack carrier force level needed to carry out these primary missions;

"5. Does the present 'one for one' replacement policy for these carriers have the effect of maintaining or increasing this force level, in light of the fact that the newer carriers and their aircraft are more expensive and have far more capability than the oldest carriers which they are now replacing;

"6. Would a policy of replacing two of the oldest carriers with one modern carrier maintain a constant force level;

"7. How many, if any, attack carriers and carrier task forces are needed to back-up a carrier task force 'on-the-line';

"8. What efficiencies, such as the Polaris 'blue and gold' crew concept, can be utilized to increase the time in which a carrier can stay 'on-the-line';

"9. What type of military threats are faced by the attack carrier; what proportion of the costs of a carrier task force are allocated to carrier defense; what is the estimated effectiveness of carrier defense against various types and levels of threats;

"10. To what extent does the carrier's vulnerability affect its capacity to carry out its missions; what are the plausible contingencies in which carriers may be committed;

"11. What type of resources should be devoted to carrier defense, considering the range of threats, the costs and effectiveness of the defense, and the plausible contingencies in which a carrier can be effectively used;

"12. To what extent can land-based tactical air power substitute for attack carriers; to what extent should the role of the attack carrier be restricted to the initial stages of a conflict;

"13. What are the comparative systems costs for land-based and sea-based tactical air power, and what is their comparative cost effectiveness;

"14. How is the attack carrier being used in support of American foreign policy; if there is a need for a 'show of force' in support of foreign policy commitments, can this need be met by smaller carriers or other types of ships?

"The Comptroller General of the United States shall submit the results of his study and investigation, together with such recommendations as he deems appropriate, to the Congress not later than June 30, 1970."

GENERAL REVISION OF THE COPYRIGHT LAW, TITLE 17 OF THE UNITED STATES CODE—AMENDMENT

AMENDMENT NO. 137

Mr. HART. Mr. President, for the last 60 years there has been no change in the flat fee composers and authors of musical works have received, under the Copyright Act of 1909, for the use of their creations by recording companies. The fee, called a "mechanical royalty," is 2 cents for each selection recorded.

Although vast changes have occurred since 1909 in the price of records, the cost of living and technology in the record industry, the composer and author still get the same 2 cents.

The copyright revision bill S. 543, recognized the inequity of this and would increase the mechanical royalty to 2½ cents per selection. This is inequitable since it does not take into consideration changes in the prices of records by record manufacturers. It would impose on Congress a continuing responsibility of fixing royalty payments.

This burden on Congress in order to do equity to authors and composers can be removed by substituting for a flat cent rate royalty in S. 543 a flexible royalty, namely a percent of the retail price of the record suggested by the manufacturer. This would permit authors and composers to share in the increased prices at which records have sold since 1909, for example the replacement of $3.98 records by $4.98 records and by stereo tape cartridges and cassettes selling for $6.98 and $7.98.

Mr. President, I am submitting now an amendment to section 115 of S. 543 which would serve the purpose I have stated.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment was referred to the Committee on the Judiciary.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Peter Mills, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years, vice Lloyd P. LaFountain.

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine for the term of 4 years, vice Adam J. Walsh.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing on or before Tuesday, August 19, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years, vice Macon L. Weaver.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Charles S. Guy, of Pennsylvania, to be U.S. marshal for the eastern district of Pennsylvania for the term of 4 years, vice James F. Delaney.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

"SLUG" SULLIVAN, FOSTER GRANDPARENT

Mr. MANSFIELD. Mr. President, the VISTA voluntary program has been active in many areas of the State of Montana, and perhaps one of the most popular has been the Foster Grandparent program. This program is designed to keep our senior citizens active in working with the local schools and hospitals.

One of my oldest and closest associates in Montana, John L. "Slug" Sullivan, has become very active and one of the leaders in the Foster Grandparent program in Helena. "Slug" Sullivan is 78 years of age and has found his latest endeavor most worthwhile and satisfying.

A recent feature story published in the Independent Record discusses the program at some length and gives an account of John Sullivan's activities as a Foster Grandparent. This group of elder citizens help young people to overcome feelings of inferiority and to develop self-assurance and understanding.

"Slug" was one of my earliest political mentors in Butte, Mont.

I found the article written by Robert Sibley, a VISTA volunteer, most interesting and ask unanimous consent that it be printed in the RECORD.

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

ONCE A FIGHTER, NOW A LOVING FOSTER GRANDPARENT

(By Robert Sibley)

(NOTE.—Bob Sibley, 25, a VISTA volunteer from Washington, D.C., is using his master's degree in journalism to aid the VISTA program serving elderly persons in Montana. Here he describes the Foster Grandparents segment of the program.)

When Mike Mansfield was first deciding to run for Congress, he asked his old friend "Slug" Sullivan what he thought.

"Well, I think you don't know too many people right now," Slug answered. "But after they get to know you, they'll like you. You should run this first time just to get advertising for yourself, and next time you'll probably make it."

Mike Mansfield was defeated in his first race for Congress, but just as Slug predicted, he won the second time he ran and has been winning ever since.

John L. "Slug" Sullivan has a lot of moments like this that he can recall as though they happened just a few hours ago, even though they may have taken place more than 40 years back.

"CLEAN LIFE"

Tall and healthy looking with an easy-coming smile, Slug's appearance belies his 78 years; nevertheless, that's how old he is. He attributes his fitness to the clean life he led as a youngster.

"I never smoked or drank until late in my teens," Slug says. Then with a wry grin he continues, "But, when I went to France during World War One, I found out some of that good French wine could be just as beneficial as clean living."

Slug has lived many careers over the past three quarters of a century. In addition to being a soldier, he has been a gym instructor, fight manager, advertising salesman, an elected politician and a civil servant. But even though he has done so much, he has not fully retired yet.

For almost a year now, Slug has been keeping himself active by serving along with 20 other senior citizens as a Foster Grandparent at the nearby Boulder River School and Hospital.

"It's one of the most rewarding things I've ever done," he says, "because we can readily see the results of our work and this is important as well as encouraging."

SLUG'S HISTORY

Slug Sullivan is one of Helena's most colorful and interesting personalities. How and why he came to be a Foster Grandparent at the age of 78 pretty much involves a telling of this unique man's whole history.

Slug was born on Feb. 7, 1891, in Butte. In those days, Butte was a wide-open young mining town.

"You could find as many people on the street at 5 a.m. as you could at 5 p.m.," recalls Slug. "There was gambling, drinking and good-looking, available women all over the place. It was quite a town."

Coming from a poor family, Slug had to go to work at an early age. He started by selling newspapers when he was 10. Then he landed a job in the Anaconda mine there.

He started a serious amateur boxing career at the age of sixteen. At that time Butte was the training camp for a number of professional and top-notch amateur bouters which put Slug in good company. He was up to it, though, and by the time he was nineteen he was holder of the Intermountain Middleweight Title.

Not long afterward, World War One got into full swing and Slug soon found himself "over there" as part of an Ordnance Company stationed in Mahon, France. His reputation as a boxer having been established, Slug was included in a group of fighters who traveled all over France putting on matches and giving boxing demonstrations.

"That was some barnstorming operation," he remembers. "I was a middleweight, but I'd be in there with middleweights, light heavies and even some heavyweights."

The group toured extensively and Slug recalls with relish that he "discovered Monaco before Grace did."

After the war, Slug returned to Butte to find that his job as a hoisting engineer—which under the law was supposed to have been held open for him—had been filled by someone else. He took a position as physical director at the Knights of Columbus gym on what he thought would be an interim basis and developed a complete physical education program for youngsters there.

Among the young people he taught gym class to were James Rowe, who later became one of Lyndon B. Johnson's most trusted advisers, Quinn Tamm, now a high-ranking member of the F.B.I., and Quinn's brother judge Edward Tamm, currently serving on the same bench in Washington, D.C., that Warren Burger was selected from by President Nixon to become Supreme Court Chief Justice.

SLUG'S FRIEND MIKE

It was at this time, while living in Butte, that Slug became friends with the young Mike Mansfield. They resided at the same boarding house—Mrs. Fleming's—along with another Sullivan, by the name of Jim and no relation to Slug, who was later to become Mansfield's campaign manager for many years.

Mike was working at the Anaconda Company to help pay for his college education and Slug remembers taking long walks with him during which they would talk about all different subjects.

With the availability of boxing talent around Butte at that time, it was natural for Slug to get involved with fighters first as a trainer and then as a manager. He began traveling back and forth to the West Coast—Seattle, California and Vancouver—handling various boys, some of whom became prominent contenders in their weight class.

By the late twenties, Slug had made so many friends and contacts in Butte that he was prevailed upon to run for public office. He was elected city treasurer in 1929 and served for four years. After his stint as a politician, he returned to the fight game as a manager.

World War II put a lot of promising fighters into uniform, so Slug decided to try his luck in a new field, advertising sales.

"It was good in the warm months," he says, "but the winter was a hard time to get around and drum up business."

CAME TO HELENA

In 1949, a friend talked Slug into moving to Helena, where he got a job right away at the Capitol. There followed a series of positions, with the State Superintendent of Education office, with the Office of Price Stabilization, at the First National Bank and at Fort Harrison, before Slug went into retirement.

While retired, Slug traveled a lot to the

West Coast and Canada, but after leading such an active life he remained restless for something to keep involved in.

He was in Bill O'Toole's Restaurant one night when Jack Stuart, the first director of the Rocky Mountain Development Council's Foster Grandparent program, walked in and started talking about the project that was just about to be set in motion. When Slug heard about it, he knew right away that it was the thing for him.

"I'd worked with kids all my life. That's why the idea of this kind of program really excited me."

The Foster Grandparent program is one of the Office of Economic Opportunity's most successful projects. It is currently being conducted in 40 states and Puerto Rico and has several specific goals: to provide new roles and create employment opportunities for older Americans, to show to the nation's employers a new resource of responsible workers, to make the lives of institutionalized children more meaningful and to promote a stronger spirit of cooperation between agencies and professions.

WAGE OF $1.60 PER HOUR

Foster Grandparents work 4 hours a day, five days a week giving affectionate care and attention to youngsters in institutions, hospitals, special classes and similar settings. For their efforts they receive a minimum wage of $1.60 per hour.

Slug became a full-fledged Foster Grandparent on Sept. 3, 1968, one of the first of Helena's contingent. After a training period conducted by the staff at the Boulder River School, the Foster Grandparents were each assigned two foster grandchildren. They spend two hours with one child, then two with the other, every day.

"We try to get them interested in games, in communicating with us and with each other, and in developing habits of politeness and courtesy."

This is no easy task, however, because the Foster Grandparents are usually assigned hard-to-deal with cases and children with physical or emotional handicaps.

Neither of Slug's boys could speak or hear when he first got them and one had been crippled in the hip since birth.

"The other boy was a real terror," says Slug. "When Mark didn't get his way he would throw himself on the floor kicking and screaming. After a time, I realized he was doing this just to get an audience, so the next time he threw one of these fits, I got all of the other children to walk away from him. When he saw he had no audience he stopped crying and walked toward me with his hand out to make up for his actions. Mark is quite a different boy now than when I first met him."

The Foster Grandparents who work at Boulder realize the children there will never lead normal lives, but they can see the many marked improvements in their behavior and take pride in the fact that their contributions have been the major factor in the change.

"I'm proud to say that our group is truly dedicated to this job," says Slug. "The women, especially. I can't praise them enough for what they have done in just a short span of time. They seem to understand these children so well."

The most obvious improvement with the youngsters has come in manners. At the dinner table they help each other out. They use utensils correctly. They say "please" "thank you" and "I am sorry" naturally now.

A measure of the success Slug has shown recently when it was decided that his other boy, Lutz Khrone, could be released to his parents to return home for the summer on a trial basis. Slug was given another foster grandchild to begin working with and when Lutz discovered that he wouldn't be with his "Grandpa" as usual he cried for two solid days and nights.

TWO-WAY ATTACHMENTS

"I was sorry to lose the boy. The attachments we developed go both ways, but I've done about all I can do with him now and being back with his family is a very important thing. When we can see something good like this happen to a child, it is very rewarding."

There is another kind of reward that can happen to a Foster Grandparent as well, although of a different nature, and when he talks about this Slug blushes full red like an adolescent 14 years old. Romance can take place and on June 28 Slug married Rena Flynn another of Helena's Foster Grandparents. Rena is a youthful 62.

"We met at the Boulder School," says Slug boyishly, and I was impressed by her dedication and interest in the children. She is a lively person with a wonderful sense of humor, just a delight to be with."

Both had been married before, their spouses having passed away.

Will the added responsibilities of a wife change Slug's plans any?

"I hope to continue with the program," he says. "Way back when we first took out training, they warned us that this job would be different from anything we'd ever done before. They said it would take patience and understanding and there'd be many frustrating moments, all of which turned out to be true.

"At the time it sounded like they almost wanted to scare us off. But one thing they didn't mention was the warm feeling you get inside when you help a child like Mark who really needs it. And this is what makes it all worthwhile."

A PRISONER LOOKS AT CORRECTIONS

Mr. ERVIN. Mr. President, by mere chance, it happened that I received a very poignant letter from an inmate of one of our prisons while the Chief Justice of the United States was making a speech before the American Bar Association in Dallas, Tex., pointing out the necessity for us to take a hard look at the penal institutions of our land with a view to devising more efficacious means of rehabilitating those who are sentenced to serve terms in them.

For understandable reasons, I am withholding the name of the writer of this poignant letter, which is strongly reminiscent of these verses of Oscar Wilde's, "The Ballad of Reading Gaol":

I know not whether Laws be right,
Or whether Laws be wrong;
All that we know who be in gaol
Is that the wall is strong;
And that each day is like a year,
A year whose days are long.

The vilest deeds like poison-weeds
Bloom well in prison-air:
It is only what is good in Man
That wastes and withers there:
Pale anguish keeps the heavy gate
And the Warder is Despair.

Criminal punishment is imposed upon offenders for this threefold purpose: First, to punish the offender for his misdeed; second, to deter others from like offending; and third, to convert the offender into a law-abiding citizen who will not repeat his offense.

Candor compels a confession that our society has not been very successful in accomplishing the third purpose for which it visits punishment upon those who transgress our laws. Far too many of them serve their prison terms and return to society with hearts empty of hope and full of resentment. Consequently, it is not surprising many of them return to their old haunts and their old ways. As we attempt to cope with the rising incidence of crime in our Nation, it is essential that we should make a study of prison conditions and endeavor to devise and adopt more effective methods by which to accomplish the third purpose of criminal punishment; that is, the rehabilitation of offenders.

The poignant letter received by me from a prisoner merits the consideration of all Members of the Congress. I ask unanimous consent that it be printed in the RECORD.

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

A PRISONER LOOKS AT CORRECTIONS

The following is an authentic letter from the manager of a business:

"I employ over 1,100 men, and there is not an ex-convict among them. There is not going to be an ex-convict among them. I do not care if a man was unjustly imprisoned and if his sponsor comes to me with proof of it. Whatever his story, I do not want him.

"My hard-boiled stand is, I hope, constructive. I am no more lacking in human feelings than my fellows who extend sympathy which does the ex-convict no good. I merely look at a public problem from a different angle; I bar the ex-convict because when an American penitentiary gets through with a man, innocent or guilty, he is unfit to hold his place in industry with the men I've hired from the world of free workers. In arriving at this conclusion I've done what less than half, admittedly, of the clergymen and social workers who importune me to give some ex-convict 'a chance' have done: I have visited penitentiaries.

"Behind the grim, gray walls, I have seen human lives timed to a brutalizing routine. I have seen men jammed together in badly ventilated cell-blocks. I have smelled the smells to which their nostrils are constantly exposed, seen unbelievably crude sanitary systems in operation and talked with prison wardens about the everlasting problems of finding sufficient work to keep their charges constructively employed during the days and decently tired at night. Talk about your problems of 'made work' in the world outside and its effect on the men who do it; have you every considered the many useless, wearying, depressing jobs that are done in a prison merely to keep men busy, jobs by which nothing is accomplished? Jobs to which a man can bring no spark of interest?

"The men who face the grim problems of controlling many crowded desperate men cannot afford to think in terms of "redeeming human values." To avoid outbreaks, they must enforce a discipline carefully pointed at bringing the human brute into subjection. Not every man who enters prison is a brute, but everyone pays the penalty of association with brutes. A new prisoner's philosophies, his ideas of life, and his conversation about the most trivial affairs become colored by the viewpoint of the underworld, the world that thinks in terms of preying rather than producing.

"He has had the initiative ground out of him. He has lost the sense of pride in productive work. His mind is teeming with ideas that he may not have accepted fully, but that he cannot purge from the brain that was forced too long to live upon them for lack of other nourishment. He has been trained in intrigue and to conspire for even simple things that other men take for granted: tobacco, reading matter, a few minutes of conversation.

"The arguments pile up indefinitely, a sordid array of sorry facts. I address my chal-

lenge to my state and to my nation: Keep your convicts or make citizens out of them.

"If the end of a prison is punishment, and the means of punishment is calculated to rob the man of initiative, pride, decency, and self-respect, then let the state find a use for the human husk that is left. Don't ask industry to do it.

"Before a man steps out into the world he should be prepared for the world. Let the convict put the demoralizing routine of penitentiary life behind him. Let him become accustomed to wearing the clothes of a free world again—away from the prison that had witnessed his shame and the comrades who had shared it. Give him work that he could take pride in doing. Let him become accustomed to earning money before it becomes a necessity. Teach him to save that money and to pay his bills.

"As a taxpayer, I contribute to the support of every convict in the state and nation. I do not begrudge my share; I would like to pay a little more—if it cost any more—to provide these convicts with at least a year of training—not in beadwork or manual arts, but in the theory and practice of becoming a good citizen."

This is the picture that nine out of ten American employers have in mind when they refuse to employ ex-convicts. Perhaps they don't crystallize their thoughts as succinctly as the writer of this letter, but they know that the American system of crime punishment has failed; they understand that from the recidivist figures and the sharp rise in crime rates. Some are even willing to "pay extra" to take the steps that will amend an increasing difficult situation. But what are they to do? They are told that "modern penological methods are now being employed" and that panacea is just around the corner.

However, recent penal study and investigation seem to indicate otherwise. Such studies, for the first time, are bringing to public attention just what a prison really is. The fact that the inmate of the average American prison is exposed to "modern treatment methods" for a few hours a week but lives with his inmate peers twenty-four hours a day suggests that the convict learns more from his peers than he does from the treatment program. He learns that to "adjust" to prison life is to conform to the group, the very group from which the exponents of treatment try to lead him away. He learns that any deviation from the accepted group behavior can cause him trouble and greater loneliness than he already experiences. He learns that unthinking obedience to rules and regulations is the criteria by which he is judged and that any initiative, any questioning can lead to being labeled a troublemaker. He is taught that the best way to get along is to appear to conform, but, in reality, to connive for his want fulfillment.

If his sentence is long, and for some one year is long, he assimilates the culture of the prison, he inverts the responsibility of his incarceration, he changes his values, and, with all, begins to think that the entire world is against him. As a result, he approaches his release date completely unprepared for the outside world.

It is difficult to conceive the terror and uncertainty that an inmate faces when he is about to be released from prison. He may want out of prison desperately, but his fear of the unknown, reinforced by his passive role while incarcerated, creates doubts in his own mind as to whether he can stand the pressures and disappointments that are bound to occur. When he is rebuffed by prospective employers, he assumes a "What's the use?" attitude. He is lacking the self-confidence and courage needed to plow ahead in the face of his overwhelming adversities.

Some personal inadequacies are inherent in the prisoner's character, but they are necessarily encouraged by prison authorities whose first concern is obedience to highly restrictive regulations.

All behavior, including criminal behavior, is purposive and is motivated by needs for gratification common to all human beings: love, security, recognition, and other basic needs. These needs must be met if the individual inmate of our correctional systems is to renounce behavior that brings him into conflict with society. He must be helped to see the defeat and the hopelessness that his actions breed, and he must also achieve other patterns of behavior that are gratifying to him but still within the demanding limits of society. Paradoxically, he must acquire this help in a society that, of itself, has been set apart as anti-social.

In effect, the prisoner must be helped to understand that every facet of the life around him is deleterious to his individual rehabilitation, and, that to succeed in bettering himself, he must withdraw from the society in which he is forced to live. But how can he do this? The majority of inmates, while not actively seeking the accolades of fellow inmates, will go to extreme degrees to escape the criticisms of their peers. When the goals or programs of the custodial force and the inmate culture are in conflict, the prisoner is forced to make a dangerous decision. If he goes along with the custodial program, he is labeled as a "snitch" or "snake" regardless of whether his actions were injurious to other inmates. On the other hand, if he refuses to cooperate with the custodial decision he is endangering what few privileges he has and is threatened with the loss of earned good time. This poses the problem of trying to remake a man with a little treatment and a lot of harmful association.

G. Howland Shaw, a former Assistant Secretary of State and past president of the American Correctional Association, once said, "The public is still under the superstitious belief that if anybody is locked up for a sufficiently long time under sufficiently unpleasant conditions, he will some day emerge rehabilitated and capable of assuming a place in a law abiding society." The fallacy of this philosophy is apparent to everyone who is even remotely familiar with state or federal corrections. Prison inmates, for the most part, do not care about the cause of their incarceration; they are only concerned with getting out again. When forced to explain their crimes, they rationalize their defiant behavior by saying, "I needed the money," or "Nobody would give a job with my prison record." To most of them, this is sufficient reason for committing a criminal act. They are unable to compete on an equal basis with citizens of the outside world in the quest for jobs and success, but in the prison society they are able to gain recognition, security of a sort, and be moderately successful as measured by the number of cigarettes they can hustle.

The "lock 'em up and forget 'em" school is slowly loosing its stranglehood on American corrections. However, the change is an unbelievably slow process. Only in the last two years have federal prisoners been accorded the "privileges" of a bed and full rations while in the institution segregation unit. Physical brutality is not uncommon. But perhaps the greatest stumbling block to rehabilitating an offender is the lack of communication between inmate and staff. The gulf that separates two men, one wearing an inmate's uniform and the other an officer's uniform, is seldom bridged. There is a sharp, district line between them, a "we" against "they" philosophy on both sides. The officers, with some justification, often have a paranoid reaction against inmates whom they feel are trying to con them. They overreact to even the mildest actions. The inmates, on the other hand, feel that they are treated like a humanoid rather than a thinking, feeling man. A prison guard may be a good husband and father, a good neighbor, or a community pillar away from his job, but when he dons his uniform and takes up a great, jangling mass of keys, he becomes a completely different person. These official accoutrements not only after a person's self-image, but they euphemistically color the word "inhumnity" to read "authority." Decisions are made, not for a logical or just reason, but to show who is boss.

Inmates are treated daily to a variety of forms of petty harassment that are purposeless. A recent example, while insignificant in itself, illustrates how blind, unthinking, rule enforcement can embitter an inmate. A correctional officer stopped an inmate and searched him for contraband. The inmate had two opened packs of cigarettes in his possession. The officer promptly confiscated them because "the rules say you can have one opened pack of cigarettes and one unopened. It doesn't say you can carry two opened packs." This ridiculous nitpicking can be seen to have unplanned consequences that could prove difficult when the searched inmate's reaction is heard: "These stinking ——— can play games now, but I'm getting out in six months and then it's my turn." The incident was trivial when seen in isolation, but the piling up of one after another such episodes soon alters a person's character or reinforces the resentment already present.

The above observations on prison guards are generalities, of course. There are conscientious, devoted men in the prison service who actively try to change the archaic treatment methods now in effect. Unfortunately, they are a minority, and pressures are brought to bear upon them by their fellow guards to conform to the established procedures. Many of them find the dissension and frustration unbearable and seek other occupations.

If the picture painted above seems gloomy, it is only natural. Many penal systems are still using 19th century facilities and philosophies. For example, the U.S. Penitentiaries located at Leavenworth, Kansas, Atlanta, Georgia, and McNeil Island, Washington were opened in 1895, 1902, and 1865 respectively. These three penitentiaries confined over 27% of the average daily population of federal prisoners during 1968.[1]

However, there are some bright spots in the road ahead. The Prisoner Rehabilitation Act of 1965 made new treatment methods possible, though the implimentation of these methods has been slow. Work release programs, which allow an inmate to hold a regular job in the free community during the day and return to the institution at night, are being utilized more frequently. During Fiscal Year 1968, the last full year for which statistics are available at this writing, 1000 federal offenders were given the privilege of participating in the Work Release Program. They earned $1.3 million, paid for their room and board, paid taxes, and contributed to the support of their dependents.[2]

Another fairly recent innovation is the establishment of Community Treatment Centers in eight different cities. These "halfway-houses" have the goal of gradually assimilating selected prisoners into the free community. In these houses, the resident is allowed to work on a job of his own choosing, but he must return to the residence at night. This program has many benefits: it allows the inmate to gain monetary rewards for his work; it allows him to recapture a sense of maturity and independence that was denied him while in prison; and it lets him creep up on freedom, as it were, at his own pace rather than being dumped

[1] Federal Bureau of Prisons Statistical Report, Fiscal Years 1967 & 1968, p. 20.

[2] 1968 Annual Report, Federal Bureau of Prisons, Washington, D.C.

into the mainstream of life with little or no preparation.

Innovations in the sentencing procedures of convicted offenders are also apparent, though they are desperately in need of further reform. The courts are turning more and more to probation for young offenders. The philosophy behind this maneuver is that more positive influence can be exerted on an individual when he is in a familiar, less hostile environment. The greatest stumbling block to this program is the shortage of trained social workers and counselors. The large volume of paperwork and an enormous backlog of cases preclude the possibility of extensive personal contact with the still impressionable youth. Few probationers see their assigned probation officers more than once or twice a month. Instead, they are thrown back into the environment against which they originally rebelled without any further provisions being made for their reentry into an often hostile society.

One possible solution to the problem would be the incorporation of half-way houses for those who are "half-way in" instead of half-way out. In this system, an offender whose personal environment was deemed insufficient to support him both emotionally and morally would be placed on probation and sentenced to the half-way house for an indeterminate time of six months to one year. During the stay at the house, he would be required to find steady employment but would have to return to the house evenings and weekends. He would receive personal attention during weekly consultations and/or group therapy. After a period of ninety days, extra privileges such as weekend leaves could be granted, contingent, of course, on satisfactory development and behavior. If, during his stay at the half-way house, he proved unamenable to the program, he would be returned to court, have his probation revoked, and be sent to the appropriate penal institution.

This program would ease several of the major deficiencies of our present court and penal systems: it would offer more direct supervision and control of the offender than is practicable under present probationary procedures; it would allow the youth an opportunity to consult with trained caseworkers on a regular basis; it would prevent further abuse of his personality by not subjecting him to the pressures of more sophisticated criminals in a penal setting; be largely self-supporting if the individual were to pay minimal charges toward his living expenses; allow him to continue his support of dependents, if any, and contribute to the preservation of his family life.

While this proposed system is not a cure-all for the social problems of crime and punishment, it does offer one step in the right direction. It ignores the causes of crime and focuses instead on the aftereffects, it is true. But any step taken is one less to be taken on the long journey to eradicate the senseless crimes that plague us; to be successful in rehabilitating offenders we must work to overcome the apathy that afflicts both the criminal and his victim.

SUPPLEMENT

I wonder. I wonder about a country that can send men to the moon and return them safely, cure polio, transplant human hearts, and cure many illnesses and diseases that were thought incurable a decade ago. I wonder about a country that has no peer in technological advances, standards of living, and educational opportunities. Yes, I wonder, and I grieve at that country that cannot purge itself of a disease that festers the national economy and pride, a disease that draws too little concern from the populace who recoil in horror from its manifestations. Some people, a very few, have been concerned enough about the disease to search for new methods of treatment. But, they have failed. The current treatment of the disease has advanced but little in the last fifty years. When this malady occurs, the prevailing treatment calls for excision from the host, sometimes carefully, sometimes brutally, always ineffectively. The disease is strong, and the present methods of combating it are inadequate.

What is this terrible disease, you say? What disease strikes the young and old, the sick and healthy, the rich and poor, the educated and ignorant, you say? Why haven't you heard of this terrible disease before, you say? Dear one, you have heard; you have seen; you have been told. But you closed your mind to it; it couldn't happen to you or your loved ones. It's unthinkable that such a horrible thing could happen to you, right? But it does. It does. Every day it strikes thousands of people.

But what is it, you say? Cancer? Heart disease? Tuberculosis? Venereal disease? Tell me so I can help fight it!

Do you mean that? Do you really want to fight it? Can you stand the test? Will you run when the going gets rough? And it gets very rough sometimes. But you really want to be a part of the struggle though? Okay, Listen carefully because this dreaded name is always spoken in a whisper so as not to disturb the uncaring. It's crime. Crime and its subsequent treatment that breeds more crime. Have you seen it? Have you experienced its viciousness? Have you wondered what causes it? I've seen it; I've experienced it; I've wondered about it. For the last six years, I have seen, experienced, and wondered. Who am I? What's my name? Where do I live? I am a convict, sometimes euphemistically referred to as an "inmate" or "resident." Six years ago, I preyed on people like you, the "square johns." But now I'm in prison. Six years is a long time, and many of you have forgotten me. You have been safe from my depredations for a long time now, and you have forgotten me. But guess what? I'm getting out soon—very soon, and I haven't forgotten you. I haven't forgotten how you allowed 19th century prisons and prison treatment to remain in the midst of your plenty. I haven't forgotten how you allowed stupid, sometimes brutal men to regulate my life to the nth degree. I haven't forgotten the dehumanization process that makes humanoids out of thinking, feeling human beings. No, I haven't forgotten those miserable things. But, I have forgotten what it feels like to look up at the stars at night, to hear the soughing tune of the wind, to touch someone I love, to feel emotions, to laugh, to live. Yes, I'm getting out soon. I must learn to think for myself again, to decide what work I want to do, when to go to bed, when to eat, how to talk to strangers who have inhabited a different world than I for such a long time. Am I bitter at what I have lost? Yes. Am I resentful toward a society that has done nothing for my moral and mental health? Yes. Do I hate you, the square johns, for not trying to understand me? Again, yes.

But, do I mean you more harm now? Do I plan violent retributions against you? No, I have hurt enough for both of us. Instead, I feel sorry for you. Sorry for the heritage of pain and heartache which you are going to receive from my brothers. Most of my brothers will get out of here just as I am getting out. But many of them are more bitter than I, more resentful, more hating. And they mean you harm. They are going to thump your head for allowing them to be treated as they have been. Can't you see the inevitable consequences of your treatment methods? Can't you learn from experience? Monkeys can. "Monkey see, monkey do." Why can't you be like the monkey? If your treatment methods don't work, if you can't think of constructive changes, why don't you copy those that have proved themselves in other penal systems?

Can't you see that change is necessary to preserve what you now have? Cant you see? Are you blind? Are you stupid? Yes, I pity you. My brothers are getting out shortly, and I pity you. I wonder. I sit here in an alien society and I wonder.

THE SOPHISTICATED TECHNIQUE OF UNFAIRNESS

Mr. SCOTT. Mr. President, Congress has not only a lawmaking role but an educational role as well. Through hearings of its committees and subcommittees, Congress calls attention to many important problems and thereby enlightens the American people about them and about the need for their solution.

This is good, but it is not without its pitfalls.

Although the Legislative Reorganization Act of 1946 reduced the number of standing committees of Congress, the number of subcommittees has increased from 174 in 1945 to 266 today. Several special and select committees without legislative jurisdiction have also been created.

The proliferation of subcommittees would seem to have negated the attempt by Congress in 1946 to reduce the number of its committees. Many subcommittees, however, are ad hoc without staffs of their own and meet infrequently. Most function under the close supervision and control of their parent committees.

Nevertheless, the continued tendency of Congress to create additional subcommittees warrants concern for two reasons.

First, it further fragments our view of problems when we really should have the organizational capability to view a problem in its entirety and in relation to other problems and to deal with it in a comprehensive fashion.

Second, and of more immediate concern to me, Congress risks allowing too much autonomy to some of its subcommittees and their staff. Where a parent committee has a myriad of subcommittees, it is too much to expect that committee to exercise adequate supervision over its subcommittees to insure that they are conducting legitimate inquiries in a responsible manner.

I suspect that most Senators are spread pretty thin. Their schedule of engagements is becoming increasingly heavy as a result in significant measure of their many committee and subcommittee assignments. With Senators spread so thin, committee staff personnel naturally enjoy more independence.

This independence should be accompanied by a heightened sense of responsibility. A staff employee in this situation should not take action in instances where the reputation of an individual or group might be impugned without the prior knowledge or approval of all the committee's members.

Certainly, the vast majority of committee staff employees comport themselves responsibly. But the opportunity for mischief is available for those tempted to seize it—especially in this television age. I had this thought in mind on July 28, 1969, when in appearing to introduce one of my constituents to the Select Committee on Nutrition and Human Needs, I stated:

As a Senator, I know that the lure of the public prints and the desire to share in the limelight sometimes occurs on the part of those who ought to confine themselves to employee status.

Such a tendency could conceivably lead to over-zealousness on the part of a staff employee whose motives are sincere, or it could conceivably tempt a less well-intentioned individual to employ the sophisticated technique of unfairness. An example of this technique is the selective release of information obtained from a Government agency to a favored contact in the news media without the knowledge or approval of the Senators serving on the subcommittee or without furnishing that information to them in advance. Such conduct in an adversary situation could conceivably injure innocent persons and, therefore, would be reprehensible.

Let me reiterate my belief that the vast majority of committee staff personnel comport themselves responsibly. However, as one who in 1953 and 1954 led the fight in the House of Representatives for the adoption of rules of fair play for its committees in the aftermath of some widely publicized hearings that injured the reputations of some distinguished Americans, I am aware of the risks where staff operate without proper supervision.

I ask unanimous consent that the remarks I made before the Select Committee on Nutrition and Human Needs on July 28, 1969, be printed in the RECORD.

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

STATEMENT OF HON. HUGH SCOTT, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SCOTT. Mr. Chairman and Senators, I am very pleased to be here. Before introducing the first witness, however, I would like to point out to my constituents here that we had a somewhat similar experience last year in the Small Business Committee with regard to pharmaceuticals. I can speak not with reference to committee action, but only with reference to my own concern for my own constituents. They have always stood willing and ready to appear on proper notice and opportunity. Drawing upon my own experience in the Small Business Committee and sharing that with my constituents' experience here today, I would express the hope that in any future inquiry into consumer products obviously going to involve criticism, expressed or implied, of any of my constituents, they would be offered an opportunity, in advance of the inquiry, to reply so that we don't have the inquiry bursting into public view and the industry affected immediately put on the defensive.

I am convinced that when the testimony on the pending matter is all in, it will be found not only that there are two sides to the question, but that there is indeed a good answer to some of the statements that have been made.

The chairman knows of my regard and affection for the entire committee and for his always constant sense of fairness. I am sure we all have our problems with some of the people involved in investigations. Perhaps we all say too much too soon, and at times unwisely. Nevertheless, I would hope that so far as my constituents are concerned, none of them would have any fear whatever that any Senator would in any sense treat them other than with the strictest fairness.

I would hope that that same attitude would extend to staff and employees.

As a Senator, I know that the lure of the public prints and the desire to share in the limelight sometimes occurs on the part of those who ought to confine themselves to employee status.

Having had that experience, I am sure the Chairman is more anxious than any of us that that pertains here.

The CHAIRMAN. I might say to the Senator that I think sometimes a misunderstanding does develop in the exchange of correspondence, but in all fairness, we have an extremely conscientious staff on this committee. They have done what I regard as a most impressive job in handling complex problems all year, sometimes under great pressure. I think what happened here is a perfectly understandable confusion in a hurried exchange of correspondence, and I am sure that clarification will come out in the permanent record.

Senator SCOTT. I do appreciate that. I think in Washington sometimes there is more news value to the sword than to the shield. I want both of them received, as the Chairman has always been careful to receive them.

VIETNAM: THE HIGH COST OF DEFEAT

Mr. DODD. Mr. President, our negotiators have been in Paris for more than a year, now, striving to achieve an agreement that would truly permit the people of South Vietnam to determine their own future. The progress to date has, by common agreement, been very close to zero.

Meanwhile, we have embarked upon the process of de-Americanizing the war by reducing the size of our own forces in Vietnam at the same time as we seek to build up and reequip the South Vietnamese forces so that they can take over a larger share of the combat operation.

In this situation, the difference between an honorable settlement and total defeat can very well turn on a few percentage points in the rate of withdrawal, or on the construction that our allies place on a few ambiguously worded statements.

President Nixon has made it repeatedly clear that he seeks an honorable settlement to the Vietnam war, and that we do not intend to scuttle and run. But there has been too much public speculation about an American defeat for us to ignore the possibility completely.

In previous statements I have warned that we should have no illusion about the heavy price America will have to pay in prestige and respect and credibility and world power if it should seek to extricate itself from the Vietnam conflict under anything less than honorable conditions which assure the independence of South Vietnam.

In this connection, I invite the attention of Senators to a recent column entitled "Germany Reassessing Policies on Basis It Can't Rely on U.S.," written by the nationally syndicated columnist, Mr. Joseph Alsop.

In his article, Mr. Alsop described a conversation with a high-ranking official of the German Foreign Office who had just completed a tour of the Far East for the purpose of obtaining some kind of judgment on the consequences of an American defeat in Vietnam. The official told Mr. Alsop that wherever he went in Asia, from Korea to India and Pakistan, "you had only to scratch the surface to find a deathly fear of the consequences of hasty U.S. withdrawal from Vietnam."

When asked about the impact that an American withdrawal without an honorable settlement would have on Germany, the official replied that the first reaction would be one of relief, but immediately after this would come deep disillusionment. He said:

There would be a widespread feeling that we could no longer rely on the United States as we had been doing in the past.

I ask unanimous consent that Mr. Alsop's column be printed in the RECORD at the conclusion of my remarks.

I also ask unanimous consent to have printed in the RECORD two recent newspaper articles dealing with the increasingly perilous situation in Laos.

The coalition government put together in Laos in 1961 has been hailed by some critics of our Vietnam commitment as a model we should seek to emulate in Vietnam.

But the fact is that the Communists are now going for broke in Laos. The situation there has, indeed, become so precarious that Laos may well be the first South Asian domino to fall rather than Vietnam. And if it does fall, it is bound to have the gravest consequences for our position in South Vietnam and for the other free nations of Southeast Asia.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "We Could Have Won in Vietnam Long Ago," written by Adm. U.S. Grant Sharp, USN, retired, and published in the Reader's Digest for July.

In this article Admiral Sharp, who served as Commander in Chief Pacific from June 1964 until July 1968, argues that the Vietnam war could have been ended long ago and at much smaller cost if we had used our existing airpower properly instead of imposing crippling limitations on its use.

Admiral Sharp believes that the Vietnam war can still be won. What he has to say provides serious food for thought about the future as well as about the past.

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

GERMANY REASSESSING POLICIES ON BASIS IT CAN'T RELY ON UNITED STATES

(By Joseph Alsop)

BONN.—One of the most marked symptoms of the change that is coming over Germany is a new tendency for German policy-makers to do what may be called their own reporting. Until quite recently, when Germany was still so inward-looking, it was usual for the government to rely mainly on its allies—above all the United States—for data on grave problems beyond Germany's immediate ken.

But that is true no longer. One may guess that the former phase ended for good when Chancellor Kiesinger and the other German leaders woke up to the fact that they had been wrongly attributing overwhelming strategic predominance to the United States—an awakening that profoundly disturbed them. This resulted from the Soviet-American movement toward talks about strategic arms limitation.

Until then, however, strategic weapons had been regarded as a peculiarly American specialty, study of which could be safely left to Washington. Long before then, the need began to be felt to form on-the-spot judgments of other world problems.

The most interesting and recent result of

this new tendency was a long Asian journey undertaken a couple of months ago by one of the two or three leading officials of the Foreign Office. The basic aim was to form a judgment of the consequences of American defeat in Vietnam. The trip was made, in fact, because of the widespread predictions at home that no American Government would be able to hold out for an honorable settlement.

The official in question, as he told me, covered the "whole half-circle, right around from Korea and Japan, through Southeast Asia, to India and Pakistan." He added bleakly that "everywhere you went, you had only to scratch the surface to find a deathly fear of the consequences of hasty U.S. withdrawal from Vietnam."

"The fact is that you have to expect the political equilibrium in Asia to be turned almost upside down if you withdraw in the way they fear," he went on. "And the worst of it is, the symptoms are particularly strong in Japan."

Japan was so stressed, unquestionably, because the Germans are highly conscious that the Japanese constitute the other emerging big power, along with themselves. Furthermore, this official's journey of inquiry in Asia, and his bleak report when he got home, have already had fairly profound repercussions in Bonn itself.

These can be judged from the answer I got when I asked the man who is perhaps the Bonn government's most important permanent official how Germany itself would react to American withdrawal without an honorable settlement. At first, he said, "There would be relief, because no one here likes this war." Then he added, "But can I be frank?" Receiving the obvious answer, he continued:

"Very soon after the relief would come deep disillusionment. There would be a widespread feeling that we could no longer rely on the United States, as we have been doing for so long. This would be reinforced by the consequences in Asia that we now foresee. It would be very disturbing, maybe even dangerous."

Bonn is still a small political community, so it was not surprising that the same note was struck by all the numerous political leaders with whom I was able to talk at length. One felt like telling them, "You haven't seen anything yet," for none of them, including the official who had made the Asian journey, was cranking into his calculations the massacre of hundreds of thousands of pro-American Vietnamese that will surely follow a Communist success in Vietnam.

Any fool can foresee how these wholly predictable massacres will be covered by the German press, which naturally enjoys pointing out the warts on Uncle Sam's face. Any fool can also foresee how these reports will multiply the political consequences in Germany, if and when President Nixon abandons the quest for an honorable Vietnamese settlement.

But although Vietnam was the text of the sermon, as it were, the sermon itself concerned a much more far-reaching problem.

In brief, as pointed out in the last report in this space, Germany and Japan together are on the way to acquiring an economic mass, or weight, that will quite soon be equal to the weight of the Soviet Union itself. Further down the road, their combined weight will surely be greater than that of the Soviet Union.

Before long, in one way or another, they will begin to throw this weight about, with Germany the first to do so. The real question is, therefore, whether the United States is going to strengthen its already very close ties with these two emerging big powers or is going to permit those ties to be endangered or even dissolved. The quickest way to dissolve the ties, of course, is to seem to give proof that the United States is an unreliable ally in the crunches.

Yet it goes further than that, in many different ways. And only the most ardent neo-isolationist can maintain that the United States can rationally and safely ignore the future political course of the two emerging big powers.

[From the Washington (D.C.) Sunday Star, July 20, 1969]

LAOS SQUEEZED IN INDO-CHINA STRUGGLE

(By Donald Kirk)

HONG KONG.—Reports of the downing of two American planes by North Vietnamese troops near the Laotian town of Muong Soui dramatize the delicate position of the kingdom of Laos in the struggle for control of the Indo-Chinese region.

Neither the Americans nor the North Vietnamese will admit their deep involvement in Laos, but the fact is the war there probably would not go on if it were not for the presence of these foreign powers in the country, supposedly neutralized by the Geneva accords of 1962.

If there were any real doubt surrounding the activities of either the Americans or the North Vietnamese, it was dispelled by the battle for Muong Soui.

The North Vietnamese not only shot down two planes but also forced the evacuation in American helicopters of about 2,000 soldiers and their families, reportedly including Thai troops whom the government of Thailand denies were there.

THAIS HAVE MOST TO FEAR

Although Thailand does not yet want to admit any substantial role in Laos, it—of all Southeast Asian countries—has the most to fear from Communist victory.

For centuries before Laos was brought under French colonial control in the 1800s, Thai and Vietnamese armies fought each other over the fragmented country.

Thailand, simmering with Hanoi-supported Communist revolt in its northern and northeastern provinces and afraid of an open confrontation with the North Vietnamese, was the most opposed of any nation to President John F. Kennedy's decision in 1961 not to fight for Laos but instead to enter into the negotiations that culminated in the 1962 Geneva agreement.

The Thai government feared then, as much as it does now, that such talks were only a tactic by the Communists en route to domination of the country.

The fears of seven years ago were echoed in the Thai capital of Bangkok after the allied defeat early this month at Muong Soui, small but strategically important town on a main road about 100 miles due north of the Laotian capital of Vientiane on the Plain of Jars.

After the defeat the Thai deputy premier, Gen. Prapass Charusathiara, declared that Chinese and North Vietnamese troops were "directly threatening Thailand with invasion through a strategic road and a strategic post in Laos."

ROAD LEADS TO THAI BORDER

Prapass was referring to a road the Chinese have built into Communist-controlled northern Laos to a point "about three hours by motor vehicle to the border of Thailand."

The road does not go directly to Muong Soui, about 100 miles south of the town where it ends, but troops could advance from both areas toward the Thai frontier.

The result, Prapass said, would be enemy "control of the left bank of the Mekong River in the northern portion of Laos."

Analysts are not certain the situation is as serious as the Thais have described it, but the Muong Soui defeat probably was the worst since Laotian troops were annihilated in the battle of Nam Bac, near the end of the Chinese road, a year and a half ago.

The defeat of Muong Soui not only proved conclusively the presence of foreign troops but also demonstrated the inadequacy of American airpower without well-trained, aggressive forces on the ground.

American jets, flying from bases in Thailand, strafed and bombed the North Vietnamese but still could not prevent them from driving out the Laotians.

NEUTRALISTS INEFFECTIVE

Muong Soui supposedly was protected by the neutralists, but they have been so merged with the royal army against the Pathet Lao that they apparently have lost all their independence and now no longer have an important base to defend.

Muong Soui deepened the chasm between the two sides. Without a genuine neutralist force in the middle, the Communists could demand equal standing with the royalists in a new coalition formed by a negotiated peace settlement.

The result would be a vast improvement for the enemy over its position in the 1962 coalition in which it was a minority in a cabinet dominated by royalists and neutralists.

The Communist ministers fled from Vientiane and have not participated in government affairs for approximately six years.

The Laotian neutralist premier, Souvanna Phouma, has denied he would acquiesce to a settlement that increased the Pathet Lao's former standing.

While he refuses to accede, Hanoi can pursue its campaign still closer to Vientiane. Eventually, as most knowledgeable observers in Laos were aware, Souvanna may either have to give in or face the prospect of a final military debacle of even graver proportions than Muong Soui.

[From the New York Times, July 28, 1969]

LAOTIAN CHIEF, HOME TODAY, FACES WORSENED SITUATION

VIENTIANE, LAOS.—The Laotian Premier, Prince Souvanna Phouma, returns here tomorrow to take charge of a situation that has visibly deteriorated during the six weeks since he left for his vacation in Europe.

Muong Soui, an important village and airfield 175 miles north of here that seemed safe from Communist attack last month, is now a communist stronghold. Seven North Vietnamese battalions, with some Pathet Lao and pro-Communist neutralist troops, now hold the strategic valley town. The North Vietnamese, despite 200 American bombing sorties a day over northeastern Laos, have been able to move in more than a dozen tanks and about five truckloads of supplies a day from the nearby Plaine des Jarres.

American intelligence reports indicate that the North Vietnamese have replaced most of the losses they suffered during two months of fighting around Muong Soui and Xieng-Khouang, although no indications have been found that the Communists intend to make another major push before the rainy season ends in late September. "But they now have the capacity to do so," said one military observer.

Less than 10 miles to the south of Muong Soui lies a band of Government posts, the Laotian Government's next line of defense. From all indications it is weak, manned by seven under-strength battalions of dispirited neutralist and royal Government troops. The local commander, Gen. Vang Pao, who earlier this month mounted an unsuccessful campaign to retake Muong Soui, is said by friends to be depressed.

A week ago, he took unfounded reports of major Communist troop and tank movements at face value and created near panic in the National Assembly and Cabinet when he passed the reports to Vientiane.

About 25 miles south of Muong Soui lie the last two major Government positions in northeast Laos, Sam Thong and Long Cheng.

Sam Thong is the site of the American aid

program's military and civilian food supply efforts; Long Cheng is known to be a headquarters of the United States Central Intelligence Agency where military supplies are flown in from United States bases in Thailand. Although there appears to be no immediate threat to the two bases, such a threat is considered certain during the next dry season, unless unexpected peace moves end the fighting here. The United States is building a new airstrip, capable of handling four-engine supply planes, at a site about 30 miles south of Sam Thong. High American officials, including the new Ambassador, G. McMurtrie Godley, have recently visited the area.

Thirty miles west of Muong Soui is the strategic Phou Khoun crossroads, where the roads from Luang Prabang, Vientiane and Muong Soui intersect.

Last month Pathet Lao troops briefly seized the crossroads. Now, just to the north, three companies of North Vietnamese troops are operating. Their presence makes traffic from the royal capital south to Vientiane impossible.

"Crown Prince Vong Savang opened the road on June 11 and Prince Souphanouvong closed it on June 24," said one Laotian with a sense of humor that is rare in Vientiane just now. Prince Souphanouvong is leader of the Pathet Lao.

The Vientiane-Luang Prabang highway was a four-year, $6-million American project, and few here expect it to be open for traffic many weeks of the year.

A similar situation exists in southern Laos, along the same major route, which is the life line of Government-held areas in Laos. This dry season, the North Vietnamese destroyed 22 bridges, closing the highway. The bridges are to be rebuilt by autumn, under an American-aided crash program, "just in time for the Communists to blow them up again," said one Laotian.

The Laotians are also disturbed by a Pathet Lao-North Vietnamese build-up in the Nam Ou valley about 40 miles north of Luang Prabang, even though a direct attack on the royal capital is considered unlikely for political reasons.

The deteriorating situation in Laos was reflected in the Paris peace talks on Vietnam last Thursday, when the North Vietnamese charged that the United States had invaded Laos with 12,000 troops and had started a separate war against the kingdom. The United States rejected the charge, saying in rebuttal that North Vietnam itself had "large numbers" of troops in Laos and Cambodia. The next day, Prince Souvanna Phouma also rejected the North Vietnamese allegation and accused Hanoi of having sent more than 60,000 troops into his country.

Aside from the military situation, Prince Souvanna Phouma will also return to other nagging problems.

The Laotian economy, as a result of years of war, in a real sense no longer exists. The nation is almost totally dependent on the United States for its income. Traditional sources of revenue, such as the gold trade, have been declining, and the Government has vowed to place new taxes before the National Assembly.

The National Assembly, largely a right-wing body with little real power, has become the main forum of criticism of the Premier. However, in the long run, it has little choice but to go along with him since there is no one to replace him.

Prince Souvanna Phouma, several deputies have said, knows that and acts accordingly.

Still, in recent weeks, the Assembly has become the forum for several proposals unheard of until recently. One Laotian politician privately called for an end to neutrality and for the intervention of American troops.

[From the Reader's Digest, July 1969]

SPRINGBOARD FOR DISCUSSION: WE COULD HAVE WON IN VIETNAM LONG AGO

(By Admiral U.S. Grant Sharp, USN (Ret.))

(NOTE.—As Commander in Chief Pacific from June 30, 1964, to July 31, 1968, Adm. U.S. Grant Sharp had charge of the largest American military command in the world, covering an area extending from the West Coast of the United States to the Indian Ocean. During this period he personally directed the air war against North Vietnam. Though most of his 41-year career in the Navy was spent on surface ships—he was decorated for gallantry under enemy fire as the skipper of a destroyer in World War II—Sharp has long been a strong advocate of air power. Now 63 years old, he lives in San Diego, Calif.)

During the four years I was deeply involved in the direction of the war in Vietnam, I faithfully carried out the orders of my superiors. Now that I am retired, I feel obliged to speak out, to warn the American people against the folly of conducting a major war on a piecemeal basis.

There is no need for the United States to be bogged down as it is in a seemingly endless struggle in Vietnam. We could have won the war long ago—perhaps by the end of 1967. We could have achieved victory with relative ease, and without using nuclear weapons or invading North Vietnam. All that we had to do to win was to use our existing air power—*properly*.

We had tremendous air power within easy striking range of North Vietnam—on aircraft carriers in the Gulf of Tonkin and at bases in Thailand and South Vietnam. Yet never in the entire course of the war have we used our air power to its full advantage. This tragic failure to do so is, in my opinion, perhaps the most serious error we have made in all of American military history. It has resulted in needless casualties. It has added billions of dollars to the cost of the war, and each month that passes causes our worldwide prestige to sink lower and lower.

For this failure, Robert S. McNamara, former Secretary of Defense, must take a large share of responsibility.

Dead Wrong. I strongly support our American concept of civilian control of the military; it is one of the vital bulwarks of our system of government, and I would oppose any effort to change it. At the same time, I believe wisdom dictates that the civilian authority should consider carefully the advice of his professional military advisers. In his handling of the air war, however, Secretary McNamara arbitrarily and consistently discarded the advice of his military advisers. His insistence that we pursue the campaign on a gradualistic basis gave the enemy plenty of time to cope with our every move. He was, I submit, dead wrong.

The primary purpose of the air campaign against North Vietnam should have been to disrupt the enemy's economy and thus destroy his ability to wage war. We could easily have done this. Instead, primary emphasis was put on seeking to cut down on the infiltration of men and materiel from North to South Vietnam. Now, you can slow infiltration with air power, and we did just that—but you can never stop it. To concentrate on infiltration and to refrain from hitting primary targets—as we were required to do—emasculated our war effort.

We were and are in this war for just one purpose—to convince the leaders of North Vietnam that they should cease their aggression, get out of South Vietnam and leave their neighbors alone. We said long ago that we would stop the bombing and withdraw our troops when their aggression ceased. Until North Vietnam does stop its aggression, I believe we should use the force necessary to win the war as rapidly as possible.

What my colleagues in the field and I wanted to do was to bring the economy of North Vietnam to a halt. That is one of the major functions of air power in warfare. Some argue that North Vietnam has an agrarian economy and that air power is thus less effective than it would be against an industrialized nation. North Vietnam's *is* an agrarian economy, but it functions around the hubs of Hanoi and Haiphong, and we could have brought that economy to a grinding halt. This would have deprived the enemy of his ability to support his forces in the south—and thus brought the war to a quick end.

Instead, what did we do? To take just one example: there are several railroad yards in the Hanoi area which are vitally important to the enemy's war effort. We should have hit them fast and hard, but we were never allowed at them. We were permitted to go in and peck at some less important yards on the fringes of the city. And then we were pulled off. This happened time and time again. We would get authority to go to Hanoi; the communists and their sympathizers would then push the propaganda buttons, and there would be a worldwide outcry. Washington would get nervous, and we would be pulled back.

Neither I nor my military colleageus ever favored hitting targets that would result in the deaths of large numbers of civilians. Indeed, we went to great lengths to avoid killing civilians, even though this often created extra risks for our pilots. Our air campaign was the most precise ever fought. It is worth noting that the communists observed no such restrictions; they have repeatedly lobbed rockets blindly into Saigon and other population centers. From 1957 through 1968, the communists killed more than 27,000 South Vietnamese civilians and kidnaped more than 52,000 others, most of whom have never been heard from again. There is no precise information of the number of civilians who may have been killed in our air raids over North Vietnam, but the North Vietnamese frequently published reports indicating the number of civilian casualties resulting from individual attacks. An analysis of these reports during a 7½-month period at the height of our air campaign in 1967 indicates that fewer than 400 civilians were killed.

When I was Commander in Chief Pacific, I submitted repeated requests to my superiors for permission to bomb additional military targets in order to make the air war really effective. I made these requests about once every two weeks. I have been given to understand that the Joint Chiefs of Staff supported my position 100 percent. But most of my requests were denied when they reached the office of the Secretary of Defense.

When McNamara visited Saigon in July 1967, he was briefed by Gen. William C. Westmoreland, the commander of U.S. forces in Vietnam, by Lt. Gen. William W. Momyer, commander of the Seventh Air Force, and by me. I emphasized what I thought ought to be done about the air war against the north. On several occasions I also talked with President Johnson about the problem. I thought he was receptive to the arguments of our military leadership, but the Secretary of Defense seems always to have prevailed.

It may well be that our civilian leadership believed that to use our military tools properly, to eliminate the enemy's ability to make war would have been to risk a nuclear confrontation with the Soviet Union. Personally, I believe the risk was minimal; in any case, a nation which is not willing to take calculated risks to achieve its objectives should never go to war in the first place. Further, I believe that once a political decision is made to commit American troops to battle, we are morally obligated to use our military power in such a way as to end the fighting as quickly as possible.

POWER ON A LEASH

Our first chance to win the war quickly came in February 1965, when we started bombing the north. At once, we should have launched a sustained, maximum-effort attack on all of the enemy's war-supporting industries, transportation facilities, military complexes, petroleum-storage depots. At that time, the enemy had no Soviet surface-to-air missile (SAM) sites installed, and his anti-aircraft capability was practically nil. He could not have opposed us in any significant way, and we could have quickly broken North Vietnam's resistance.

If we had launched a maximum-effort air campaign—coupled with heavy pressure on the enemy's troops in South Vietnam—it would not have been long before he would have been forced to ask for negotiations. And it is important to note that these negotiations would have been conducted on terms favorable to us—instead of, as it turned out, our having to coax him to the negotiating table, more or less on his terms. It's also possible that under this extreme pressure the enemy's aggression in the south might just have faded away. Either way, it would have been a victory for us.

But what happened? From the start, our air power was kept on a tight leash. At first, when we sent even a reconnaissance plane over the north, Washington would tell us what route and altitude to fly. We started our operations close to the Demilitarized Zone and worked gradually northward about 30 miles at a time, always under Washington's close control. It was obvious to anybody plotting the course of events that the enemy could expect us eventually to move on up to the heartland of the country. Thus, the vital military elements of surprise and maximum impact were lost.

We also lost valuable time. Our policy of gradualism enabled North Vietnam to mount the most formidable air-defense system that has ever been used in combat history. The North Vietnamese began building SAM sites in 1965, and during that year were able to fire only 125 missiles. Eventually, the North Vietnamese had about 40 SAM battalions, and during 1967 they fired nearly 3500 missiles at our aircraft. The result is that we have lost nearly 1000 planes over North Vietnam. Many of the pilots were killed or captured. Not only did we suffer this needless loss of men and aircraft, but the North Vietnamese were given time to disperse their factories and military installations. This made it all the more difficult to go after them later, and hence prolonged the war.

HAVEN IN HAIPHONG

Of all the things we should have done but did not do, the most important was to neutralize the port of Haiphong. During 1967, some 80 percent of North Vietnam's imports came in by sea, mostly through Haiphong. This included arms, ammunition, oil, trucks, generators, machinery, spare parts, steel and cement—all vital to the war. We should have blocked the approaches to the harbor with mines laid by aircraft. Closing an enemy harbor is customary and logical in warfare. This was the simplest and most effective measure we could have taken.

All along, our military leaders recommended that the port be neutralized. The recommendation was always vetoed. It was claimed that closing Haiphong would not affect the enemy's capability of waging the war in South Vietnam—that North Vietnam could sustain the war at the same level by means of rail, road and coastal shipments from China. But a reasonable evaluation of our intelligence convinced us that it was next to impossible to move that amount of matériel over North Vietnam's exceedingly limited transportation network. In my opinion, closing Haiphong would have shortened the war by many months.

Along with mining the approaches to the harbor, we should have destroyed the enemy's stockpiles of matériel on the docks at Haiphong and in the centers of the cities of Haiphong and Hanoi. The stockpiles were easy targets there—but the Defense Department ruled that we had to wait until the enemy moved this matériel away from the cities and scattered it for 300 to 400 miles along the trails into South Vietnam. Then it was extremely difficult to find, and much of it, including vast amounts of ammunition, reached South Vietnam, where it was used to kill American and other Allied soldiers.

LOST TARGETS

Much earlier in the conflict, we should have gone after North Vietnam's most important bridge, the Paul Doumer span in Hanoi, which handles all rail traffic between Hanoi and Red China and Hanoi and Haiphong. We hit a lot of minor bridges in North Vietnam before we finally were allowed to go after the Doumer. Even then, we were allowed to hit it only for limited periods of time. Then it would be taken off the list, and the North Vietnamese were given time to build it up again! Whenever we struck anywhere close to Hanoi, people in Washington would complain that we were causing too much disruption in the city—which was exactly what we were trying to do.

We were never permitted to hit the docks along the Red River in Hanoi. We should have kept the Hanoi power station out of commission. We hit it several times. Inexplicably, after each strike it was taken off the target list, and the enemy would put it back into commission. Eventually, we were prohibited from making any more attacks on it—and this was long before the Johnson Administration ended all bombing of the north.

We also should have hit the Hanoi waterworks, which was next door to the power station, but we were never allowed to do it. We hit the railroad yard close to the town of Hongai once; then we were pulled off that. This is another thing that is hard to understand: we were allowed to do something, then two months later it would be off limits—and it stayed off limits—and it stayed off limits for the rest of the air war.

PRIVILEGED SANCTUARY

But even with the restrictions, the air campaign was effective as far as it went. By early 1967, we had destroyed or disrupted about 50 percent of North Vietnam's war-supporting industry. The North Vietnamese were hurting far more than most people realized. We had intelligence reports that their morale was suffering. Their whole effort was weakened by the fact that they had to have more than 500,000 people working to rebuild their transportation network—plus 125,000 to man their anti-aircraft defenses. Thus, despite all the restrictions, we really had the enemy on the ropes by late 1967. If we had hit his war-making resources harder all along, he would have been knocked out by then. In my judgment, the war would have been over.

Once North Vietnam gave up, the Vietcong in the south would have had no choice but to follow suit. The Vietcong are directed and supplied by Hanoi. Vietcong combat units are now two-thirds North Vietnamese; they cannot fight without North Vietnamese regular forces in close proximity, and could not have continued on their own.

If there is no progress in the negotiations with the communists in Paris, and if the communists continue to wage their aggression in South Vietnam at either present or increased intensity, then we should resume the airwar. If they are going to continue to fight, I don't think they should be granted the luxury of being able to conduct their aggressions from a privileged sanctuary. We should resume the air war, moreover, on an all-out basis and not in piecemeal fashion. We should finish the whole Vietnam war quickly.

Vietnam is a classic example of how not to fight a war. The "gradual" approach requires the expenditure of much more of one's manpower, resources and prestige than is necessary. Our prestige is by no means as high now as it would have been if we had gone in, cleaned the thing up and made our exit.

If we had fought World War II as we have fought the Vietnam war, we would still be fighting it—if we hadn't lost it.

MIGRANTS IN MINNESOTA

Mr. MONDALE. Mr. President, since my boyhood days I have been particularly aware of the large numbers of migrant farmworkers that each year come to my home State of Minnesota. It is estimated that this year more than 18,000 migrants are in Minnesota, predominantly Mexican-Americans from Texas, working mostly in the sugar beet fields in the Red River Valley and southern Minnesota.

Two St. Paul Pioneer Press reporters, Bob Goligoski and Ann Baker, recently completed a five-part series discussing the living and working conditions of these migrant farmworkers. Their report is based on visits to migrant camps, and talks with dozens of migrants and farmers.

The series of articles on the Minnesota migrants describes many of the same kinds of problems that I, as chairman of the Subcommittee on Migratory Labor, have found to exist around the country. Inadequate pay, irregularity of employment, poor housing, racial discrimination, are too often the rule, not the exception. State facilities for the education or health care of migrants are understaffed and underfunded. Regulations and laws affecting migrants are often not enforced. Predictions that mechanization will eliminate the need for migrants are heard—yet more migrants are in Minnesota this year than ever before. The list of grievances, unfortunately, seems endless.

The various problems existing in Minnesota associated with the recruitment and presence of migrants are not too dissimilar from the problems present in most so-called user States, where migrant farmworkers meet peak season harvesting demands. These problems stand as a constant reminder that efforts in finding long term, comprehensive solutions to the problems of migrant and seasonal farmworkers must extend not only to the home base States of Florida, Texas, Arizona, and California where there is a concentration of migrants during the off season, but also to the northern user States such as Minnesota. The Migratory Labor Subcommittee is concerned with all aspects of these problems, in all States.

Mr. President, I ask unanimous consent that the St. Paul Pioneer Press' series of articles on "Migrants in Minnesota" be printed in the RECORD.

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

MIGRANTS: FARM WORK BRINGS 18,000 TO MINNESOTA

(By Bob Goligoski)

Every year they come with the spring, trickling northward from a hundred Texas towns, heading for the Minnesota farm fields where the soil is rich and the sugar beet is king.

This year, some 18,000 Mexican-American migrants have made the annual pilgrimage. Ninety per cent of them live in the lush Red River Valley, along the hundreds of dusty back-country roads that criss-cross the valley from Breckenridge to the Canadian border.

The rest settle in migrant camps that dot the countryside south and west of the Twin Cities.

Some of these temporary Minnesotans live rent-free in two-story houses with carpeting, television and a room for every child. Others sleep and cook in the filthy shacks described decades ago in "The Grapes of Wrath."

The vast majority are housed in neither squalor nor opulence.

About 90 per cent of the migrants work only in the sugar beet fields, thinning out the unwanted beet plants with a hoe and hacking at the weeds that litter the landscape. The other transplanted Texans toil in the asparagus fields around Owatonna and other southern Minnesota towns.

The Hollendale area is a hot-bed of agricultural activity with the growing of sugar beets, onions, corn, asparagus and other crops. Migrants help harvest potatoes in many parts of the state, work in turkey processing plants in places like Litchfield and Fairbault and help with the production of trees and bushes at Bailey Nurseries in nearby Newport.

But the migrants come mostly to work the 195,000 acres of beets on the Minnesota and North Dakota sides of the valley and the 35,000 acres of beets in southern Minnesota. More than 2,300 farmers grow beets in those areas and about 95 per cent of the crop is sent to the American Crystal Sugar Co. processing plants in Drayton, N.D. and Chaska, Crookston, Moorhead and East Grand Forks.

When the migrants are through weeding the beet fields in mid-July, some head home for Texas while many others push on to Michigan and Wisconsin for the cucumber harvest or work the tomato fields in Illinois, Ohio and Iowa. A few stay in Minnesota until the snows come to help their employers with general farm work.

About 11,000 of the migrants work in the fields. The rest are either too young or too old for field labor.

Their number has increased slightly during the last five years despite many predictions the migrants would be replaced by 1970 by the mechanical weeding and thinning machine. But the device, according to many farmers has not been perfected yet and only about 3 farmers in the state have invested in the $6,000 to $7,000 machines.

So the migrants hoe on for six weeks every summer, often working for 10 and 12 hours every day, for what one farmer called "damn good wages, considering we give 'em free housing."

The U.S. Sugar Act sets $25.50 as the minimum wage for one thinning and one weeding of an acre of beets. A fast worker, aided by effective usage or herbicides, can go through three acres a day, but most migrants average only an acre or two a day.

A survey of 372 migrant families (3.4 workers per family) was made last summer in the valley by Migrants, Inc., a St. Paul based organization that helps finance and organize education and counseling programs for migrants around the state.

The survey found that the annual income from all sources for each family was $2,431.

This figure is disputed by many farmers who resent the "do-gooders" trying to help the "poor, abused" migrant. Most of the farmers echo the sentiments expressed by R. V. McWalter, a muscular, sun-burned farmer with a 1,600-acre "spread" just east of East Grand Forks.

"When I hear all these stories" he said, "about how bad off the poor migrant is, I think of how much I pay them and I see how wrong these stories are.

"There are 12 workers in the two families that work for me, and they will take about $6,000 from me for three weeks work. At the wages they are getting, they should be able to furnish their own housing."

Archie Johnson, a migrant labor specialist who works for the Minnesota State Employment Service out of a small office is Hollandale, says he knows some industrious families that earn $10,000 to $20,000 a year for three to five months of farm work.

Migrants interviewed in the fields gave lower estimates of the wages they expect to make this summer:

Salvador Garza, Edinburg, Texas—"There are six working in my family and we'll maybe make $2,000 in six weeks here."

Paul Gill, Lampasas, Texas—"I have my daughter and wife Anita working with me and we'll get $1,200, maybe $1,400 in the six weeks if it ever quits raining and we can get out in the field."

Rene Gorena, Donna, Texas—"Just my wife and I are working, the kids are too young. I usually get here in April and stay until November. We should make about $3,500."

Gorena, a genial 29-year-old who just bought an $8,300 two-ton truck said his money doesn't go very far in Minnesota "because prices are very high around the Crookston area. I think the prices are higher around here when the migrants come."

That feeling is shared by Louis Martinez, a former migrant who works as coordinator of the Migrants Inc., Opportunity Center in East Grand Forks. Martinez has talked with hundreds of migrants during his 26 years in the valley.

Martinez, who broadcasts a news-music-information program in Spanish five mornings a week from radio station KRAD in East Grand Forks, asserts unequivocally that "prices go up in this area when the migrants come in."

He explained that many migrants have to do their food shopping on Sunday and have to go to the few stores in the valley open on that day.

"Why there is one guy in East Grand Forks who spends all Saturday night in his store marking up prices for the migrants who come in Sunday," he said.

Martinez claimed that another store owner in Warren, Minn., urged migrants to shop in his store on Sunday for "specials" and then raised the price on items that he knew the workers would buy such as lunch meats.

Mrs. McWalter said that from her shopping experience, food prices were not raised in the East Grand Forks area when the migrants arrived.

Farmers in sugar beet areas usually advance their migrants small amounts of cash and open credit accounts with stores, gas stations and doctors so their employees can obtain goods and services before they are paid a lump sum when the beet work is completed. The bills run up by the migrants then are deducted from the worker's final check.

This arrangement puts the migrant at a disadvantage according to James Fish, executive director of Migrants, Inc.

Fish explained that the migrant often never sees "the bill that gets deducted from his paycheck. Everywhere you find the unwarranted paternalistic assumption that the migrant can't handle his own affairs."

Most of the migrants interviewed did not object to this "paternalistic" relationship, a bond that ties the migrant to the farmer long after the worker has left for Texas.

"There is a tendency for migrants to want to please. They are very polite and are a very non-complaining people," according to Charles Moates, camp sanitarian at the state Health Department.

Moates, who has talked with hundreds of migrants during his many inspections of labor camps, explained that "if you ask a migrant his opinion about camp conditions, the answer is always everything is OK. They have remarkable loyalty to growers and often won't leave some growers who operate very poor and unsanitary camps.

Fish said that "we often believe that because the migrants do not gripe much, that nothing is wrong. But that does not mean they are satisfied with their housing.

"Many of them think if they are impolite and complain that will either, one, lose their job or two, get hit."

Migrant families, many of whom have been coming back to Minnesota for more than 10 years to work for the same farmer, often request and receive money from the farmer during the winter to cover some of their expenses in Texas. The migrant is then obligated to come back in the spring to "work off the debt."

Unlike most state residents, the migrant is not covered by unemployment compensation, according to Charles Routhe, chief of the Farm Labor Service of the Minnesota State Employment Service.

"But the migrants are covered under the minimum federal wage law of the Sugar Beet Act," he stressed, "and there are child labor laws in Minnesota for agricultural workers."

Under the act, it is illegal for children under 14 to work in the beet fields. There are a small, but undetermined, number of migrants under 14 working in the beet fields but none of the persons interviewed could recall instances where violators were penalized under the act.

An undetermined number of migrants are paid under the required minimum of $25.50 an acre, according to Martinez.

"Sometimes," he said, "the migrants are conned into accepting as little as $18 an acre by the farmer."

Many farmers pay their migrants "a dollar or two above the minimum" as a reward for a job well done, emphasized Virgil Mellies, president of the Southern Minnesota Beet Growers Association. Mellies farms on 2,000 acres near Hector in Renville County.

Besides the alleged cases of price and wage discrimination against migrants in Minnesota, the brown-skinned Texans face a certain amount of racial discrimination.

Rene Gorena, who works on a farm 10 miles west of Crookston, recalled the evening he dropped into a Crookston bar with a brother. After the two had downed three beers each, Gorena asked the bartender for another bottle.

"The bartender," said Gorena, "shook his head and said 'only three beers to Mexicans.' I asked him why and he said it was the policy of the manager."

Gorena said he complained about the incident to the Crookston police and the Polk County sheriff but nothing was done. He got in touch with the State Human Rights Department, a department employe talked with the bar owner and Gorena received an apology.

"I don't know of any other situations like that around here," he added, "and I don't think there is much discrimination around here."

Last summer in Litchfield, voters went to the polls and over-ruled their own City Council to prevent the Farmers Produce Co. from locating trailer housing for 32 single Mexican-Americans inside the city limits.

Stan Roser, editor of the local Independent Review, told a Pioneer Press reporter who visited Litchfield during the controversy that "the issue is partly racial."

Opponents of the firm's housing plans for migrants said that "housing 32 transient single men living in a camp within the city was just asking for trouble."

Farmers Produce later bought land just outside the city limits where it is housing 48 migrants this summer.

Police officers and county sheriffs in areas where migrants are quartered generally agree that migrants pose no unusual law enforcement problems.

When the company indicated last year that it might want to buy the old Atwater Hotel in Atwater for housing migrants, 30 local businessmen got together and bought the hotel themselves.

Harold Berg, secretary of the businessmen's organization, said the group's decision to buy the hotel was not racially motivated.

"We just wanted to keep the only hotel in town for the use of local people," he explained.

MIGRANT CAMP CONDITIONS VARY

(By Bob Goligoski)

Just outside Hollandale in Freeborn county, 23 children and adults live in a small, dilapidated, three-room shack. They cook in a bedroom, sleep on six beds and inhabit quarters grossly in violation of state Health Department regulations for migrant housing.

To the northwest in Renville County, a migrant family of 13 is comfortably ensconced in a 10-room two-story house on Delwood Wolff's farm outside Hector. The house is clean, boasts two stoves and has such conveniences as a bathtub and a shower.

The two dwellings are not representative of migrant housing in Minnesota.

They show only the wide diversity of such housing in the state and indicate the futility of generalizing about the condition of the 760 migrant camps in Minnesota.

The job of inspecting these camps to see if they comply with the state migrant housing code is attempted each summer by the environmental sanitation division of the Minnesota Health Department.

The division is under staffed, according to camp sanitarian Charles Moates. Statistics bear him out.

A Health Department report covering migrant camp inspections last summer reveals that "at least 120" camps were not checked because the three camp inspectors and Moates did not have time to do the job.

Of the 640 camps inspected, 342 had no defects, three were disapproved for occupancy and 295 camps were found to have between one and "more than six violations" of the state health regulations.

Two inspectors were added this summer. Mates believes that with five men his division can check every camp at least once every summer.

Two Pioneer Press reporters visited about 25 migrant camps this month, talked with dozens of migrants, farmers and health inspectors. Their findings indicated:

Nearly every camp has electricity, a refrigerator (many in poor condition) and an oven.

Very few camps have showers, and bathtubs are nearly non-existent.

Most toilet facilities consist of outdoor privies, many in violation of state health codes.

Of 109 camp water wells checked lost summer by one inspector, 106 were in violation of the health regulations.

Improper garbage disposal is the "biggest headache" for the inspectors.

Very few camps have fire extinguishers.

Moates believes there has been a "vast improvement in the condition of migrant camps in the last three years. We don't have the real poverty migrant camps in Minnesota when you compare them with those in other states."

He said the worst camps in the state probably are in Renville and Redwood counties.

Health inspectors said about 10 camps have been closed by farmers in the last 10 years after the Health Department threatened legal action if the camps were not brought up to state standards.

Many of the camps are allowed to operate with minimal violations of the code if the farmers "keep chipping away with improvements from year to year," according to Moates.

When asked why they operated their camps in violation of the health regulations, farmers gave some of the following reasons:

1. The migrants, who do not pay rent, will only occupy the camp for about six weeks so why should the farmer spend money to improve facilities that receive only minimum usage. (Nearly every farmer invests much more money in machinery and equipment that is used even a shorter time than his labor camp.)

2. Migrants, either deliberately or through ignorance, destroy facilities provided. (Enough incidents occur annually to confirm these convictions, yet they are the exception rather than the rule.)

3. Hand labor soon will be replaced by machines. (This prediction has been made often around the state in the last five years but has yet to be fulfilled.)

The state inspectors report incidents of migrants cutting out screen windows so they can throw garbage and dishwater out the open window. Springs are removed from house and privy doors so the migrant children can use the springs as toys.

The result is a procession of germ-carrying flies and other insects moving freely between the privies and the kitchen and bedrooms in the camp.

Jim Fish, executive director of Migrants, Inc., explained that migrants sometimes don't understand the necessity of having screens on doors and windows or springs on doors because they have never received much in the way of health education.

He said the state Health Department should exert a greater effort in this area "because it is obviously the department's job to do so."

Moates countered that his department is too understaffed to provide the health information. He suggested that Migrants, Inc., which runs education and counseling programs for migrants in 16 Minnesota towns, should supply the health data because the organization has the money and manpower for such work.

The Minnesota State Board of Health recently approved a new set of migrant labor camp regulations designed to toughen and raise the present standards. The new regulations, which farmers and growers will have to comply with starting next summer, require, among other things, that all camps have showers and hot and cold running water.

Those who want to operate a migrant camp will have to apply for a free permit each year from the Health Department.

Farmers generally oppose some of the provisions in the new health code. A typical reaction was that offered by Virgil Mellies, owner of a 2,000-acre farm in the Hector area and president of the Southern Minnesota Beet Growers Association:

"It is going to be almost impossible for us to conform to the new regulations. An awful lot of our own farm houses will not pass the regulations. For example, the Health Department says that for a two-story house we have to have two exits from the second floor to the ground.

"These things in the new code are just not justified. There isn't one well in 100 that will meet the well specifications.

"I think these new regulations are going to take us right out of migrant labor and put us right into the thinning machines."

MIGRANT INCOME SHAKY AT BEST

(By Ann Baker)

"People drive along and see Mexicans in the fields. They say, 'Look at them. Don't they look funny!' If THEY were Mexicans they'd know how funny it was.

"I hate to see anybody go through what I went through. You drive 2,000 miles. Don't know when you're going to break down, or if you're going to make your destination . . ."

Pedro Flores, 31, one of the 70 or so heads of migrant families who have settled in Minnesota recently, was recalling his life on the road three summers ago.

"Eleven of us came together," said his wife, Olga. "Us, our children, my mother, sister and brothers, and a dog. We had $1.60 when we got here."

The family worked for six weeks in the potato fields, sometimes 18 hours a day, with their three children beside them, the youngest in diapers. They earned $2,000 which they put down on a small cafe in Oslo, Minn.

For 19 months they struggled with the cafe, but it failed. Last July they moved to St. Paul.

Most of the migrants who come to Minnesota each June move on to other states by the middle of July.

Most of them work a fairly regular day, from 7 or 8 a.m. to 5 or 6 p.m. and in Minnesota they work mainly in sugar beet fields, living in disused farm houses, shacks or chicken coops on the land of the farmer who hires them.

Usually they are hired, by letter, before they come. If not, chances are they might not get work, like Mr. and Mrs. Arnold Garcia from McAllen, Tex., and their nine children who ended up stranded in St. Paul last week.

Everybody over 14 works in the sugar beets, weeding them, thinning them—parents, grandparents, teenagers, whether sick, well, pregnant or nursing mothers.

"If you have a big family with lots of older children, you make money," says Pedro Flores. "If you're a young couple like us . . ." he shakes his head.

Sometimes three or four families travel together, in separate cars or maybe in a big truck, like the one Ramon Zapata drove from Laredo, Tex., to Hector, Minn.

The Zapatas and their eight children stay in a two-room shack on a farm near Hector. Half a dozen other families live in nearby shacks. Ramon, Thomasa and their eldest son, Alberto, 15, work in the fields, while Julie, 13, cooks the meals and keeps house.

The younger children, ranging down to Marianna, 4, play around the shacks during the day.

They play baseball, "touch" (tag), "baby latch" (hopscotch—the markings drawn with a stick in the ground) and "Going to California" (everybody circling round a child in the center who acts the part of a hip-swinging West Coast "senorita").

In the evening the families assemble before the two TV sets in their camp. Occasionally there is a Spanish dance at Hector or Olivia or a social after Sunday afternoon's Spanish Mass at Bird Island. Movies are a rare treat. They cost money, and the reason for coming up here is to make money.

You hear tales (usually from the farmers) of rich migrants, who have well-paying jobs in Texas and come here for the summer as a kind of working vacation, a chance for the whole family to be together in the fresh air and sunshine.

Most of the families you meet say the summer migration is what provides nearly all their yearly income.

Pedro Flores says back in Texas he was lucky to get a job earning 75 cents an hour. Others earn 50 or 60 cents an hour picking grapefruit or working as busboys and busgirls in hotels, jobs that are part time or temporary. Clergy and educators in close contact with the migrants agree that jobs in Texas are very scarce indeed.

Relatively few migrants seem to have given serious thought to settling in one of the northern states where jobs are more plentiful.

Yet a spot survey of two dozen families showed none of them want their children to be migrants.

Instead, they dream of the children finding careers as teachers, mechanics, farmers, dentists, grocers, clerks . . .

The churches, particularly the Catholic Church, have been concerned for the migrants for the past 20 years.

Migrants are very devout people, priests say, though they express their devotion differently than northern Catholics.

"They set a good example for our people," says Father John Siebenand, pastor of St. John's Church, Hector. "They go up to the front of the church and stretch out their arms and really pray."

Nearly every family, whatever else they may bring with them, always bring their collection of "santos" pictures, which they set up around their shack, maybe lighting vigil lamps before them.

"Their approach to religion is not institutionalized," says Father Eugene Hackert, pastor of St. Clara's, Clara City. "Church attendance is not their standard of faithfulness. It's strictly a person-to-person thing. Wonderful, really. What we're saying nowadays the church should aim for. But it can drive an institutionalized priest out of his skin."

Father Hackert admits the Catholic Church originally concentrated on making sure the children were baptized and the marriages blessed.

Four years ago the Crookston Catholic diocese applied for federal funds to start a welfare program. From that request grew Migrants Inc., which now runs classes for children and adults throughout Minnesota and North Dakota.

The churches now work together. Father Hackert, as chairman of the Minnesota (and North Dakota) Catholic Council for the Spanish Speaking, meets frequently with the Rev. George Tjaden, who heads the Minnesota Council of Churches' Migrant Ministry, as well as with representatives of churches not in the Council.

"Our main effort today is to back Migrants Inc.," says Father Hackert. "We try to have Masses in Spanish and furnish volunteers, especially for religion classes." In Hector four nuns and two C of C volunteers run afternoon religion lessons together.

Next week Bishop Humberto Madeiros of Brownsville, Tex., will visit migrant camps throughout Minnesota to try to co-ordinate religious instruction given here with that given in Texas.

The Rev. Harry Sheets, pastor of the Church of God of the Abramac Faith in Hector, heads the local clergy committee there.

"All our churches collect clothing, especially for children, and blankets. The migrants aren't used to the cold weather," he says.

"And we're trying to get local radio stations to put on Spanish music. You see, the farmers tell me what happens is the migrants listen to Spanish music from Cuba on their short wave radios.

"And mixed in with music is propaganda . . . It's all right for those over 40. They're perfectly satisfied with their wages and conditions. But with the 20 to 25-year-olds, you have trouble."

AID TO MIGRANT WORKERS GROWS

(By Ann Baker)

Migrants don't live as long as other people. Their average life expectancy is 49. More migrant children die before they are one. More mothers die giving birth. Migrants have twice as much flu and pneumonia as other people, two and a half times as much TB, three times as many accidents. . . .

So says a sheet of statistics compiled by the U.S. Labor Department and other federal agencies.

In the past few years, efforts to improve the life of migrants have mushroomed around Minnesota.

The state Department of Health has six sanitation inspectors, 12 nurses aided by half a dozen Spanish-speaking women, seven family health centers and two dental clinics scattered throughout Minnesota, providing examinations and, as much as possible, care.

That project, headed by Dr. D. S. Fleming, is in its seventh year.

The biggest attempt to help migrants is by organization called Migrants, Inc., which developed four years ago as a result of various churches' efforts.

This year Migrants, Inc., has 520 paid and volunteer workers running six-week educational projects in 16 Minnesota and North Dakota towns. There are classes for the children, "opportunity centers" furnishing conveniences like home town Texas newspapers and vocational counselling, for adults.

At one town, Hector, 50 teachers applied for 19 positions in the school.

More than 200 children attend the school daily while their parents work in the fields. Mrs. Judy Smith, who has directed that area's school for the last four years, notes that for the first time parents have taken such an interest in the lessons that even when it rains, they send the children to school, and they pop around themselves to look in on the classes.

Originally, to most migrants the classes seemed mainly a baby-sitting service. They appreciated that, in itself, for when left at home alone the children often had accidents, especially burns from overturned kettles and pans. Taking toddlers and babies to the fields was no picnic for working parents.

Many farmers, and consequently townspeople, viewed the school as a mixed blessing. They didn't mind classes, in English or anything else, but they disliked having young women recruited from their labor crews to serve as classroom aides. And they suspected that behind the lessons might be an effort to organize the workers into some kind of union.

As a result, Migrants, Inc., staff members in Hector act very cautious. Last year they moved the school to Olivia. This year it's back in Hector, but when reporters visited last week the staff refused to take them around the migrant camps for fear of alienating the farmers once again.

"We feel Migrants, Inc., should be working down in Texas instead of here," Delwood Wolff, a Hector farmer, told the reporters.

At the school, 38 babies play in the nursery headed by Mrs. Muriel Baumgartner, R.N. Local families furnish clothes, cribs, play pens, toys. Mexican women help local women bathe, dress and play with the babies.

Another 75 youngsters, aged 3 to 5, are in Head Start classes, local children as well as migrants.

Older children study everything, math, reading, English.

"They do a very nice job of working together," says fifth grade teacher Duane Stoez. "I'm enjoying these children tremendously and would like to have them coming into my fifth grade here next fall."

But few, if any, will. Of the migrants who settle in Minnesota, most of them move to a city where they can find jobs in factories.

"There's no reason they couldn't settle here if we had any industry," says Mrs. Joseph Ginsburg, chairman of Hector's human relations committee.

The Hector school costs Migrants, Inc., $43,000 to run. Most of the money goes to salaries, for teachers, aides, and nurses. The rest goes for school buses that carry the children from a 20-mile radius daily, school dinners and to doctor and dentist care.

Migrants, Inc.'s, total budget this year is $736,000 for its 16 projects.

"But before we can get the $302,000 from the welfare departments, we need $75,000 in cash to match," says James Fish, Migrants, Inc., director.

"So far we've been promised about $7,000, half from the Polk County Migrants Council, half from a group of migrants in Grafton, N.D."

Migrants belong to the planning committees that meet weekly at the schools. Eventually, Fish hopes, migrants may take over administration of his whole program.

"That would put me out of a job," he says, "but it's what ought to happen."

MACHINES MAY OUST MIGRANTS

(By Bob Goligoski)

The Renville County farmer took a long look at a family of migrant workers hoeing in his sugar beet field and then turned to tinker with a shiny, new red and green machine sitting in one corner of his barn.

"This, my friend," he said, "is the new thinning machine. It works fine. So good, in fact, that I don't plan to have any migrant labor on this farm next year."

The farmer is just one of the 30 or so Minnesota growers who have invested $6,000 to $7,000 for new sugar beet thinning machines in the last two years. When enough of their neighbors become convinced that the new machines actually will do everything the manufacturers claim, many of the 18,000 migrants now living in the state will no longer make their annual pilgrimage to the beet fields of Minnesota.

That day may come next year, in 1975 or 1980, the time span of predictions being made by farmers, sugar companies and the several state agencies dealing with migrant laborers in Minnesota.

Some farmers were predicting five years ago that they would no longer need migrant workers. Many of the growers used their prognostications as a rationale for not improving their migrant labor camps, hundreds of which were and still are, being operated in violation of state health department regulations.

But now the farmers have added reason to replace their migrants with machines.

The Minnesota State Board of Health has adopted a series of tougher regulations, slated to go into effect next summer, which, if enforced, will compel farmers to spend hundreds of dollars improving conditions in many of the 760 migrant camps in Minnesota.

R. V. McWalter, who farms 1,600 acres near East Grand Forks, plans to "get into mechanical thinning as fast as I can because of these new regulations. I know a lot of other growers will do the same."

One of the most pessimistic predictions about the advent of the mechanical beet thinners comes from a migrant labor report issued six months ago by the state health department:

"Although technical breakthroughs could speed up the process, most forecasts now expect widespread mechanization no sooner than 10 to 15 years, and many farmers feel that chemicals and machines will always be more sensitive than hand labor to the vagaries of Minnesota climate.

"There has actually been a sizable increase in demand for migrant labor in Minnesota, and delay in the application of more strict migrant labor camp regulations cannot be justified by assumptions that the need for hand labor is disappearing."

Some farmers who have bought the machines complain that they will not work properly on a wet field or on acreage with rolling terrain.

The migrants have to contend with better herbicides that, if weather conditions are right, will remove the weeds from a field almost as well as a migrant with a hoe can.

Farmers also are hiring more youngsters from nearby communities to supplement the machines and herbicides. It is this combination of mechanical thinners, herbicides and "back-up youth labor" that will eventually replace the migrant workers.

According to the State Department of Employment Security, some 750 to 800 Minnesota youngsters have signed up this summer to work in the beet fields under a "youth sugar beet program." More than 400 of these high school students are working in the Red River Valley.

A department spokesman said that "growers are becoming more cordial toward hiring the youngsters this year." The student workers generally return home every night, and

the farmers do not have to worry about housing them in labor camps.

About 90 per cent of the workers who migrate to Minnesota each spring from Texas work in the beet fields. Nearly three-fourths of them toil on the 195,000 acres of beets in the valley.

Growers and migrants say there is a surplus of migrant workers in the valley this summer. They attribute this over-supply of labor, in part, to more migrants leaving the beet fields in Oregon and Washington for Minnesota because mechanical thinners are being used successfully in those two states.

Sugar beet production in Minnesota soared to 2,152,000 tons last year, up from 1,422,000 tons in 1967. There are indications this year's crop may exceed the 1968 production.

But these statistics do not necessarily bode well for the migrants, some of whom say that the cool, drizzly weather in the valley this spring and summer has kept them out of the fields for as long as 10 days at a time.

The several thousand migrants who work in other agricultural operations, ranging from picking asparagus to tasks in turkey processing plants and nurseries, face a more certain future in Minnesota. They apparently do not face the fate of the beet workers.

A small number of migrants have stayed in Minnesota in recent years.

PLAN FOR THE GHETTO

Mr. HRUSKA. Mr. President, Jack Lough, editor of the Albion, Nebr., News and president of the National Newspaper Association, recently wrote to Secretary Romney of Housing and Urban Development suggesting a program to alleviate the problems of our Nation's ghettos. Under Mr. Lough's proposals, selected ghetto youths would be put in smalltown American homes for their senior year in high school.

With reference to the ghetto program, Jack Lough stated in his letter to Secretary Romney:

> It has been my conviction for many years that the problems of the American ghetto will not be solved in the ghetto.

I do not know whether Jack Lough's proposal will work, but I do know that his suggested approach to the problem shows a commitment to come to grips with one of the old problems of our society in a new way.

Simply improving the incomes of America's ghetto residents is not enough because as President Nixon stated on August 8:

> Poverty is not only a state of income. It is also a state of mind and a state of health.

Mr. President, in order to give this proposal the wide publication it deserves, I ask unanimous consent that Jack Lough's letter to Secretary Romney be printed in the RECORD. I also ask unanimous consent that an editorial, entitled "Jack Lough's Example," from the Omaha World-Herald dated July 20, 1969, and an editorial, entitled "Plan for the Ghetto," from the Lincoln Journal-Star dated July 13, 1969, be printed in the RECORD.

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

NATIONAL NEWSPAPER ASSOCIATION,
Washington, D.C., June 17, 1969.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: It will be my privilege to introduce you at the National Newspaper Association convention in Atlantic City on the evening of Thursday, June 26.

However, the burden of this letter does not concern the National Newspaper Association in any way.

It has been my conviction for many years that the problems of the American ghetto will not be solved in the ghetto. I am very eager to present to you or to the proper person in your department a plan to alleviate and begin a solution to the ghetto problem.

Ghetto residents, I believe, must somehow be removed from their impoverished environment and placed in other localities where they can see and experience a different way of life.

The format for this idea actually has been operational for several years. To illustrate, the American Field Service has conducted for many years an exchange program in which foreign students have been brought into American homes to spend their senior year in high school. These foreign students, by and large, come from the most affluent homes in their native lands, and their parents can afford to send them to American schools without the help of the American Field Service program.

What I am suggesting is that we might, with considerably more benefit to the nation, encourage a program of removing ghetto youngsters from their present environment and placing them in small town American homes during their senior year in high school. During this period all efforts should be bent toward placing these individuals in situations where they can begin to learn a vocational skill.

As you know, Secretary of Agriculture Clifford Hardin is from Nebraska. I am acquainted with Secretary Hardin, and it occurs to me that if some sort of coordination and cooperation can be developed between your two departments, we may be able to implement such a domestic exchange program.

It seems obvious that this program will have to be a unilateral one for most rural white parents would be reluctant to send their children to live under ghetto conditions for an entire year or even shorter period.

I have lived in both New York and Chicago. I know something of ghetto conditions in both places as well as in the near north side of Omaha.

I reiterate that I don't believe the answer to the American ghetto can ever be found in the ghetto.

Will you please give me the benefit of your opinion about this critical matter?

Cordially,

JACK LOUGH,
Acting President, National Newspaper Association.

[From the Omaha (Nebr.) World-Herald, July 20, 1969]

JACK LOUGH'S EXAMPLE

Jack Lough, editor of the Albion News and president of the National Newspaper Association, has proposed that the administration sponsor a plan to put ghetto youths in smalltown American homes for their senior year in high school.

The Nebraska newspaperman believes young people so exposed would have wider horizons and might be motivated to have a similar kind of life. That may be a practical idea. Or it may not.

But Lough's proposal demonstrates that some small town people are deeply concerned about the problems of the cities and are willing to make proposals about how their communities can help.

Such proposals should be an inspiration to those who live in the cities, but whose concern about inner city problems seems to wax and wane according to the degree of danger. When violence threatens or is in progress, the majority is mightily concerned about putting down the violence, and it talks a great deal about doing what's necessary to break down racial barriers.

But as time goes on, as hatreds continue and racial lines harden, men of good will seem to have fewer ideas as to what to do about it.

We should help neighborhoods initiate and carry through programs of their own. What else should we do?

Work through church organizations?

Certainly.

Continue good programs such as Head Start and Project Chance?

By all means. We dare not slacken on any educational program that has demonstrated its value.

Push for open housing and other civil rights measures at both the state and community level? Certainly, push hard and use legislation once it is on the books.

Open the door to industrial and craft jobs, union and nonunion? Absolutely.

Train and hire more people for office and sales jobs? Sure enough.

Encourage more young people to continue education after high school and learn special skills? Let's do that.

However, it is one thing to make general statements and another to put them into concrete form.

Gov. Tiemann has proposed a vocational-technical school so located that it can give special attention to young people on Omaha's Near North Side. This is an excellent idea and we indorse it fully.

What might such a school teach that would catch the imaginations of those it is trying to reach? How could it build enthusiasm for technical training?

Peter Drucker, in his recent book, "The Age of Discontinuity," says that a great challenge the world around is to make poor people productive to fit them to new skills in a time when brainpower is almost everything. He tears away some of the mystique about new era jobs.

For example, he says that the requirements for a computer programmer are mastery of junior high school math, three months training and six months experience.

The number of people who could qualify for such job if they had the desire and were guided toward them is obviously greater than the number now seeking them. We could be a more productive society, and we don't need miracles to bring that about.

What we do need is more of the "What-can-I-do?" approach indicated by Jack Lough. For every workable proposal there may be a hundred that are not quite suitable.

But what of that? The important thing is that we make a personal commitment, and keep on working.

Someday, if we work hard enough, we're going to solve the problems of the cities.

[From the Lincoln (Nebr.) Journal and Star, July 13, 1969]

PLAN FOR THE GHETTO

As president of the National Newspaper Association, Nebraska publisher Jack Lough of the Albion News has advanced an intriguing plan to help alleviate ghetto problems over the country.

Lough's proposal, put forth in a letter to George Romney, secretary of Housing and Urban Development, would provide for youngsters from the big city ghettoes to spend their senior year of high school in small town homes.

There is little doubt that such an experience, handled properly could be decidedly constructive for many boys and girls from the slum areas. Aside from being introduced to a different way of life, the young people might realize the opportunities that exist outside the ghetto.

The experience could be a two-way street. Small town residents might come to appreciate a little more the severity of the problems of the cities.

For such a program to work, the small

town hosts would have to accept their visitors as they are and not expect them immediately to become carbon copies of small town youth.

But programs of this sort have yielded vast advantages on an international basis. It very well could do the same within this counry.

Certainly it is promising enough to warrant a pilot undertaking.

THE EXPANDING EQUAL RIGHTS OF WOMEN

Mr. HART. Mr. President, in light of the success of women jockeys in obtaining their rights, and current publicity regarding women who are attempting to become employed in positions traditionally held by men—baseball umpires, mounted police, and croupiers—I welcome the opportunity to bring to the attention of the Senate another breakthrough in equal rights and opportunities for women and a breakdown in sex discrimination practices.

The Professional Race Pilots Association has recently decided to allow women pilots equal consideration for participation in their air races. These are closed course pylon air races in experimental aircraft.

This decision was reached by the Professional Race Pilots Association as a result of a written protest by one of its members, Mrs. Betty Skelton Frankman, of Willis, Mich. An exceptionally well-qualified and experienced pilot with several thousand hours of national and international flying time over the past 27 years, Mrs. Frankman is the wife of a licensed pilot—also a member of the PRPA—and is the vice president and director of the women's advertising and marketing department in the Campbell-Ewald Advertising Co.

Mrs. Frankman has been working over a period of 20 years for the recognition by the PRPA of qualified women pilots in qualified aircraft. She has now succeeded in reaching the association's conscience and bringing to an end its informal policy of excluding women pilots from participating equally with the men in PRPA-sponsored air racing competitions.

Happily this successful effort to obtain equal opportunity is indicative of a growing trend and encourages us that women in other, less glamorous pursuits will also receive the same equal treatment. I am grateful that I had an opportunity to share in this development.

Mr. President, I ask unanimous consent that a letter I received from Mrs. Frankman and a letter from Mrs. Frankman to Mr. Robert Downey, president of the Professional Race Pilots Association, be printed in the RECORD.

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

CAMPBELL-EWALD CO.,
Detroit, Mich., July 9, 1969.

Senator PHILIP HART,
U.S. Senate, Washington, D.C.

DEAR SENATOR HART: Attached is my letter to the Professional Race Pilots Association commending the organization on their recent decision to and discrimination against women pilots in air racing.

It is a gross understatement to say that this could never have been accomplished without your excellent support on the issue. Your inquiries on the matter were largely responsible for their decision, and women pilots all over the country, as well as myself, are most grateful to you.

My sincere thanks and appreciation for your help.

Cordially,

BETTY SKELTON FRANKMAN.

JULY 9, 1969.

Mr. ROBERT DOWNEY,
President, Professional Race Pilots Association, Whittier, Calif.

DEAR BOB: I am writing to thank you for the expeditious and completely fair manner in which you personally handled my protest letter of April 15.

I would also appreciate your conveying my sincere thanks to the Board of Directors and the active members of the Professional Race Pilots Association for their just consideration and unbiased decision to allow women pilots equal consideration in future air races. The PRPA is to be highly complimented on the competent and expedient manner in which they handled this issue.

I personally am grateful to all of the members who supported desegregation on the moral basis of what is right and wrong rather than on the fear of a legal suit.

Although your decision presents some new problems for the organization, I sincerely believe it will result in air racing becoming an even more interesting competitive sport both for participants and spectators.

I appreciate your full cooperation and congratulate the PRPA for taking an aggressive step forward in new directions.

Regards,

BETTY S. FRANKMAN.

TRIBUTE TO THE LATE KATHLEEN D. MELLEN, AUTHOR OF HAWAIIAN HISTORIES

Mr. FONG. Mr. President, it is with deep sorrow that I join her hosts of friends and admirers in mourning the passing of Mrs. Kathleen Dickenson Mellen in Honolulu on August 1.

A gracious lady whose early interest in the Hawaiian people led her to write numerous articles and books on Hawaiian history, Mrs. Mellen was known as "kawahine aloha puuwai," which means "the woman with the ever-loving heart."

She was beloved for her understanding, friendship, and support of the Hawaiians. Born at Walrose, an estate at Castlewood, Va., Mrs. Mellen traveled to Hawaii in 1922.

It was through one of her closest friends, Princess Abigail Kawananakoa, that she came to know and love the Hawaiian people. From this affectionate relationship flowed her literary works about major figures in Hawaiian history.

On June 3, 1922, she married George Mellen, an advertising and newspaper man, at Washington Place, now the Governor's mansion.

Shortly after their marriage, the Mellens built a home on the slopes of Diamond Head, where she was to spend the rest of her life.

There, for many years, groups of women gathered regularly for discussions she led on art, culture, and literature.

At the time of her death she was editing her memoirs, which she designed to be published posthumously. In the unfinished final paragraph of her book, she wrote:

I am grateful to the fate that brought me to these beautiful islands where I might know the rich culture of many lands. I have enjoyed them all. . . .

Of the many tributes paid to this authoress, I wish to quote a few:

The Reverend Abraham Akaka, pastor of Kawaiahao Church:

Kathleen Mellen was more than a friend to our Hawaiian people. She was a loving mother who watched over us, protected us, encouraged us, and supported our causes as best she knew how to do. Our native Hawaiians will miss her strong support.

Honolulu columnist Eddie Sherman:

"Kathleen Mellen was one of the warmest human beings I've ever met in my life—one who had so much empathy and understanding of the Hawaiian. Her many volumes will serve as a legacy to those loved—the people of these islands. It was indeed a privilege to have known Kathleen—truly one of the outstanding individuals I've met in 15 years of newspapering."

Monsignor Charles Kekumano, Cathedral of Our Lady of Peace:

The phrase "Hawaiian at heart" was eminently true of Kathleen Mellen. She learned to understand Hawaiians and their sensitivities and she loved them deeply.

Never condescending in her attitudes toward Hawaiians, she was in awe of the qualities that made them gentle of spirit. She once told me, "Hawaiians are beautiful people—and their beauty needs to be understood."

Newspaper columnist Bob Krauss:

I think Kathleen's great contribution lay in her defense of Hawaiian kings who have no throne, of subjects who have no land, of pomp that has no place to go. If that attitude is decadent, it is not at all unique.

Kathleen was a nagging conscience, an accusing finger. What did it matter that restoration of the monarchy was a preposterous impossibility? What mattered was to recall the day of glory of the Hawaiian!

And so, with the passing of Mrs. Mellen, the life of a compassionate, articulate writer has come to an end. But her writings will be a lasting memorial to a woman with an ever-loving heart for the Hawaiian people.

To her husband, Mrs. Fong and I extend our heartfelt sympathy and fond aloha on the loss of a devoted wife and helpmate.

SENSELESS RECORDKEEPING REQUIREMENTS ON SPORTING GUN AMMUNITION MUST BE ELIMINATED

Mr. MONTOYA. Mr. President, when I voted for the passage of the Gun Control Act of 1968, I did so because I felt it was a necessary measure. I was not happy with all the features of the bill, but all in all, I thought the assets outweighed the liabilities. Since that time, I have become aware of a grave inequity that exists as a result of this legislation, a provision that unnecessarily burdens law-abiding citizens with the senseless registration of certain types of ammunition. At the time I voted for the Gun Control Act, my concern was with the problems of crime and with the danger that the unregulated use of firearms poses for our society, but I was not interested in creating a lot of redtape procedures which are unnecessary to gain the primary ends of the act.

All parties to the debate surrounding the question of added Federal controls on firearms are agreed that convicted

felons, narcotics addicts, mental incompetents, habitual drunkards, and similar persons should not be permitted to purchase or possess firearms. There is some disagreement, however, as to the best means to effectuate this purpose, as there is deep concern among sportsmen and other legitimate owners of firearms as to the application of such controls to their interests, and I share their concern and interest.

An amendment to include ammunition as well as firearms under the coverage of the Gun Control Act of 1968 was a last minute addition and has posed many problems and served little constructive purpose.

Section 922 (b) (5) of the Gun Control Act provides that Federal firearms license holders must record the "name, age, and place of residence" of persons purchasing firearms or ammunition. The authority granted by this provision has been erroneously interpreted by the Secretary of the Treasury to serve as the basis for regulations requiring that the date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, and mode of identification be recorded. The reason for this misinterpretation and increased mandatory information probably results from section 923(g) of the same act providing that licensees must maintain records "for such period, and in such form as the Secretary may by regulations proscribe." But in my opinion, these comprehensive recordkeeping requirements are in direct contradiction of the statutory authority of the law, section 922 (b) (5), in which Congress clearly specified the extent of the information that could be required to be maintained in permanent records. These requirements have been described as back door registration, and there is much truth in that label.

Mr. President, I consider the net result of these recordkeeping requirements as they apply to ammunition to be simply a large mass of useless records. Indeed, those in the Treasury Department who are charged with enforcement of the act are the first to admit that such records are of no use in fighting crime, largely because of the nature of ammunition as a fungible article. A criminal cannot be traced by the identification of a bullet even if the ammunition was registered, and consequently, the requirement does nothing but impose upon the time and privacy of legitimate purchasers and sellers of ammunition. On this subject, it seems obvious that administrative direction has acted to circumvent the express wishes of Congress on this subject.

Furthermore, the requirements are a palpable nuisance to the dealer who has to keep all these records for every sale of ammunition, no matter how small a quantity is involved. Many ammunition sales occur in quick-sale stores where unnecessary registration merely provides an added burden on such dealers who must participate in what I consider to be a useless exercise in redtape.

As a result of these inequities, I have joined in cosponsoring S. 2718 which would simply do away with the recordkeeping requirements in cases of transactions in ammunition for sporting guns. It would not affect handgun ammunition transactions, nor would it affect any aspect of the present controls over long gun ammunition except for the registration requirements. It is a very limited bill.

Mr. President, what we need to do now, as has been pointed out, is not only remove this inequity, but to get these recordkeeping requirements off the books before the fall hunting season begins. Otherwise, we are all going to be hearing from a lot of justifiably angry constituents, and I suggest it is these petty and senseless aspects of a regulatory procedure which generate the strongest resentment. On the basis that the existing ammunition regulations exceed the provisions of the law, unduly inconvenience legitimate firearms users and serve no real useful purpose, I have cosponsored S. 2718. I endorse this badly needed legislation, and urge that my colleagues give this bill their favorable consideration. Thank you.

Mr. President, I ask unanimous consent that the text of S. 2718, introduced by Senator BENNETT and cosponsored by over one-third of the Senate, be printed in the RECORD.

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

S. 2718

A bill to modify ammunition record-keeping requirements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4182 of title 26 of the United States Code is amended by adding the following subsection (c):

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

THE 50TH ANNIVERSARY OF NAVAL AIR REWORK FACILITY, NORTH ISLAND, SAN DIEGO, CALIF.

Mr. MURPHY. Mr. President, July 15, 1969, marked the 50th anniversary of the Naval Air Rework Facility, North Island, San Diego, Calif. This major industrial complex has provided responsive support to naval aviation since the days immediately following World War I.

Through the dedicated efforts of past and present members of the team at North Island, the Navy has been provided a steady flow of first-class aircraft from the Curtiss N–9 of 1919 to the Phantom jets of 1969.

During periods of national stress beginning with World War II and continuing through the present Vietnam conflict, the facility has provided that extra effort which has assured our forces of the quality weapons so essential to combat success.

Today, the Rework Facility employs more than 7,600 military and civilian personnel who staff shops, offices, and laboratories in 71 buildings. The plant processed 720 jet fighters, helicopters, and early warning aircraft during fiscal year 1969, plus 1,993 jet engines and 125,000 aeronautical components.

The Naval Air Rework Facility at North Island, one of seven depot level aircraft rework activities of the naval shore establishment, is under the management of the Naval Air Systems Command Representative, Pacific. These seven activities perform a complete range of rework operations on designated mission-essential weapons systems.

Work of the seven facilities is not limited to stateside service and each dispatches teams of technicians to forward areas to provide support to combat forces. This greatly increases the number of aircraft in the combat zone and assures the speedy return of damaged planes to the fleet.

Since the beginning of the Vietnam conflict, Naval Air Rework Facility, North Island, has overhauled 56 crash-damaged F–4 Phantom II jet fighters at an average repair cost of less than $270,000. Compared with a replacement cost of $2.5 million, the savings are tremendous. During the same period, 22 crash-damaged helicopters have been repaired and returned to service at an average repair cost of less than $240,000 and 22 F–8 Crusader jet fighters at an average repair cost of approximately $105,000.

To accomplish the crash/combat damage repairs, many new techniques have been developed. For example, in 1967, personnel devised a means of mating the two halves of wing center sections of F–4 aircraft wings, an operation previously thought impossible. This led to the repair of many severely damaged wings where only one half was worth saving. At a replacement cost of approximately $175,000, each wing reclaimed represents a significant saving.

But crash damage repair is only a small part of the work of the Naval Air Rework Facility. Much of the workload consists of overhauling aircraft and related weapons systems which have completed a normal service tour and require Progressive Aircraft Rework.

While efficiently and skillfully meeting present needs, the Naval Air Rework Facility is preparing for the future. Keeping pace with advancing technology requires a dynamic program. At North Island there is constant updating of facilities, equipment and skills. A new structure for the rework of E–2A "Hawkeye" early warning aircraft was opened in February, 1969, as the first step in a master plan for orderly development of a major new complex. Too, the facility is quick to adopt sophisticated machines and techniques such as numerically controlled shop equipment, electron beam welding, and environmentally controlled facilities.

People—very special people—have been the key to the effectiveness of the rework facility through its 50-year history. Dedicated, highly motivated men and women with the varied professional and technical skills demanded by aerospace technology are the *most* valuable resource of the rework facility. The initiative and expertise of these men and women, coupled with an aggressive and

farsighted incentive awards program, has made innovation a tradition at North Island—a tradition that profits not only employees but has saved literally millions of tax dollars. In October of 1968 the rework facility was presented the Navy Cost Reduction Program Outstanding Unit Award by the President of the United States.

Mr. President, I am proud, very proud of the superior job my fellow Californians are doing to assure the strength of our Navy's air arm. As the Naval Air Rework Facility, North Island, looks to the future with its increasingly complex aircraft, using more advanced powerplants and electronics systems, I am confident that it will provide the same excellent maintenance support it has furnished for the past 50 years. With the well-established tradition of timely growth which has met 50 years of changing Naval aviation requirements successfully, personnel of the rework facility can face a second half century of operation with pride and confidence.

ROUGHING THE PIONEER

Mr. INOUYE. Mr. President, The Hawaiian people are gratified that a decision has finally been rendered granting additional services from all sections of the mainland to the State of Hawaii.

However, Mr. President, we have pondered the question recently raised in the editorial page of the Honolulu Star-Bulletin: How can we justify overlooking the island's pioneer in air transportation—Pan American World Airways?

While I do not wish to appear to be second-guessing the decisionmakers, it seems reasonable to assume that one of the five carriers given new, expanded routes to Honolulu and Hilo should have been Pan American, the carrier that pioneered commercial service from the west coast to Honolulu as early as 1935. A pioneering spirit developed in the days of the Flying Clipper and maintained vigorously into the postwar period, as evidenced by inauguration of service from the cities of Seattle, Portland, San Francisco, and Los Angeles, continues unabated.

Mr. President, I ask unanimous consent that an editorial published in the Honolulu Star-Bulletin of July 29, 1969, be printed in the RECORD.

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

ROUGHING THE PIONEER

In the euphoria surrounding final action in the long Transpacific Route Case, it has been forgotten that when the largesse was passed out the airline that pioneered Pacific air travel was ignored.

All Pan American World Airways got was more competition that will subject it to significant traffic erosion on all its Pacific routes. Its bid for new connections to Hawaii from points in the U.S. interior was denied even as other lines were given such routes.

CAB also deprived Pan Am of the passenger feed it has had in the past from American Airlines mainland service by giving American routes to Hawaii and the South Pacific.

Aviation circles think the decision may increase Pan Am's interest in a merger but even the most likely partner has been snatched away. Pan Am and American previously had route structures that would have fit together nicely. Now, however, they have parallel South Pacific routes and a merger might raise Justice Department objections.

All in all the Pacific pioneer has been roughly handled.

TRAVELERS CORP. EMPLOYEES FAVOR DIRECT ELECTION

Mr. BAYH. Mr. President, for more than 3 years the Subcommittee on Constitutional Amendments of the Committee on the Judiciary has devoted a great deal of study to the problems of electoral reform. This important issue, however, should not be discussed solely in Congress. It is, in truth, a public issue of concern to every American.

The Chamber of Commerce of the United States is one of several organizations that have performed a valuable public service by devoting a great deal of its time to the fostering of public awareness and debate on the subject of electoral reform. The most recent issue of the bulletin "Public Affairs," released by the national Chamber for the third quarter of 1969, included a poll taken by the Travelers Corp. of Hartford, Conn. Conducted in May of this year, this poll surveyed the Travelers' employees on their preferences among the various methods for electing the President. The poll revealed overwhelming support for direct popular election.

I commend the Travelers Corp. for its efforts to bring to the attention of its employees this subject of national concern, and especially the efforts of its secretary, Mr. Dayson DeCourcy, under whose direction this significant survey was taken. With this example in mind, perhaps other community-minded companies will join the Travelers Corp. in seeking the opinions of their employees on the important issue of electoral reform.

Mr. President, the results of this poll conducted among 27,000 employees resident in 49 States, is another indication of the nationwide support for the proposed direct popular election of the President and Vice President. I ask unanimous consent that this timely article be printed in the RECORD.

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

[From Public Affairs, Third Quarter, 1969]

TRAVELERS PREFERS DIRECT-VOTE ROUTE TO THE WHITE HOUSE

In May, The Travelers Corporation of Hartford, Connecticut, became the first company of its size and geographic distribution (facilities all over the country) to poll its employees on their preferred method of electing the President.

Under the direction of Dayson DeCourcy, Secretary of Public Affairs, the firm polled its 27,000 employees in 49 states on electoral college reform.

The survey revealed:

73 per cent favored the nationwide popular (direct) vote.

8.5 per cent, the present system.

7.0 per cent, a modification of the present system

6.0 per cent, the proportional method

5.5 per cent the district method

Returns exceeded 15 per cent. Results of the poll were mailed to all members of the House and Senate Judiciary Committees.

The poll was conducted through the employee magazine, Features. An article titled, "Is This Any Way To Elect A President?" outlining the pros and cons of the Electoral College System and the several suggested methods of reform, preceded the questionnaire.

TRIBUTE TO SERGEANT KENNETH S. ANDRADE

Mr. FONG. Mr. President, a person can make no greater sacrifice for the country he loves than to give his life for it. Such was the ultimate sacrifice that Sgt. Kenneth S. Andrade made for his country in Vietnam.

Sergeant Andrade was killed by a grenade on February 27, 1968, in an attack by enemy troops on a defense perimeter 10 miles west of Dak To, South Vietnam.

For his courageous acts of valor and untiring dedication to his men, Sergeant Andrade was awarded posthumously the Distinguished Service Cross, the Nation's second highest award for heroism.

In recounting the story of Andrade's acts of heroism that saved his men but cost him his life, Pfc. William A. Edwards wrote:

Sgt. Andrade, acting in the absence of the platoon leader, rushed up and down the line shouting commands, pointing out targets and encouraging his men while constantly being exposed to the deadly automatic weapons, grenades, and small arms fire.

In further tribute to this brave and outstanding American, an outdoor amphitheater in Vietnam has been named Andrade Bowl in his honor.

Mr. President, I invite the attention of Senators to the fact that another Andrade son, Kenneth's younger brother Robert, also made the ultimate sacrifice for his country in Vietnam.

S. Sgt. Robert S. Andrade was killed by a mortar shell on February 10, 1966, shortly after the 25th Division arrived at Cu Chi, South Vietnam. Robert Andrade was posthumously awarded the Silver Star for gallantry in action.

Mr. President, I ask unanimous consent that an article entitled "Vietnam Theatre Named for Heroic Islander," published in the Honolulu Advertiser of August 8, be printed in the RECORD.

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

VIETNAM THEATER NAMED FOR HEROIC ISLANDER

(By Jim Hanney)

An outdoor amphitheatre in Vietnam has been named Andrade Bowl in memory of Platoon Sgt. Kenneth S. Andrade, of Honolulu. He was the second member of his family to be killed in Vietnam.

Andrade, 37, was killed by a grenade on Feb. 27, 1968, in an attack by enemy troops on a defense perimeter 10 miles west of Dak To.

He was awarded the Distinguished Service Cross posthumously, the nation's second highest award for heroism, for his role in the bitter action.

A younger brother, S/Sgt. Robert S. Andrade, 33, was killed by a mortar shell Feb. 10, 1966, shortly after the 25th Division arrived at Cu Chi.

Robert Andrade was a member of Com-

pany C, 1st Battalion, 27th Infantry. He was posthumously awarded the Silver Star for gallantry in action.

Maj. Gen. Donn R. Pepke, commander, 4th Infantry Division, wrote Mrs. Andrade before the dedication of the theater at his base, Camp Enari:

"Kenneth's deeds of valor will be perpetuated not only by this memorial but in the hearts and minds of his fellow soldiers throughout the division as well."

PFC William A. Edwards recounted the story of Andrade's acts of heroism that saved his men but cost him his life.

He wrote: "On Feb. 27, 1968, the men of Company A, 3rd Battalion, 12th Infantry occupied a defense perimeter 10 miles west of Dak To.

"Sgt. Andrade and his men were positioned along the southwest portion of the perimeter. Suddenly the North Vietnamese Army attacked in a savage ground assault from his front.

"Sgt. Andrade, acting in the absence of the platoon leader, rushed up and down the line shouting commands, pointing out targets and encouraging his men while constantly being exposed to the deadly automatic weapons, grenades and small arms fire.

"One of his bunkers was hit and men were wounded. With absolutely no regard for his own safety, Sgt. Andrade rushed over and began treating the men.

"Three of the enemy assaulted the position with grenades and automatic weapons fire. He wheeled about and brought all three down with his M16.

"As he attempted to lift one of the wounded a grenade landed nearby but he picked it up and hurled it back at the enemy.

"Then he picked up the casualty and, still under fire, carried him to the landing zone.

"Repeating this act several times, he managed to get the wounded out and then returned to the bunker line.

"By this time the line was weak so he repositioned his men and began running from bunker to bunker distributing sorely needed ammunition.

"When he saw another of his wounded, Sgt. Andrade moved along the line to aid him. Suddenly, he drew a heavy concentration of enemy fire.

"He scrambled toward the safety of a nearby bunker, but his luck had run out.

"As he neared safety, a grenade exploded close by. His serious wounds overcame him before evacuation to a hospital was possible."

Command Sgt. Maj. William H. Strickland represented Gen. Pepke at the dedication ceremonies conducted on June 20.

"I'm kind of proud that they named the theater after him," said Andrade's brother, Capt. Manuel S. Andrade of the Honolulu Fire Department.

"Robert had a hunch that he wasn't coming back but Ken told me: 'I'll be back.' " Manuel recalled.

Kenneth's widow, the former Luwina Palenapa, and three children, Charlene, Kenneth and Gary, live in El Paso, Texas.

Robert's widow, Mrs. Anna N. Andrade, and daughters Allison and Rohann, live in Waimanalo.

Two other Andrade brothers survive: Rudolph is an Army sergeant at Ft. Huachuca, Ariz., and Boyd is a sergeant with the Honolulu Police Department.

Kenneth attended Robert's funeral Feb. 21, 1966, at the National Memorial Cemetery of the Pacific, Punchbowl.

Surviving sisters are Mrs. June Buendio, Mrs. Katharine Lopez, Mrs. Elaine Wright, Mrs. Maxine Kahaulelio, and Mrs. Shirley Meheula, all of Oahu.

Kenneth spent 16 years in the Army and had served as an ROTC instructor for an El Paso high school before going to Vietnam.

Andrade was a halfback on the championship McKinley High School team of 1947 that upset Punahou in a celebrated game before a sellout crowd at Honolulu Stadium.

Robert had been a fullback on the Iolani championship team of 1950.

The deaths of the Andrade brothers marked the second time Island brothers were killed in Vietnam. Rudy Sagon was killed in 1965 and his brother, Stanley, died in 1966.

DIVERSION OF ARCTIC WATERS SOUTHWARD

Mr. MOSS. Mr. President, for some 5 years I have been discussing at various times before the Senate, in committees, and in speeches that I have made around the country the concept of bringing arctic flowing waters from the north of the continent, southward into parched areas of the West, Middle West, and even the Great Lakes region.

Oftentimes I have felt that I was crying in the wilderness. Many have doubted the political feasibility of such a proposal, and a few have challenged the economic feasibility. But I believe that it is inevitable that we work out a plan of using waters that are wasted in areas that are suffering from lack of water.

Consequently, I was most pleased to read an article written by Harold Hughes, and published in the Portland Oregonian for July 31. The article quoted Secretary of the Interior Walter J. Hickel as saying that he had talked with Prime Minister Pierre Trudeau, of Canada, about importing Canadian water to relieve parched areas of the West, and that he had reminded Mr. Trudeau that great rivers of the north are just running into the ocean and that we could have arctic waters for the West.

This is tremendously heartening. I congratulate Secretary Hickel and Prime Minister Trudeau and all others who are now seriously considering this possibility. 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:

HICKEL REPORTS TALKS ON IMPORTING CANADIAN WATER TO WESTERN UNITED STATES

(By Harold Hughes)

SEATTLE.—Secretary of Interior Walter J. Hickel, fielding questions from the western governors, said Wednesday he has talked with Premier Pierre Trudeau about importing water from Canada to help parched areas of the West.

Hickel said he had reminded Canada that Alaska feeds Canada's arctic waters and the great rivers of the North are "just running into the ocean."

Looking ahead 10 years, Hickel said, "we could have arctic waters for the West."

The secretary's comment followed a statement by Gov. Stan Hathaway of Wyoming that he thought the real solution to the western water shortage lies in importing Canadian waters.

Hathaway then asked if the administration had been doing any planning, as "if we don't get started, we are going to be dried out in a few years."

"It has already been discussed. I met with Premier Trudeau on this a month ago," Hickel replied.

In the water discussion, Gov. Ronald Reagan of California jokingly told Gov. Dan Evans of Washington, "We'll trade you a university for some water."

Aside from this quip the governors were serious in discussing their problems in the field of natural resources with Interior officials, ranging through water, mining, recreation, Indians, to air and water pollution problems.

Gov. Tom McCall, who presided over the Wednesday session, opened up with a proposal that the Western states join in a "conservation compact" to establish standards for air and water quality controls.

PROBLEMS CITED

"We need to blend together in purpose and objective through area-wide covenants of conservation. The oil in the channel of Santa Barbara, the DDT in the salmon of Alaska, the soft shells of the eggs of the brown pelican, are all joint problems of the family of the West," the Oregon governor said.

McCall then proposed that "some architecture from the past" be reused, citing compacts among the states for fisheries, education and recently a nuclear compact.

McCall said, "We've served man's material needs: Now let's serve his spirit."

The Oregon governor introduced Secretary Hickel, saying that "I have been more than reassured by his evenhandedness in office."

Hickel was asked by Governor Hathaway if he intended to continue the multi purpose policy of public land use, "or were the radical conservationists going to get the upper hand?"

Hickel said he wanted to reiterate his controversial statement he made on taking office—"I am not for conservation. We have to catalog public lands, decide what is their best use, whether for scenery, recreation, or mining."

He said when the Public Land Law Commission completes its work that the administration and the Congress "are going to have to face that problem."

In discussing Indian problems, Hickel promised the governors "you are going to have an Indian as commissioner of Indians," but he said that a whole group of new faces would be needed to "clear out the bureaucracy" in the Indian Bureau.

John T. Middleton, commissioner for the National Air Pollution Control Administration, flatly told the governors he believed the "internal combustion engine must go if air pollution control is ever to be accomplished."

He said that millions of dollars in research are being spent on new propulsion methods for autos and trucks.

Middleton said new propulsion methods must come as there is no device that will do the job on the internal combustion engine.

He said the federal government hoped to avoid the need for the states to set up their own auto inspection programs to see that antipollutant devices on the new cars are maintained.

He said he had issued a regulation this week requiring manufacturers to inform car buyers in their guidebooks how the devices work and how to service them.

PUBLIC TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. BENNETT. Mr. President, yesterday, August 11, 1969, I introduced, with the cosponsorship of the Senator from Alabama (Mr. SPARKMAN), chairman of the Committee on Banking and Currency; the Senator from Texas (Mr. TOWER), the Senator from Illinois (Mr. PERCY), and the Senator from New York (Mr. GOODELL), all members of that committee, S. 2821, the administration's bill to provide for Federal participation in the development of urban mass transportation systems.

Prior to the introduction of the bill, informal conferences were held between the chairmen and the ranking minority members of the Committee on Banking and Currency and the Committee on

Commerce. As a result of the discussions, it was mutually agreed that because the bill is primarily related to the problems of urban transportation, the bill should properly be referred to the Committee on Banking and Currency for initial hearings and action, with a further understanding that should any features develop which are properly within the jurisdiction of the Committee on Commerce, that committee would have ample opportunity to consider them before the bill would be reported to the Senate. The Parliamentarian concurred in this decision, and the bill was so referred.

This explanation should have been made when the bill was introduced. It is made now for the information of the Senate.

ADDRESS BY SENATOR DODD BEFORE NATIONAL CONGRESS OF PETROLEUM RETAILERS

Mr. DODD. Mr. President, it was my privilege to address the delegates of the annual convention of the National Congress of Petroleum Retailers at the Hilton Hotel in Hartford, Conn., yesterday, August 11, 1969.

Because I was in Hartford addressing this fine group of small businessmen, I was not able to be present for two rollcall votes. Had I been present, I would have voted in the affirmative.

Mr. President, I ask unanimous consent that the text of my remarks to the National Congress of Petroleum Retailers be printed in the RECORD.

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

Mr. Toastmaster, ladies and gentleman: It was the invention of the automobile, more than anything else, which was responsible for a major industrial evolution in the United States: the growth of the petroleum industry.

As the number of cars increased, so, too, did the consumption of fuel and the volume of services they required.

As highways criss-crossed the country and the continent seemed to grow smaller, the petroleum industry witnessed an unprecedented expansion.

As methods of mass production were introduced and the countryside became urbanized, the petroleum industry, graced by competent leadership and sheltered by beneficient tax laws, garnered astounding profits.

Today, 9 per cent of the American wage earner's take-home pay is spent on transportation, with the largest portion being spent on automotive maintenance and fuel.

Despite this large slice of the economic pie, and despite the unsurpassed success of the petroleum industry as a whole, however, 75,000 small businessmen were forced to close their gasoline stations last year.

In an attempt to discover the answer to this strange anomaly, the Senate Antitrust and Monopoly Subcommittee, of which I am the ranking member, recently held hearings on the subject. The central question which framed the hearings was why, in an age of automotive prosperity, the profits of the petroleum industry have not sifted down to the retailers' level.

Although the answer was not totally unexpected, we were shocked to learn of the magnitude and severity of the problem.

We had no idea that the franchise system in this country was so riddled with abuse.

We did not know that the franchisee, the gasoline retailer, was no longer an independent small businessman, but rather had been relegated to the position of being an economic vassal of the franchisor, the giants of the petroleum industry.

We did not know that the threat of cancellation of a franchise was wielded as a meat cleaver by the company over the head of the operator.

We know now, however, as most of you know all too well, about those alluring newspaper advertisements which called on you to "be your own boss, earn $10,000 a year, run a Brand X tation", but which never told you that the chances of success were extremely slim.

In fact, the Internal Revenue Service indicates that: the average annual profits for a service station operator are only $3,000; one out of every three stations opened each year fails; and, only 5 percent of the gas retailers earn more than $10,000 annually.

Most of you here learned through experience what we learned in the hearings; namely, that in order to survive and to keep your gasoline franchise, you must "play ball" with the petroleum companies.

One witness who testified before the Committee was the second largest dealer in his area. However, he did not sell as many of his company's tires as he did another brand. Without warning, he soon received a letter announcing that his franchise would not be renewed.

Another dealer's franchise was cancelled when he made several requests to the company to build a third service bay so that the station might qualify as a state inspection outlet.

We learned that the mere threat of cancellation is usually an effective means of encouraging gasoline retailers to purchase trading stamps, promote give-away games, and sell company products, for the industry's dictates are simple: "comply with the demands, or be replaced by some one who will".

Witness after witness told how service station operators had put their backs and hearts into an operation only to have their franchises cancelled by a hot shot young regional manager because they refused to knuckle under.

The message from the Subcommittee's hearings came through loud and clear. In a society which reveres free enterprise, "laissez-faire" economic policy is certainly the ideal. But when "hands off" results in such malpractices as short-term lease cancellation, it is time for government regulation.

The regulation we propose is entiled "The Fairness in Franchising Act". It responds to the problem by requiring first, that a franchise may be cancelled for reasons of *substantial* non-compliance by the dealer.

It requires the company to show good cause if the reasons for his cancellation are challenged. Also if the franchisor does have a good reason for cancelling, he cannot take advantage of short notice and buy back the independent dealers' assets at a low price. He must give the retailer at least 90 days' notice so that the retailer can wind up his affairs in an orderly and profitable fashion.

It seems to me that once a dealer is relieved of the weight of arbitrary and capricious cancellation practices, he can become more sensitive to market opportunities, thereby better serving the needs and desires of the travelling public.

Unlike early antitrust laws, the Fairness in Franchising Act responds directly to the unique competitive position of the independent operator. It does not deal with the disruption of competition in the classic sense, for in the franchise system, the anti-competitive villain is the retailer's own supplier, his petroleum company.

Oil producers can control prices in an entire market by controlling the prices of one company-owned station. The petroleum company is happy to take a loss on one station if it can force other stations, including some of its own dealers, to sell their gas at roughly the same rate.

Prices in an entire major city can sometimes be regulated by subsidizing one service station.

Tactics like this benefit no one. Consumers lose. Industrious men are put out of business. Faith in the free enterprise system is shaken.

The members of the Subcommittee were determined to provide a remedy to this particular problem, and section 6 of "the Fairness in Franchising Act" provides such a remedy. The offended retailer need not wait for action by the Federal Trade Commission, which used to be the case. Instead, he may bring the action against the violating supplier himself. In effect, the Fairness in Franchising Act allows a franchisee to bring civil antitrust action against a franchisor.

In a sense, the problem of the gasoline retailer is symptomatic of the general plight of all small businessmen in the United States. The giants of industry are growing even larger. Government is becoming more complex. As a result, all too frequently both are insensitive to the demands of the small businessmen.

I believe the time has come for a new bill of rights for the small businessman, and I am hopeful that the Fairness in Franchising Act will be the cornerstone of these rights.

At the moment, the Antitrust and Monopoly Subcommittee is prepared to report "The Fairness in Franchising Act" favorably to the full Judiciary Committee. With a little effort on the part of interested Senators, the bill could pass the Senate, and, perhaps, with a little bit of luck even be enacted before the curtain falls on the first session of the 91st Congress.

The Fairness in Franchising Act, however, is only a first step. More needs to be done, for the problems which face the small businessman are the same as those which face all of us.

Our courts and legislatures, for example, have been zealously protective of the rights of felons and murderers. They have not been nearly as active in providing safety for citizens on the streets, or for businessmen who stay open after dark.

Criminals continue to have easy access to guns while law enforcement agencies are seriously undermanned. Last year, for the first time in thirty years, gun control legislation was passed by Congress. But I will not feel that my work on gun control is completed until a small businessman or gas station owner can keep his establishment open at night without the haunting fear of an armed robbery.

It is time for more responsiveness to economic problems, too.

First and foremost, tax reform is sorely needed.

Inflation must be halted. Prices are spiraling upward, while incomes are not keeping pace. The small businessman's costs are exorbitant, while profits are minimal.

Interest rates must be held in check. The group hurt the most by the recent increase in the prime interest rate was not the large borrower. He will always manage to receive funds somewhere at a rate he can afford. Instead, it is the small borrower, trying to build a home or start a business, who is burdened with astronomical interest charges.

These problems, and many, so many more, cry for solutions.

But my hopes are high.

Last month, when we expanded our horizons to the moon, we began a new era, which will provide perhaps the greatest opportunity for hard-working, intelligent men that our country has ever known.

I think my past record makes my stance for the future clear. Small business and the principles it represents will not be abandoned. You can be sure of it.

Thank you for your welcome and thank you for this opportunity to meet and talk with you about a real problem for all of us and for the people of the United States.

ADDRESS ON MICRONESIA BY MRS. ELIZABETH P. FARRINGTON

Mr. FONG. Mr. President, since a new team has assumed the administration of the Pacific Trust Territory, fresh insights and policies have been provided for U.S. relations with that western Pacific area.

New steps are being taken to promote the well-being of the Micronesian Islands, for which our country is responsible under a United Nations Trust Agreement. New efforts are underway to give the Micronesians greater participation in the administration of their islands; new help for their economic and social advancement; and especially new initiatives for a binding political partnership between the United States and Micronesia.

These steps and their implementation are outlined in an excellent address delivered on July 19 by Mrs. Elizabeth P. Farrington, the new Director of the Office of Territories, Department of the Interior. Speaking before the Phi Beta Kappa Association in the District of Columbia, Mrs. Farrington recounts some of her impressions visiting the trust territory and other U.S.-administered territories.

Her observations are both sensitive and incisive. They reflect her understanding of Pacific island peoples and their heritage and aspirations.

She is devoting to her new office the high sense of dedication and zeal which she and her late husband, Joseph R. Farrington, gave to the cause of Hawaii's statehood when they served as Delegates to Congress from the then territory of Hawaii.

Aside from her able discussion of Micronesia, Mrs. Farrington in her speech provides a most useful description of the political status of the myriad of Pacific islands under American jurisdiction.

I ask unanimous consent to have the text of her address printed in the RECORD.

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

ADDRESS ON MICRONESIA BY MRS. ELIZABETH P. FARRINGTON BEFORE THE PHI BETA KAPPA ASSOCIATION IN THE DISTRICT OF COLUMBIA

Mr. Chairman, Distinguished Guests, Ladies and Gentlemen: Mahalo-nui-loa, as we say in Hawaii, or thank you very much for inviting me here tonight. You were kind, indeed, to ask me to choose my own subject matter. So I think I will just talk to you about my new work as Director of the Office of Territories in the U.S. Department of Interior, work that I am finding so challenging and so rewarding.

During the many years I have spent in various endeavors for the public, I know nothing that has appealed to me more than this particular assignment, that is, administering the governments of all our remaining territories, whether in the Atlantic or the Pacific Ocean.

The time has passed when we can think of our territories and possessions as something apart, as separate responsibilities from the nation as a whole.

Transportation and communication have brought all the world so close together that our island peoples cannot help but be affected and be involved in all matters of our policy.

Under the administration of President Nixon, we will have a special opportunity to demonstrate that his philosophy will assist the peoples of our offshore islands to develop an economy and a way of life that should provide a pattern for the whole world to follow—an economy and a way of life that will demonstrate truly that every man, woman and child over whom the American flag flies, is a symbol of freedom and democracy.

With our President's hopes for an earlier pullout of troops from Vietnam, with an easeoff in inflation this summer, we can now foresee a positive approach to our territorial problems.

The responsibilities of the Office of Territories, over the years, have encompassed areas from the frozen wastelands of the Arctic to the tropical sandy beaches of the Pacific and the Caribbean. The barriers of time and space are rapidly vanishing and these islands are no longer remote.

The term territory may be used to describe those areas to which the Constitution has been extended and in which it is applicable as fully as in the continental United States. This term is synonymous with incorporated territory, which refers to an area which The Congress has "incorporated" into the United States by making the Constitution applicable to it. The last two incorporated territories were Alaska and Hawaii. During the course of the United States history there have been others, all on the mainland and all of which subsequently became States.

The term insular possession may be used to refer to any unincorporated territory of the United States, i.e., any territory to which the Constitution has not been expressly and fully extended. The Virgin Islands, Guam and American Samoa are unincorporated territories.

The unincorporated territories may be further subdivided into those which are organized and those which are unorganized, i.e., those for which the Congress has provided organic acts which serve the same purpose as do the constitutions of the States, and those for which organic legislation has not been enacted. Guam and the Virgin Islands are organized but unincorporated. American Samoa is both unorganized and unincorporated. Therefore the people of Guam and the Virgin Islands are American citizens. The people of Samoa are not American citizens, they are nationals.

The term commonwealth, when used in the context of American territorial relations, means the status currently held by Puerto Rico, the only U.S. territory in that category. The term denotes a high degree of local autonomy, under a constitution drafted and adopted by the residents of the affected area, pursuant to Congressional enabling legislation earlier approved by such residents by referendum.

But Puerto Rico's special economic advantages pre-date creation of the Commonwealth, in 1952. These advantages include the absence of Federal income tax, and taxes paid on Puerto Rican products entering the mainland are returned to the Commonwealth.

Guam, the Virgin Islands and Samoa enjoy the same tax advantages.

Scattered through the western part of the north and central Pacific, several small islands, more appropriately classed as atolls and islets, fall into the category of U.S. Territories. Economically poor, some formerly had value for guano or as stops for whaling vessels. They gained renewed importance because of their stepping-stone value in the inauguration of trans-Pacific air transportation in the 1930's and by their strategic location in the Pacific phase of World War II. Sovereignty claims on the part of the U.S. Government date back to discoveries by American ships and the working of guano deposits.

There is Midway, 1150 miles northwest of Honolulu. It comprises two small atolls that were formally annexed in 1867. Military airstrips have been built on Midway and it is an important nesting site for birds. The Navy Department administers little Midway.

Canton Island, the largest of the Phoenix Islands in the Central Pacific, is claimed by both the United States and United Kingdom. In 1939, both countries agreed to administer both Canton and nearby Enderbury, jointly until 1989 when the question of ownership will be considered. These islands lie about 1700 miles southwest of Hawaii. The Interior Department administered the islands successively through Pan American Airways, the Civil Aeronautics Administration, the Federal Aviation Administration, and the National Aeronautics and Space Administration, NASA. In 1967,. NASA withdrew, leaving the islands uninhabited and back in the hands of the Office of Territories.

Howland, Baker and Jarvis Islands lie about 1650 miles southwest of Honolulu. None of these islands are considered habitable since all three islands lack fresh water, communications, and other facilities necessary to sustain life. The Department of Interior maintains no representative on the islands but has arranged for the Coast Guard to visit them annually.

Palmyra, about 1000 miles south of Honolulu, was claimed by the Kingdom of Hawaii but now is privately owned by a family from Hawaii. It is under the Secretary of Interior.

Wake Island, composed of three islets, is important as a commercial aviation base. It is about 2300 miles west of Honolulu and 1500 miles northeast of Guam. It has a 9800 foot runway capable of handling the largest modern aircraft. By agreement between the Secretary of Interior and the Secretary of Transportation, the Federal Aviation Administration exercises the principal operating responsibility of the island.

Then there are Johnston-Sand Islands, tiny atolls, taken over by the Navy for defense purposes in 1934. In 1858 both the United States and the Kingdom of Hawaii had annexed them.

Kingman Reef, lying 35 miles northwest of Palmyra and 920 miles south of Honolulu, is another Navy responsibility.

Administration of the Ryukyu Islands, between southern Japan and Taiwan, was vested in the United States by the Japanese Peace Treaty and the Department of the Army is administering them.

In addition to all of these, there are three groups of islands, the Line Islands, the Ellice Islands, and the Phoenix Islands, that both the United States and the United Kingdom claim. Altogether there are eighteen of these small atolls.

Also there are two more groups of islands, Tokelau or Union Islands and the Northern Cook Islands, claimed both by the United States and New Zealand. There are seven of these atolls.

The Panama Canal Zone is under the jurisdiction of the United States. If you want to know about that you ask The Panama Canal Company here in Washington, D.C. If you want information about the Swan Islands in the western end of the Caribbean you go to the Geographer in the Department of State. If it is Navassa Island between Jamaica and Haiti you are curious about—maybe about the lighthouse you see there—you ask the U.S. Coast Guard. If your curiosity is still further stimulated because of those little banks that appear above and below water level, you again ask the Geographer of the State Department about Quita Sueno Bank, Roncador Cay, and Serrana Bank, roughly in a 60 mile square area about 120 miles east of Nicaragua and 250 miles north of Panama.

The Geographer of State can also tell you about Serranilla Bank, another guano island about 90 miles north northeast of the Quita Sueno-Roncador-Serrana Bank. He can also describe the Corn Islands, Great Corn and Little Corn, about 30 miles off the coast of Nicaragua.

Just the mention of these many islands gives us some notion of the vast domain of the United States but as yet we have not mentioned the vastest group of all, the Trust Territory of the Pacific Islands.

Out in the broad blue Pacific these 2100 islands known as Micronesia, or land of small islands, cover less than 700 square miles of land, set in some 3,000,000 square miles of ocean, the area of the continental United States. They embrace the Marshalls, Carolines, and the Marianas. This area, under Japanese mandate from the League of Nations before World War II, is administered now by the United States under a trusteeship agreement with the United Nations. The Philippine Islands lie to the west, only 500 miles distant at one point; to the east is Hawaii, some 1800 nautical miles from the Marshalls eastern border. Although the population is small, the area does not lack strategic value. We are in the midst of an adjustment of U.S. position in the Pacific. For this reason, the Trust Territory is receiving special attention as part of the accommodations with Japan and the possible slow withdrawal from Vietnam.

So the eyes of the world are focussed upon Micronesia today and are guardedly watching the intent of the United States in the Pacific.

Everybody knows what happened to Bikini, an island in Micronesia. Bikini the first date in the Atomic Age. As Walter Karig has so aptly put it. Bikini is not the name of a place so much as it is the name of an event. It is the name of an era, an era which makes us envy our great-grandparents, so peacefully asleep.

But Bikini was a place and it is a place. It was a place of a happy people who sat around all day gossiping and telling ghost stories and whittling canoes, outrigger boats in which they used to go fishing in a palm-fringed turquoise lagoon. They scarcely heard the rustle of history's pages typing faster and faster as the record was written of what the great peoples of the earth were doing to make life more interesting and more certain of painfully abrupt termination.

Now, though, there are no people on Bikini. All of a sudden civilization caught up with the mid-Pacific atoll and its people were hustled off from the Stone Age to the Atomic Age, and thence into luxurious exile while their homeland was prepared for a preview of the world's end.

But Bikini is still there. The island stretches in the shade of its arching palms on the multi-colored reef that embraces a lagoon radiating every hue and shade of blue that sun and sea can conjure. But the lagoon conceals death. Its blue is not the color of serenity but the warm color, say, of bichloride of mercury. Bikini the Place is a small monument to Bikini the Event.

Bikini was the only place on earth where the experiments could be conducted without danger to adjacent territory. Unvarying winds would carry the lethal clouds away from populated areas until the radioactive vapors were dissipated over untenanted seas. The deep lagoon would confine the contaminated waters.

The only difficulty was that Bikini was inhabited but poor as it was, all 167 inhabitants, altho they didn't own the island, loved it. It belonged to, and the Bikinians were subject to, the paramount chiefs of Ailinglaplap, a lush and fruitful atoll some hundreds of miles southwest.

And the natives still love their island. They were moved to another island of their own choosing. The Navy housed them and fed them and told them to make a wish and it would come true. They had only one wish—to go back to Bikini. The one wish that everyone said couldn't come true.

But it is coming true. Today, with the compassionate policy of The Department of Interior toward all its island charges, and with the help of the Department of Defense, the people of Bikini are going back to their island home.

The Department of Defense is at the moment engaged in cleaning Bikini of all the scrap and remnants of war, clearing the fields, so that the native peoples, now safe from radioactivity which prevented their return until now, will go back and with the help of Interior replant their coconuts and build their homes.

But more than that, the Bikinians will share in a great construction program that has been launched by this administration for all the peoples of Micronesia.

They are fast becoming a self-governing people, already enjoying an elected Congress of their own, composed of Senate and House.

In early May, the Secretary of Interior took a trip to Micronesia to find out what the peoples' needs were. Today a team of scholarly specialists in the areas of health and education, economic development, land tenure and acquisition, and pay equalization are there collecting the facts that will enable our government to set goals for the betterment of the people.

As I said, Secretary Hickel went out to Micronesia the first week in May to obtain Micronesian thinking and propose a program of action designed not only to improve the social, economic, and political conditions of the territory, but to develop a favorable political climate in which the Micronesians could consider their self-expressed wish of permanent association with the United States.

After consulting with Micronesian leaders, the Secretary announced a program of action incorporating their views. The idea of terminating the trusteeship and building a lasting political partnership was soundly applauded.

That program is showing visible signs of action.

Already, Interior is bringing more Micronesians into higher ranking and more responsible positions in the Trust Territory Government. The first step was to appoint as District Administrator of the Marianas district, Mr. Frank Ada. Instead of a U.S. District Administrator with a native assistant, in the future there will be a native administrator with a U.S. advisor, the advisors to be phased out on a case-by-case basis.

The second point in this program is to develop an imaginative and effective program of training, preparing Micronesians for greater responsibility.

To assist the High Commissioner in bringing action programs together, a six-man team of experts is in Micronesia now. Its expertise includes economic development, land tenure and acquisition, public health, education and manpower development. This committee will solicit the views of the six district legislatures, tribal and village chiefs in their respective districts.

The territorial government currently has a dual wage scale, one for U.S. employees and one for Micronesians. This will not be allowed to continue. It is inconsistent with American concepts of equality and justice.

Expansion and upgrading of facilities and personnel in the vital field of public health and education are urgently required. Ways will be found to improve performance, even with the necessity of additional funds.

The key to economic development of Micronesia is a permanent political association with the United States. U.S. businessmen exhibit a consistent and understandable reluctance to invest in a geographic area with an uncertain political future.

In May, Secretary Hickel publicly announced our intention to work with the Micronesians to develop the legislation which will end the Trusteeship and build a lasting political partnership with the U.S. This was soundly applauded by the Micronesians. As a result, we can now successfully encourage American businessmen to invest in the area. The tourist, fishing, agriculture, and service sectors appear to offer the most promise. At present—copra is the main industry but tourism, augmented by the regular flights of one large commercial airline, who will build six hotels in Micronesia in the near future will increase the tourist business.

Legislation already introduced in the Congress giving the present alien Micronesians free entry and free tariffs should likewise encourage mutual trust.

But fundamental to any sound development, be it social, political or economic, is to have a modern land tenure and acquisition systems. The Micronesians have a complex system which varies from district to district and relates land or various types of land use to the tribe or tribal chief. Add to this the complications of successive Spanish, German, Japanese and U.S. conquest of the area and you have land tenure and acquisition problems of the first magnitude.

The Secretary of Interior has promised the President the development of a modern land tenure and acquisition system by June 30, 1970. Prompt and adequate compensation to the land owner will be the central feature of the system. There is need for accelerated surveying and land registration programs. Future military requirements need definition.

On our trip to Micronesia in May, it was apparent that there was need for rapid improvement in roads, harbors, airfields, water and sanitation facilities. More than a directive to speed up the letting of contracts on all authorized and funded projects was needed. It also appeared that Micronesians should do more to help themselves. So we hit on the idea of civic action teams—small teams of one officer and 12 highly trained men, who, equipped with an assortment of power and hand tools and an impressive array of skills, are designed to work with twice their number of natives to accomplish small scale civic projects.

The idea was presented to the Micronesian leadership with the clear understanding that each district that wanted such a team would have to request it, that Micronesians would be expected to work side by side with the Americans, and together would work on projects determined by the native district legislature, not on projects dictated by the territorial government or the U.S. military establishment. Five of the six district legislatures have already requested teams. The Defense Department has agreed to furnish them. The first two teams, the U.S. Navy Sea Bees, have moved into Truk and Ponape.

Interior is also looking into the feasibility of underwater demolition teams to remove underwater obstacles, chiefly coral heads, that hamper the movement of supplies and travel of people through the lagoons and harbors.

The trip also revealed urgent requirements for six additional sea-going vessels, one for each district to aid in moving goods and people and providing for emergency units as required. We have already found six World War II land craft (LCU's) for this purpose and are now looking for communications equipment with its associated generators to provide emergency back-up to our thin communications with the outer islands. The Defense Department has been asked to assist in this. Aside from the other legislative proposals which I have mentioned such as the removal of tariff barriers, removal of travel restrictions, extension of the U.S. income tax as a local tax available for Micronesian governmental revenues, there will be, of course,

an Organic Act which would end the trusteeship and bring the Micronesians under the U.S. Constitution.

Secretary Hickel is committed to the President to solicit Micronesian views in drafting an Organic Act. A Micronesian Congress has been requested to appoint a representative group of its wisest, most experienced members to come to Washington in August or September to work with our staff in drafting the legislation.

The Micronesian Future Political Status Commission has been working two years. Their preliminary report favors free association with the U.S. Out of this it is hoped that a permanent association will be favored.

At present, we are hopeful that the Congress of Micronesia will request President Nixon and the U.S. Congress to invite the people of the Trust Territory to express their wishes on their future political status. Included in the act will have to be a title making the territory a part of the U.S., thus ending the trusteeship agreement.

So what have we really been talking about and what is to become of these islanders.

These islets of Micronesia lie like a winddrift of sawdust left over from making of the East Indies, from where the earliest settlers must have migrated. But little is left of the native Chamorro in Guam or the other peoples of the Marianas. The admixture of Polynesians and Indonesians, the Spanish, the German, the Japanese, the Filipinos, has resulted in a totally new kind of people. The people live on small atolls that cover an ocean area as wide as the U.S. from Boston to San Francisco, and as broad as from New Orleans to the Canadian border. But if all the real estate above high tide were swept together, it would not possess the acreage of Rhode Island.

Somewhere between 80,000 and 90,000 native born persons inhabit the islands and the high seas between them, for the Micronesians are great gad-abouts. The seas are acrawl with their graceful looking, awkward acting outrigger boats which is the reason why population can't be accurately estimated.

Geographically "American" Micronesia is divided into three groups, the Carolines, the Marianas and the Marshalls. For administrative purposes the Carolines are divided into the Eastern and the Western, and Guam is a separate political entity from its sister Marianas, Guamanians are already American citizens.

The islands are in the latitude of Siam, the Philippines, Central America and the Sudan. That is hot country, palms, coconuts, grass skirts.

On the north-south axis, the islands lie south of Japan, very, very far south of Kamchatka—north of New Guinea and the Solomons.

They include such name places of recent portent as Truk, Peleliu, Kwajalein, Saipan. Tarawa and Makin, stars on the Marines' Asiatic ribbon, are in British Micronesia.

They are the final resting place of thousands of young Americans, and so are the waters between the islands.

They are ours under trusteeship from the United Nations, to do with as we please so long as we do not exploit the natives and to help them achieve self-government.

The only value the islands have to us, outside of mine deposits of phosphate and bauxite on two or three islands, is strategic. Again, this value is limited by the nature and direction of the next war, for which it is the naval and military officers' duty ever to prepare, no matter how successful the diplomats and politicians may be in postponing or accelerating that conflict.

So, Micronesia? We have it with a dubious quality of approval of international jurisprudence. The United States did for itself what Japan, with British help, did thirty years ago. Then Great Britain, balked by American peace at-any-price foreign policy, told Japan she could have all Germany's possessions north of the equator for the quid pro quo of Nippon's declaration of war against the First Reich. Not until the Peace Conference in Paris was the transaction revealed to President Wilson. The United States saved face by exacting from Japan the pledge that the islands would not be fortified. When it came America's turn in 1947, we held all the aces. We would keep the islands in trust—but reserved the right to make strategic military use of them and to exclude visitors from those areas.

American benevolence was early demonstrated by the Navy, Marines, and Army. Those who have become dependent upon Occidental aids to living want more American paternalism. The majority want to be let alone, within reasonable limits, their reasons; their limits. Certainly that is their due. The imposition, thru a misguided sense of duty, of alien social, political and economic formulae would be a cruelty differing only in degree of brutality akin to what other conquerors have practiced in Europe.

We, in the Department of Interior, will not insist that Micronesians become Americans like those in Iowa or New Jersey or Missouri. Deny the islanders some of our civilization's assets we cannot and will not but systems of education should be extensions of the cultures of the people concerned. That is our policy in Interior.

Our essential and inescapable duty to the islanders is to make available to them our civilization's cures for the ills our civilization inflicted upon them. We owe them that, for, although we have had jurisdiction over the islands for only a very short time in their long history, American influence on their people has been powerful.

We owe them relief from the diseases we introduced. We owe them the opportunity to learn, to practice for themselves, certain techniques of existence and subsistence. For example, islands which once amply supported larger populations now maintain a decimated community in poverty because people became dependent on imported foods. As their orchard jungles were cut down for copra plantations, the native agronomics and fishing industry perished while the islanders toiled in the coconut groves for money with which to buy tinned salmon and beans. We showed them how to become self-sufficient again, but before they can achieve that form of independence, we must eradicate the plant pests and diseases that were exported to the islands by careless and ignorant foreign exploiters.

In return, we can expect nothing except what value this geography of the area contributes to our national defense. We hold the islands because experience has proved that if anybody else did it meant trouble for the United States.

Micronesia is going to cost us money. On the books, the islands will be a liability as a warship or squadron of B-29's is an expense without cash return.

But in human relationships, Micronesia can be the greatest asset we have—an asset that should insure peace in the Pacific. And I remind you of what Dr. Coomaraswamy has written, "We cannot establish human relationships with other people if we are convinced of our own superiority or superior wisdom."

In Micronesia the islanders are much wiser than we. In Iowa, New Jersey, or Missouri, we are wiser than a Micronesian would be in that environment.

Try to learn how to sail an outrigger racing canoe. It is impossible to talk in those craft. The outrigger float has to be kept to windward. The art is to steer as close into the wind as possible, and then reverse the lateen sail so that the boat's stern becomes its bow, the bow the stern.

In trying to learn to sail an outrigger, one American naval officer in five lessons fell overboard fourteen times.

"If the Americans are such poor sailors that the captain can't handle a wahr without falling overboard," said one Micronesian observer, "how do you suppose they were able to defeat the Japanese."

Wisdom is a matter of geography.

You will hear more and more about Micronesians. You will be subjected to a lot of propaganda. So, just remember in the next few months, as you read the debates in The Congress over the political status of Micronesia, that the islanders had found a way of life which was in some respects superior to our own under any conditions, and in almost every respect, superior to anything we could substitute, not for us, but for them.

And as I plead states rights for the Micronesians; Yap for the Yaplanders; Mokil for the Mokilians; Palau for the Palauans; Guam for the Guamanians; and as we form a binding partnership with the Micronesians, as they join our great Union, let us leave one corner of the earth uncontaminated by tin-can civilization, so when we of the white race wipe each other out with atomic bombs and biological warfare, the Micronesians can take over the world without handicaps.

Kaselehlia, all things good to you, as they say in Micronesia, or aloha, as they say in Hawaii.

VALEDICTORY ADDRESS AT THE FOXCROFT SCHOOL

Mr. MUSKIE. Mr. President, earlier this summer I had the privilege of speaking to the graduating class at the Foxcroft School, in Middleburg, Va. The valedictorian of the class, Miss Lisa Thomen of Asheville, N.C., gave a brief but noteworthy address to her classmates on the meaning of freedom.

Miss Thomen's remarks had a special relevance for me. I ask unanimous consent that they be printed in the RECORD.

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

VALEDICTORY ADDRESS BY LISA THOMEN

"Freedom is a word I rarely use without thinking." This is a line from one of Donavan's songs. Our generation today talks a lot about freedom and certainly this is true of Foxcroft. Every girl here is hoping that this talk will be short so that they may attain the freedom they have been waiting for all year.

What do we mean by freedom? What do we expect? I asked some girls for ideas and one said that she wanted to get out in order to be away from the petty rules and restrictions of school. Another said she wanted to be free from people planning her days, such as requiring meals or even requiring classes. To be free from responsibility was another answer. And naturally large numbers wanted to see members of the opposite sex. The word freedom here can mean the right to do so many little things. Do we want to smoke? Yes! Do we want to drink? Yes! Do we want to date? Without a doubt. We feel that these are our rights.

But in all of these different ideas there is a similarity. We all want to be able to do whatever we want whenever we want. We want to satisfy our somewhat hedonistic fancies whenever they appear. Our conception of freedom, therefore, is purely selfish. Our generation's rebellion against any form of authority is an extension of this.

Yet with any right comes responsibility. When we are in college, the social rights such as smoking and dating and in general being free agents will be realized. But as we

get older, larger rights will be ours, yet they, because of their significance in society imply a certain responsibility. For example, we all wanted a driver's license. Anyone who went to Driver's Education or had a friendly back seat parental driver knows that you watch out not only for your own car, but everyone else's. Any person over the age of 18 can get married, but they then have the responsibility of caring and providing for their children. And finally in a couple of years we will all have the right to vote—but that certainly involves the responsibility of giving the candidates your best consideration and making the best possible choice.

In all of these areas, the consequence of not assuming responsibility can be detrimental not only to one's self, but the whole of society.

We all have personal responsibilities too, however. Foxcroft has equipped us all with an education—granted some more, some less. But we all certainly have the intellectual potential to accept the opportunities that freedom allows us. It is each person's responsibility then to respond when an opportunity is present. Not only in self-indulgence, for today's world is full of vast discrepancies in wealth, advantages and people. People all over the world are starving, we are free to and should respond to this. We are given the chance to get a better education at college, again we are free to and should respond. Each person should have enough self-respect to develop that which is best in him.

So with the word freedom comes the idea of responding to need. If there is a need and we have freedom, then we should help others. If we instead use freedom to hurt others, then this is not freedom, this is license.

We realize that our education is still incomplete but we realize nonetheless that at least the foundations have been laid. Foxcroft has tried to make us aware of the opportunities and responsibilities of freedom in society.

"Freedom is a word I rarely use without thinking."

We, too, should think.

AMERICAN BAR ASSOCIATION VETO POWER OVER JUDICIAL NOMINATIONS

Mr. WILLIAMS of Delaware. Mr. President, yesterday's issue of the Washington Post contains an article entitled "Nixon Gives ABA Veto Power Over Appointments to Bench," written by Mr. John P. MacKenzie.

I sincerely hope that this is an erroneous report. I cannot conceive of such a delegation of Executive appointive power to any private organization.

If this were accepted as a precedent, would organized labor be given veto power over the appointment of the Secretary of Labor? Would the U.S. Chamber of Commerce be given veto power over the appointment of the Secretary of Commerce? Would the investment bankers be given veto power over the appointment of the Secretary of the Treasury? And so forth?

In this instance the members of the American Bar Association will automatically be practicing and representing their clients before the men who, if their nominations were confirmed, would be deciding their cases.

Certainly the recommendations of the American Bar Association should be weighed, just as are the recommendations from Governors and Members of Congress, but to no one group should be delegated the power of vetoing Presidential appointments.

I particularly question the wisdom of delegating such power to the American Bar Association because it is evident by its own admission that its present canon of ethics is not adequate to cope with the problem of improper activities concerning those who have already been confirmed as judges.

For example, I have just received a letter under date of July 29, 1969, signed by Mr. James M. Spiro, assistant to the president of the American Bar Association, with which he enclosed a report signed by the standing committee on professional ethics in which they admit that as far as the American Bar Association is concerned it has no facilities to cope with questions raised as to the propriety of men who have previously been confirmed as judges.

On May 20, 1969, I wrote a letter to Mr. William T. Gossett, president of the American Bar Association, calling his attention to the numerous allegations related to Justice Douglas' having accepted a $12,000 retainer from the Parvin Foundation at a time when the Parvin interests were under investigation by at least two Government agencies. In my letter I asked whether or not the acceptance by a member of the Court of a fee under such circumstances violated the code of ethics of the American Bar Association.

On May 28 Mr. Gossett, stating that my inquiry was being referred to the standing committee on professional ethics of the association and that I would be receiving a reply to the questions raised in my letter.

Under date of July 29, 1969, I received a reply from Mr. James M. Spiro, assistant to the president of the American Bar Association, with which he enclosed a copy of the July 21 decision rendered by the professional ethics committee. In this report the ethics committee fails to take a firm position. First they state:

> Stated in general terms, any outside activity on the part of a judge to an extent which might interfere with the effective performance by him of his judicial duties would be contrary to the Canons of Judicial Ethics and Formal Opinion 322, as, obviously, would improper personal activities and relationships. The Committee believes that Formal Opinion 322 is an appropriate guide to determining whether a judge's activities are violations of the Canons of Ethics.

However, they followed this statement with the following:

> As indicated, however, the facts supplied to us are not sufficient to enable us to express any opinion on this specific inquiry.

I can only interpret this to mean that if a judge is convicted in the courts of improper activities or if, as in the case of Justice Fortas, he is forced to resign his position as a result thereof, then the Bar Association can muster the courage to censure his conduct as a judge, and we are led to assume that they will take no chances of criticizing directly a sitting member of the Federal bench.

Most certainly qualified members of the American bar would know how to develop the so-called facts of any case as it had been presented to them, particularly when we consider that in this instance Justice Douglas himself had admitted the acceptance of the fee and it is a matter of public record that at the time he was on the payroll of this foundation the Parvin interests were under investigation by at least two Government agencies.

I ask unanimous consent, first, that the Washington Post article be printed in the RECORD, followed by a copy of my correspondence with the American Bar Association, beginning with my letter of May 20, 1969, followed by his acknowledgement thereto of May 28, and the letter of Mr. James M. Spiro dated July 29, 1969, which includes the final report of the standing committee on professional ethics of the American Bar Association.

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

[From the Washington (D.C.) Post, Aug. 11, 1969]

NIXON GIVES ABA VETO POWER OVER APPOINTMENTS TO BENCH

(By John P. MacKenzie)

DALLAS, August 10.—The Nixon administration has given the American Bar Association veto power over candidates for judgeships who are considered unqualified by the ABA's Committee on the Federal Judiciary.

Deputy Attorney General Richard G. Kleindienst, who disclosed the arrangement on the eve of the ABA's 92d annual convention here, offered the same concession to the ABA with respect to the local judgeships in Washington if the ABA wants it.

The disclosure marked the high point of the private organized bar's three decades of effort to influence the selection of federal judges. It also signified an extraordinary delegation of executive constitutional power to one segment of the general population.

Supreme Court appointments, such as the one President Nixon has announced will come this week, are not affected by the administration-bar understanding.

Mr. Nixon has taken the firm stand that these appointments are for him alone because there never is enough time for meaningful and confidential consultation with the ABA.

Kleindienst conceded that the Administration might be criticized for having "abdicated" some of its own investigating and evaluating functions, but he said it was the best way he knew to protect the Executive Branch from strong pressures to put political hacks on the bench.

A "not qualified" ABA rating often has been cited by the Justice Department officials in resisting senators who implore the Executive Branch to nominate a man of disputed qualifications. On other occasions, Presidents have disagreed sharply with the ABA's Judiciary Committee or have yielded to Senate pressures, sometimes triggering bitter confirmation battles.

President Truman prided himself on ignoring the ABA, but the Eisenhower administration developed a close relationship with it. President Kennedy sought ABA cooperation, but sometimes ignored its findings. President Johnson was privately critical of the ABA, but after a celebrated fight against a nominee in 1965, all his appointments met with ABA approval.

The Nixon administration's commitment, as explained by Kleindienst at an ABA gathering, is that the White House will never submit a nomination when the bar's Judiciary Committee has issued a "not qualified" rating.

His offer to give the ABA the same veto over purely "local" District of Columbia judicial nominations was received with elation and surprise by D.C. Bar President George Monk and past Presidents Edmund D. Campbell and John E. Powell.

At present, the Justice Department submits candidates for the Federal District Court and the United States Court of Appeals in Washington to the ABA committee. Justice entertains suggestions from the D.C. Bar Association for nominations to General Sessions, Juvenile Court and the D.C. Court of Appeals, but does not use the organized bar to help screen candidates.

It was far from certain that the national bar organization would accept Kleindienst's invitation to help scree Washington's local judgeship nominees. This would create a large added workload for the bar committee, especially if Congress authorizes two dozen more local judges under the administration's D.C. court reorganization bill.

Kleindienst said the "veto" policy could be implemented well in advance of court reorganization—soon enough, in fact to influence the mounting battle over the bid of Judge Milton S. Kronheim Jr. for a third 10-year term in General Sessions.

STRONG OPPOSITION

District bar leaders and Justice Department officials are strongly opposed to renominating Kronheim, a Democrat whose father, a politically powerful liquor distributor, succeeded in 1959 in blocking several GOP bench candidates until his son was named to a second term.

Although the Kleindienst offer did not extend directly to the D.C. Bar Association, as a practical matter the ABA's Judiciary Committee relies heavily on the opinion of bar association leaders in the locality of each potential nominee.

Kleindienst suggested that his pledge of cooperation offered the bar greater influence and better results than a proposal being circulated at the ABA meeting for a nominating commission for all Washington judges.

He added that in his opinion a bill drafted by the Judicial Council for a local court advisory nominating committee was unlikely to pass in Congress. He said senators would not surrender their power in the selection process to a nominating commission.

In a luncheon speech, incoming ABA President Bernard G. Segal of Philadelphia, a prominently mentioned prospect for the Supreme Court vacancy, praised the Nixon administration for what he called a seven-month record of ability "to withstand tremendous pressures" from politicians.

"In 17 years no administration has shown higher aspirations for judicial nominations, or higher standards, or greater determination to maintain resistance to political pressures than this administration," Segal said.

Segal, recounting a long history of involvement in nominating judges and Supreme Court justices, said he understood President Nixon's position on Supreme Court nominations but added "I get a sense" that eventually Mr. Nixon might decide to consult the ABA.

Segal spoke as though he did not expect a Supreme Court nomination for himself but rather anticipated a busy year as ABA president.

Speculation here has centered almost exclusively on Chief Judge Clement Haynsworth of the Fourth U.S. Circuit Court of Appeals as Mr. Nixon's most likely choice to succeed Justice Abe Fortas, who resigned under fire in May.

In a breakfast speech, Chief Justice Warren E. Burger announced plans to summon educators, representatives of nonprofit foundations, judges and lawyers to discuss plans to improve legal education.

Burger said too many law schools stress the study of written judicial opinions at the expense of facts and practical problem-solving that would train them more adequately for the legal profession.

U.S. SENATE,
Washington, D.C., May 20, 1969.

Mr. WILLIAM T. GOSSETT,
President,
Washington, D.C.

DEAR MR. GOSSETT: Canons of the Judicial Ethics of the American Bar Association read as follows:

"Canon 1. The assumption of the office of judge casts upon the incumbent duties in respect to his personal conduct which concern his relation to the state and its inhabitants. . . ."

"Canon 4. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach."

"Canon 13. A judge . . . should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person."

"Canon 24. A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

"Canon 25. A judge . . . should not . . . enter into any business relation which in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

"Canon 26. A judge . . . should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties."

"Canon 31. . . . He may properly act as arbitrator or lecturer upon or instruct in law, or write upon the subject and accept compensation therefore, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law."

"Canon 34. In every particular his conduct should be above reproach. He should be . . . indifferent to private political or partisan influences; he should . . . deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity."

I have your letter of May 20, 1969, stating that the conduct of Mr. Fortas in accepting a $20,000 fee from the Wolfson Foundation while a Supreme Court Justice was "clearly contrary to the Canons of Judicial Ethics."

It is also a matter of public record that Justice Douglas has been on the payroll of the Parvin Foundation at a salary of $12,000 per year, and the principals behind this tax-exempt foundation have likewise been the subject of investigation by various agencies of the Government, including the Department of Justice.

I am sure that the American Bar Association is familiar with Justice Douglas' arrangements for accepting fees from this foundation, whose members have close relationship with the Las Vegas gambling industy; therefore, I am asking the question: Does Justice Douglas' acceptance of this $12,000 annual retainer from the Parvin Foundation violate the Canons of Judicial Ethics of the American Bar Association?

Yours sincerely,

JOHN J. WILLIAMS.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., May 28, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: In response to your letter of May 20, this is to report that I have referred to the Standing Committee on Professional Ethics of the Association the question propounded in the last paragraph of your letter, based upon the Canons of Judicial Ethics of the Association therein set forth.

When a response has been received from the Committee you will hear from me again.

With best wishes,

Sincerely yours,

WILLIAM T. GOSSETT,
President.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., July 29, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: President William T. Gossett has asked me to send you the enclosed copy of the Opinion of the Standing Committee on Professional Ethics relating to Mr. Justice Douglas. The Opinion was rendered by our Committee at the request of President Gossett in response to your letter of May 20, 1969.

Sincerely yours,

JAMES M. SPIRO,
Assistant to the President.

STANDING COMMITTEE ON PROFESSIONAL ETHICS, AMERICAN BAR ASSOCIATION,
Chicago, Ill., July 21, 1969.

Re Informal Opinion No. 1117, "outside" activities and income of Supreme Court Justice.

Hon. WILLIAM T. GOSSETT,
President of the American Bar Association,
Chicago, Ill.

DEAR MR. GOSSETT: You have requested that this Committee advise you with respect to an inquiry concerning the ethical propriety of acceptance by a Supreme Court Justice of an annual salary from a tax-exempt foundation.

This Committee does not have any procedures for investigating or determining facts, nor for holding hearings to receive evidence of facts, as a court or grievance committee does. Our procedures require that we be supplied with the facts necessary to enable us to answer the questions propounded to us.

The Committee does not have sufficient facts in this instance to render an opinion without assuming facts which are not supported by direct evidence; nor does the Committee have before it any full contemporaneous statement of facts made by the Justice himself.

Accordingly, we are unable to more than refer to the general principles of the Canons of Judicial Ethics and the general discussion in our recently released Formal Opinion 322, a copy of which is enclosed.

Stated in general terms, any outside activity on the part of a judge to an extent which might interfere with the effective performance by him of his judicial duties would be contrary to the Canons of Judicial Ethics and Formal Opinion 322, as, obviously, would improper personal activities and relationships. The Committee believes that Formal Opinion 322 is an appropriate guide to determining whether a judge's activities are violations of the Canons of Ethics.

As indicated, however, the facts supplied to us are not sufficient to enable us to express any opinion on this specific inquiry.

The Committee's regular Chairman did not

participate in the consideration of this matter, and the undersigned acted in his place.

Respectfully submitted.

Kirk M. McAlpin,
Samuel P. Myers,
Floyd B. Sperry,
Benton E. Gates,
Acting Chairman.
Thomas J. Boodell,
C. A. Carson III,
Charles W. Joiner,

AMERICANS FOR BIAFRAN RELIEF

Mr. DODD. Mr. President, in terms of the cost of human life and human suffering, the grim Nigerian-Biafran conflict has already cost far more than the Mideast war or even the war in Vietnam.

According to reliable estimates, a million and a half civilians, mostly women and children, have already died of starvation. And we have been warned that at least another million will perish if the free world, despite the difficulties, does not keep up the relief airlift of food and medicine.

In this connection I want to call to the attention of the Senate the nationwide drive in support of the Joint Church Aid airlift which is being conducted by Americans for Biafran Relief.

I am confident that the response of the American people will be generous because nothing has moved their hearts more than the haunting photographs of starving Biafran mothers and children.

Those who wish to make a contribution to save a human life in Biafra, may send their contribution to Americans for Biafran Relief, Post Office Box 4030, Church Street Station, N.Y. 10049.

Mr. President, I ask unanimous consent to have printed in the RECORD the following documents about the Biafran crisis:

First. "Facts About the Airlift Campaign," put out by Americans for Biafran Relief.

Second. A statement on Joint Church Aid relief flights into Biafra.

Third. The text of a feature article describing the nationwide campaign of Americans for Biafran Relief.

Fourth. The text of an official proclamation by Gov. John Dempsey of Connecticut, designating August "A Month of Hope for Biafra."

Finally, I ask unanimous consent to have printed in the RECORD the text of a petition I have received from the parishioners and friends of St. Mark Church, Stratford, Conn., urging the American Government to "use every tool of diplomatic leadership to help bring peace to Nigeria and Biafra," and also urging stepped up support for our relief effort.

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

FACTS ABOUT THE AIRLIFT CAMPAIGN

WHY

Three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by the churches. The International Committee of the Red Cross halted flights on June 5.

Deaths from famine and associated causes already total between one and two million.

Countless more within the Biafran enclave would have died without the airlifts.

If the mercy airlifts were interrupted for even one week, the entire Biafran population would face the threat of imminent starvation.

Even with the flow of supplies reaching the landlocked enclave, the general weakened condition of the population has created widespread anemia and the possibility of a tuberculosis epidemic.

The next few weeks are crucial because the rainy season will not only cause greater hardship for the already burdened people, but will present difficulties for the airlift and the transportation of supplies as well.

The up to 200 tons airlifted nightly by the churches is crucial because local crops have been depleted for about 6 months and the next harvest is not due until mid-July.

Even this 200 tons falls far short of the minimum 500–1,000 tons needed to supply *all* the starving inside Biafra.

Over one-half the original population (10–14 million) of the Biafran area is landlocked in an area about one-quarter the original area (29,000 square miles).

"Unless something dramatic is changed almost immediately, a minimum of 1 million and probably 2–2.5 million Biafrans will die in the next 12 months."—Report by Senator Charles E. Goodell's Fact-Finding Team, February 19, 1969.

WHAT THE MONEY PROVIDES

$1 provides 10 pounds of foodstuffs and medicines or 1 meal for 80 children at daily minimal rations of ⅛ lb.

$5 provides 50 pounds of foodstuffs and medicines or 1 meal for 400 children at daily minimal rations of ⅛ lb.

$10 provides 100 pounds of foodstuffs and medicines or 1 meal for 800 children at daily minimal rations of ⅛ lb.

1 ton costs $270 to fly in.

1 C–97 flight costs $4,000 and averages 15 tons.

15 flights, or a day's minimum supply, costs about $60,000.

STATEMENT ON JOINT CHURCH AID RELIEF FLIGHTS

NEW YORK, July 18.—Joint Church Aid—U.S.A. last night completed its 500th relief flight into Biafra, Edward M. Kinney, secretary-treasurer of the group, announced here today, and he also stated that the four C–97G Stratofreighter cargo planes operated by the American consortium had now flown in over 7,775 tons of food and medicines since January, this year, for the women and children in the blockaded eastern region of Nigeria.

Mr. Kinney pointed out that the American C–97G planes had flown over 175,000 miles, in total, to complete their 500 mercy missions during the six months and that each flight carried an average of 15 tons of food and medicines for the war victims.

Joint Church Aid-U.S.A. is composed of Catholic Relief Services, Church World Service and the American Jewish Committee and was formed in January to operate four cargo planes obtained from the U.S. Government to increase the amount of food and medicines going into Biafra for the war victims there. JCA–U.S.A. is the American segment of Joint Church Aid International, which also includes church relief agencies from Europe and Canada.

Since June 5, when a relief plane operated by the International Committee of the Red Cross was shot down in flight, the only source of protein food and medicines from the outside world for women and children in Biafra is the church relief flights operating from the island of Sao Tome.

NATIONWIDE CAMPAIGN OF AMERICANS FOR BIAFRAN RELIEF

All across the country Americans from all walks of life are pitching in to help Americans for Biafran Relief get food and medicine to the starving population in blockaded Biafra. Americans for Biafran Relief, a nationwide coalition set up in April, has attracted to its ranks hundreds of individuals and organizations, ranging from the Associated Operating Room Nurses of Seattle and Loveland High School in Ohio to Congressmen from all corners of the country and Academy Award winner Cliff Robertson.

The Young Democrats and Young Republicans of America are running a Spring Airlift Campaign right now for ABR at the local level, and the Junior Chambers of Commerce is planning a similar drive in August across the nation. Five Governors have issued proclamations declaring a Month of Hope for the Biafran People: Pennsylvania, Delaware, and Indiana in June, and Connecticut and Minnesota, in connections with the Jaycee campaign, in August. Requests for material for the YR–YD campaign are pouring in; and the two groups have arranged a Biafra telethon for ABR on a Seattle television station in July.

ABR was launched at a press conference at the Capitol on April 24 with the personal endorsement of Senators Edward M. Kennedy (D.-Mass) and James B. Pearson (R.-Kans). ABR's Congressional sponsors stand behind the organization, and are working within their districts to help the drive; they are: Cong. John Brademas, Cong. John E. Buchanan, Sen. Thomas Dodd, Cong. Donald Fraser, Sen. Charles E. Goodell, Cong. Seymour Halpern, Sen. Fred R. Harris, Sen. Edward M. Kennedy, Cong. Edward I. Koch, Cong. Allard Lowenstein, Cong. Donald Lukens, Cong. R. B. Mathias, Sen. George McGovern, Cong. Abner Mikva, Cong. F. Bradford Morse, Sen. Edmund Muskie, Sen. James B. Pearson, Sen Abraham Ribicoff, Cong. William F. Ryan, Cong. Guy Vander Jagt, Cong. Lowell Weicker, Jr.

Board member and news commentator Fulton Lewis III has made a concerted effort to aid Biafra ever since his visit last December, and is reporting regularly on ABR activities through his daily nationwide broadcasts.

In addition, ABR is extremely fortunate in having professional aid from Doyle, Dane, Bernbach, one of the country's largest and most creative advertising agencies. The firm has taken ABR on as a public service client in order to help it capitalize on one of its major assets—the many, many people who who wish to give. They are preparing a television campaign for immediate release, appealing for funds to support the Joint Church Aid airlift that flies nightly from the island of Sao Tome to Uli airstrip inside Biafra.

Academy Award winner Cliff Robertson, who also visited Biafra in December and who is on ABR's Board of Directors, has filmed a public appeal for the television campaign, as have actors Michael Caine, Donald Sutherland and Elliott Gould, Comedian Rip Taylor, and professional football star and actor Fred Williamson. Several others are on tap to do additional appeals, including Board members Roosevelt Grier and Eli Wallach and sponsors Lauren Bacall, Dave Brubeck and Gerry Mulligan.

Through the good offices of Ingo Preminger and Robert Altman, producer and director of "M.A.S.H.," a new comedy to be released in the fall, the appeals were filmed on the 20th Century Fox lot in Los Angeles on June 2.

Serving as consultants to ABR's programs are Rev. John Abbott, Director of Promotion, Church World Service; Rocco Sacci, Public

Information Officer, Catholic Relief Services; Simon Obi Anekwe, Amsterdam News; Fergus Pope, M.D.; Rev. Fintan Kilbride, Rev. Patrick J. Smyth, Rev. Sean Byron, and Rev. Dermot Doran, all missionaries in Biafra.

Church World Service and Catholic Relief Services, the two major American relief agencies supplying food and medicine, have endorsed ABR's effort to alleviate starvation and disease among the Biafran people. They and the missionaries keep ABR headquarters up to the minute on developments inside Biafra.

Dr. Fergus Pope, one of ABR's medical advisors, was in Biafra all through the winter and has developed a thorough-going anemia and tuberculosis program which C. Clyde Ferguson, the special advisor to the White House on Nigerian/Biafra, is expediting through the international relief organizations. Board Member Dr. Roy E. Brown, a pediatrics and community medicine expert of the Mount Sinai School of Medicine, is developing ways for ABR to work effectively with this and other special medical programs; Dr. Brown accompanied Senator Charles E. Goodell (R.-N.Y.) and his team of experts on a fact-finding tour of Biafra in January.

The organization benefits from a host of other concerned individuals who have endorsed its efforts as public sponsors and stand ready to help in the ways they are best equipped to do so: Robert Altman, Lauren Bacall, Tim Brown, Dave Brubeck, Mr. and Mrs. Carter Burden, Gary Burghoff, Michael Caine, John Chamberlain, Graham Clifford, Robert Dornan, Hon. John Fitzgerald, Albert Gordon Sr., Elliott Gould, Michael Harrington, Mr. and Mrs. Alan Jay Lerner, Father Daniel Lyons, Don Marshall, Rod McKuen, Sal Mineo, Gerry Mulligan, Bob Newhart, Leonard Nimoy, Sono Osato, Rev. Robert Earl Pipes, Ingo Preminger, Donald Sutherland, Rip Taylor, Dick Tiger, and Fred Williamson.

Americans for Biafran Relief has built an ecumenical coalition through its Board of Directors in order to assure that its main task—rendering humanitarian relief—is carried out to the fullest and receives the wholehearted support of the American population. The Board of Directors are: Brian Avnet, Bruno Bettelheim, Ph.D., Roy E. Brown, M.D., Hon. Wiley T. Buchanan Jr., Maxwell T. Cohen, Esq., the Very Rev. Monsignor Lawrence T. Corcoran, Arthur T. Denues, Ph.D., Frederick Fox, Harry Golden, Roosevelt Grier, Candice Jordan, Robin J. F. Jordan, Jacob Lawrence, Fulton Lewis III, Mrs. John Davis Lodge, Andrew P. Maloney, Edward J. McCabe, Floyd McKissick, Cliff Robertson, Haven Roosevelt, Esq., Rabbi Jacob Rudin, the Very Rev. Francis B. Sayre Jr., Hon. Mark T. Southall, Nicholas Thiemann, Esq., William vanden Heuvel, Esq., and Eli Wallach.

It is of extreme urgency that relief supplies keep moving to the Biafran population at this moment. Three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by the churches and the International Committee of the Red Cross. Deaths from famine and associated causes already number between one and two million. Countless more within the Biafran enclave would have died without the airlifts, and if supplies were halted for even one week, the entire Biafran population would face the threat of imminent starvation.

Moreover, even with relief reaching the landlocked enclave, the weakened condition of the women and children in particular has created widespread anemia and the possibility of a tuberculosis epidemic. There is still severe kwashiorkor, a disease caused by protein deficiency, in several regions close to the front lines of the fighting. In some areas which have just fallen back into Biafran hands, the starvation and disease among the civilian population presents a picture as dire as any seen before relief efforts were stepped up last summer.

A MONTH OF HOPE FOR BIAFRA, AUGUST 1969

The Food For Biafra Committee, whose headquarters are in Westport, Connecticut, points out that three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by churches and the International Red Cross. Deaths from famine and associated causes already total more than one million.

The critical need for food and medical supplies in this African nation has aroused compassion and humanitarian concern throughout the United States. There has been generous response to the request for relief funds.

However, the Committee, in emphasizing the continuing need for Biafran Aid, states that if the mercy airlifts were interrupted for even one week, the entire Biafran population would face the threat of imminent starvation.

It is vital, therefore, that relief efforts for the victims of the war in Nigeria and Biafra be continued. To encourage renewed participation in this life-saving project, the U.S. Junior Chamber of Commerce, in association with the Americans for Biafran Relief, conducts a special relief drive during August, 1969.

To call the attention of the people of Connecticut to the urgency of the situation and to aid in enlisting public support of this appeal, I designate August, 1969, as A Month of Hope for Biafra. I urge wholehearted cooperation in this worthy and essential work.

JOHN DEMPSEY,
Governor.

PETITION BY PARISHIONERS AND FRIENDS OF ST. MARK CHURCH, STRATFORD, CONN.

We, the parishioners and friends of St. Mark Church, Stratford, Connecticut urge our elected officials to help establish an American policy on the Nigerian-Biafran conflict.

The termination of the International Red Cross food flights into Biafra has again raised the specter of an entire nation starving to death. We, therefore, believe it is time to abandon the passive role of the United States. We subscribe to the following:

1. We must use every tool of diplomatic leadership at our command to help bring peace to Nigeria and Biafra. Let us take immediate steps toward achieving a truce on the battlefield.

2. Let us make every effort to stop the flow of arms to both sides.

3. Let us continue our escalation of support for the relief effort in all areas of need. Nothing should be lacking in the commitment of the United States to help meet the demands of humanity in Nigeria-Biafra.

4. Take immediate steps to re-establish the International Red Cross food flights into Biafra.

THE PRESIDENT'S WELFARE PROGRAM

Mr. COOK. Mr. President, last Friday President Nixon unveiled two very important parts of his domestic program. Among them was the long awaited reform of the present welfare system and a new policy for Federal and State governmental cooperation.

The importance of the President's message lies not only in the change of the welfare system, but the manner in which an important segment of that change is to be administered. For well over 30 years this Nation has voiced concern over its disadvantaged citizens. And yet during this period of technological and scientific advances, these same citizens have received only two items in any great abundance—well meaning, yet empty promises and dehumanizing doles.

Instead of stimulating any work effort, the present system provides a positive disincentive to work by effectively confiscating all or a large part of anything a recipient may earn.

Instead of attempting to form a cohesive family unit, the present system has encouraged ill-trained and jobless fathers to leave their families in order that they may receive the necessary assistance.

Instead of rewarding the industrious poor, the present system has discriminated against those who are working at jobs which are insufficient to maintain their families.

The traditional basis for public assistance in the United States has always been the belief that everyone should, within his own limits, look to his own productivity as the primary source of income necessary for family maintenance. After decades of the dole, the President's new family assistance program appears to be a positive step toward bringing the poor within this traditional framework by both providing the opportunity and requiring the able bodied to take advantage of the work and job-training programs.

Equally significant, I think, is the President's announced intention to allow the States and local governments to administer these required Federal manpower training programs. Federal funds and local know-how would be the partners in this new federalism.

Also of importance is the proposed revenue-sharing program. As a former local government official, I commend this proposal in which a portion of the Federal income tax revenues would be returned to the State and local governments. I have long advocated such legislation.

THE PESTICIDE PERIL—XLIII

Mr. NELSON. Mr. President, one of the many species of wildlife which is rapidly becoming extinct apparently due to pesticide poisoning is the osprey, a majestic bird resembling the eagle.

The reproduction rate of the osprey has declined in some areas of the Nation at a rate as high as 12 percent a year. This decline is attributed to pesticides which are passed on through insects eaten by fish that make up the osprey's diet. The pesticides then sterilize the bird's eggs, and result in overly thin shells which collapse before the young are ready to be hatched.

A recent article appearing in the Janesville, Wis., Gazette describes the grand beauty of the osprey and reports on the disappearance of the bird from not just the United States, but the entire world scene. I ask unanimous consent that this article be placed in the RECORD.

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

COLONIES OF FISH HAWKS VICTIMS OF INSECTICIDES

WASHINGTON.—One of the world's most majestic birds, the osprey, is becoming an innocent victim of man's war against insects.

Sometimes called the fish hawk, the osprey

is a tireless hunter, dramatically divebombing the water for its dinner. But insecticides in the fish are sterilizing the bird's eggs and causing overly thin shells.

The osprey, Pandion haliaetus, is a world citizen. Its great nests of sticks perch atop trees on Japanese islands, on sea cliffs near Gibraltar, on Sweden's spruce-covered Baltic shores, on pinnacles in Yellowstone National Park, and on the headlands of Mexico's west coast.

Sadly, persistent insecticides already have wiped out whole colonies; writes ornithologist Roger Troy Peterson in the National Geographic. Near the author's home at Old Lyme, the number of nests decreased from 150 in 1954 to 10 in 1968.

ONCE LARGEST COLONY

Across Long Island Sound, a great colony of ospreys on Gardiners Island—once perhaps the world's largest—dropped from 300 pairs in 1945 to 35 in 1968.

The heavily polluted Great Lakes area also has taken its toll. Michigan's fish hawks are producing young at less than a third the rate and are declining about 12 per cent a year. A onetime osprey stronghold, Cape May, N.J., now counts few birds.

In the 19th century, nest robbers collecting the bird's richly colored eggs, exterminated the bird in Britain. Recently a pair of migrating ospreys started nesting again in the Scottish highlands.

With a hooked beak and a wingspread of up to five feet, the osprey is frequently mistaken for an eagle. Its breast, neck, and head are white; wings and back are glossy brown.

DIVE BOMBER

A mature three-pound osprey is a sky-raiding fisherman without peer. Cruising 50 feet above its fishing grounds, the bird suddenly checks its flight and hovers on laboring wings to take a bead on a fish swimming near the surface.

Snapping shut its wings, the bird drops into a steep dive—head projecting like a spear point, needle-sharp tallons forward.

The fish hawk crashes straight into the water, but reappears within second flapping off with a fish inevitably held head-first like a silver torpedo.

A reversible outer toe and tiny spikes on the pads of its feet—which help the osprey to grip the fish this way, one foot before the other—are among the characteristics that put the bird in a group by itself. Unlike other birds, the osprey has only one genus and one species.

Sometimes an osprey may grab too big a fish, be pulled under, and drown. Eagles may hijack an osprey's catch in midair.

The biggest threat to ospreys, however, remains pesticides. The poisons are passed on through insects eaten by fish that make up the osprey's diet.

"If the osprey passes from the American scene," Peterson warns, "we will lose a majestic and unique bird."

CIVIL RIGHTS COMMISSION REPORT

Mr. SCOTT. Mr. President, the U.S. Commission on Civil Rights today released a study of employment by State and local government, which concludes that these governments have failed to assure equal job opportunities to members of minority groups.

The study, conducted in seven major metropolitan areas, including Philadelphia, found that State and local government employment opportunities were restricted by discrimination in hiring and promotion decisions, by discriminatory treatment on the job, and by governments' lack of action in redressing the consequences of past discrimination.

The Federal Government itself, according to the study, has failed to establish any effective requirements for equal opportunity in State and local government employment or to establish effective standards and guidelines to assist in overcoming this problem.

Sections of the report, which is entitled "For All the People . . . By All the People," were discussed by Richard K. Bennett, acting chairman of the Pennsylvania State Advisory Committee to the U.S. Commission on Civil Rights, at a press conference today in Philadelphia.

The report states that while Negroes are employed by State and local governments in the Philadelphia area in proportion to their representation in the population, they tend to hold more of the lower level jobs.

While there may be many factors contributing to this situation, discrimination does play its part. Often the discrimination may be unintentional and unconscious, but it is none the less objectionable.

Everyone may not agree with all parts of the report, but I believe that few will quarrel with the need to deal effectively with the problems it outlines. I hope this report will be the basis for a determined effort to put a final end to the age-old patterns of discrimination.

I have joined in sponsoring the Omnibus Civil Rights Act of 1969 which will help get at some of the problems cited by this report. This bill, among other things, would extend the jurisdiction of the Equal Employment Opportunities Commission to include employees of State and local governments, and would give the Commission the power to issue cease-and-desist orders to enforce its findings.

Government at all levels should be leading the way in the effort to eliminate discrimination, whether it be on the basis of color, sex, national origin, or religion. We have made great strides in recent years in healing the crippling impact which discrimination makes in our society. I hope this report will spur government, where necessary, to make more positive efforts to step up the battle against discrimination in America.

LET MY PEOPLE GO

Mr. DODD. Mr. President, the plight of the Jews in the Soviet Union and Communist Poland calls to mind the suffering of the children of Israel in the land of Pharaoh.

As in ancient Egypt, the Jews of Communist Europe today are persecuted and unwanted. But still the tyrants who oppress them refuse to let them go.

On July 20, the Israeli parliament unanimously adopted a resolution calling upon the Soviet Union to free the Russian Jews so that they could choose between remaining in the Soviet Union or migrating to Israel or other countries.

In the course of the discussion, the Israeli Minister of Information, Israel Galili, said that he had reliable information that "many Jews who had applied for permits to leave the Soviet Union were arrested and either sentenced to imprisonment or lost their jobs."

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the text of an article published in the Christian Science Monitor of July 21, 1969, reporting on the resolution adopted by the Israeli Parliament.

I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article entitled "Trapped Polish Jews Face an Uncertain Fate" which appeared in the Washington Post for July 22.

According to this article, there is reason for grave concern over the fate of some 15,000 to 20,000 Polish Jews who were told over a year ago that they must get out of the country, but have now been told that the time to leave has passed for most of them.

After the Arab-Israeli war of 1967, the Polish Communist Party boss, Wladyslaw Gomulka, made it clear that "Zionists" were no longer wanted in Poland. He said that they could leave Poland, provided they went to Israel.

From the manner in which he used the term and from the violent anti-Semitic campaign which followed his speech, it was clear that Gomulka and the other Communist Party bosses, when they spoke of "Zionists," really meant all Jews.

To get out of Poland, the Jews were compelled to renounce their Polish citizenship, to pay a heavy price for an exit permit, and to accept the virtual confiscation of all their goods and property.

But now Poland threatens to cut off the exodus of its Jews on September 1. No one knows what will happen to the many thousands of Jews who have already renounced their citizenship and paid for their exit permits, but who, for one reason or another, have not yet received these permits.

When Congress reconvenes, I intend to submit a resolution calling upon the Soviet and Polish Governments to permit the free emigration of their persecuted Jewish minorities, without restrictions of any kind.

There is no Moses today who can call upon the Pharaohs of modern times to let the children of Israel go. But perhaps the Pharaohs will listen if the parliaments of civilized mankind add their voices in unison to the call already addressed to the Soviet Government by the Parliament of Israel.

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

[From the Washington (D.C.) Post, July 22, 1969]

TRAPPED POLISH JEWS FACE AN UNCERTAIN FATE: UNWANTED IN HOMELAND, THOUSANDS ARE UNABLE TO GET OUT BEFORE NEW ORDER TAKES EFFECT

(By Alfred Friendly)

GENEVA.—The many refugee agencies that make this city their headquarters are deeply concerned over the fate of some 15,000 to 25,000 Jews in Poland who were told over a year ago that they must get out of the country but have now been told that the time to leave has passed for most of them.

The fear is that many of them will be stateless in Poland, their citizenship having been stripped from them, and that while the presence of all Jews is declared objectionable, they are again forbidden to leave.

The remnant of Poland's several million Jews left after the Nazi holocaust coped as best they could with the Communist regime that followed. Some managed to get out in time and a few of the rest became ardent Communists, rising to high positions in the government. In all, it is estimated that 20,000 to 30,000 Jews remained in Poland. Until 1968, only a handful were allowed to emigrate.

GOMULKA'S DECREE

But after the Arab-Israel war, in the spring of 1967, Communist Party boss Wladyslaw Gomulka made a speech declaring that "Zionists"—a euphemism for Jews who had not disguised or abdandoned their religion and racial connection—were no longer wanted in Poland. He said they could leave Poland, provided they went to Israel.

It was a curious injunction, inasmuch as the Arab states, by now closely linked in political goals with the Communist bloc, have been profoundly opposed to any further migration to Israel. This is thought to be the principal reason, for example, why all but a trickle of Russia's 3 million Jews are refused permission to leave.

Gomulka's statement was welcome to Israel, anxious for more immigration, particularly of European Jews, and was doubtless also welcome to those Jews in Poland who had never come to terms with the regime.

LOST HIGH OFFICES

But it was a shock to hundreds of Jews who had risen high in the Communist hierarchy to find themselves immediately stripped of office following the Gomulka speech. Among the victims were some of the most important figures in the Foreign Office and diplomatic service, as well as economists, university professors and other professionals.

The first step for those Jews who were leaving was to "see the Dutch." The Netherlands diplomatic mission, acting as caretaker for Israeli interests following the rupture of Israeli-Polish relations at the time of the six-day war, was empowered to grant visas to Israel.

With such a document in hand, a Jew would thereupon enter into a lengthy bureaucratic finagling. Among other steps, he was obliged to pay 5000 zlotys (about $250 at the official rate), "voluntarily" renounce Polish citizenship and subject such possessions that he proposed to take out with him to government inspection—or confiscation.

COMPLICATED PROCESS

The process took from three to four months. At its completion, the Jew was given a travel document rather than a passport, valid for voyage to Israel, and was obliged to leave within one month. The fugitive boarded what has come to be known as the "Chopin Express," a train leaving Warsaw in the afternoon and arriving at Vienna the next morning.

There he was met by representatives of Jewish relief agencies, and helped on his way to Israel or elsewhere. Between 30 and 60 per cent—estimates vary widely—of the Polish Jews continued to Israel, and the rest joined relatives in Western Europe or the New World.

Several weeks ago, however, Gomulka announced that the whole process would come to an end on Sept. 1. Since then there has been no clarification from Warsaw and no word as to how the Jews are faring.

FATE A MYSTERY

No one in Geneva knows why the cutoff was ordered or even what it portends—whether no more travel permits will be issued after that date, or whether all exits will end, even for those Jews who have already "seen the Dutch," paid their 5000 zlotys and renounced their citizenship.

If it is the latter, the situation for those Jews in the middle of the exit process—jobless as well as stateless—may be extremely precarious.

The Dutch are known to have issued about 10,000 visas for Israel, but so far only 5000 Jews have made their way out of Poland. The question is what will happen to the remaining 5000, most of whom cannot possibly complete the bureaucratic exit process by Sept. 1, and what will happen to the remaining 10,000 to 20,000 not yet on the exodus treadmill but who are clearly unwelcome in Poland.

Refugee organization officials here think the Polish Jews' conditions of life must be as dangerous as they are cruel.

[From the Christian Science Monitor, July 21, 1969]

ISRAEL CALLS ON SOVIETS TO "FREE RUSSIAN JEWRY"

(By Francis Ofner)

JERUSALEM.—Israel's Parliament has made a unanimous call to the Soviet Union to free Russian Jewry.

The call came on the last day of the Knesset's session as members were turning their thoughts to the coming election battle in the fall.

The Knesset adopted a resolution declaring that "Soviet Jews have the unalienable right to settle in Israel, as have Jews from any other part of the world."

It expressed its "appreciation of international awakening now gathering momentum among young Russian Jews.

There are estimated to be three and a half million Jews in the Soviet Union.

Knesset members said that the young Jews of Russia had expressed a "devoted tie with the Jewish people and yearned to come to Israel."

MOSCOW ARRESTS REPORTED

Minister of Information, Israel Galili, said that he had reliable information that "many Jews who had applied for premits to leave the Soviet Union were arrested and either sentenced to imprisonment or lost their jobs."

According to reports reaching here from Moscow a young Jewish radio engineer was sentenced last May 16 to three years imprisonment after making a request for an emigration visa to Israel. He was sentenced for "libeling and inciting against social order in the U.S.S.R."

Over the past two years several Israeli families have said they had written to the Human Rights Commission of the United Nations asking for help in enabling their relatives to emigrate from the Soviet Union to Israel. So far there had been no response from the United Nations the Israel petitioners stated.

Mr. Galili recalled in the Knesset in December 1966, Soviet Premier Alexis Kosygin, while on a visit to Paris, promised that Jews wishing to leave the Soviet Union to reunite with their families would be allowed to do so. "These prove to be empty words," said Mr. Galili.

It was recently reported from the Soviet Union that the Jewish population, there was being "subjected to a subtle combination of economic, cultural, and social pressures."

ACADEMY REPRESENTATION DOWN

According to Kremlinologists here, the membership of the Soviet Academy of Sciences has trebled over the past 15 years. But the number of its Jewish members was halved during the same period of time.

In Odessa, a city with a Jewish population of a quarter million the problem of anti-semitism has become particularly bad according to reports reaching here.

The numbers of doctorates awarded to Russian Jews at the University of Odessa last year was less than one percent of the total conferred.

Israeli say that the recent publication of a book "Beware Zionism" by Yuri Ivanor—put out by the political literature publishing house in Moscow—has "moved anti-Semitism into the center of Soviet life."

The book itself was printed in 75,000 copies and has been praised in newspapers throughout the Soviet Union. Excerpts from it reached a much wider audience when they were printed last February in the Soviet weekly Oganek.

The magazine, which has a circulation of over 2 million, praised what it termed "scientific essays." Passages from the the book were also broadcast from Radio Moscow.

"Israel has been late in dong its duty to its oppressed Soviet Jewish brethren," said Israeli Knesset member Hahn Landau, who asked for the debate on Soviet Jewry. "Israel cannot remain silent any longer," he declared.

PASSAGE OF PUBLIC TRANSPORTATION ASSISTANCE ACT ESSENTIAL

Mr. PEARSON. Mr. President, many thoughtful Americans are becoming increasingly concerned over the economic, social, and environmental effects of transportation on our increasingly urban society.

Too often congestion impairs the usefulness of our streets and highways and frustrates those who travel them. Parking facilities, an essential part of any transportation system, are inadequate. Airports are noisy and hard to reach. The mounting toll of traffic accidents is both tragic and costly. And despite our best efforts, transportation services in our cities are inadequate and inconvenient.

It is tragic that we have let these negative factors reach such proportions. Transportation is a very important part of our lives and the benefits of mobility are numerous. The phenomenal growth and expansion of America during the last century resulted in part from the benefits of transportation.

Transportation services have made a positive contribution to the economic well-being of the citizens of towns all over the country. Every improvement in transportation has made life easier and better for hundreds of thousands of our citizens.

But unfortunately all transportation services have not kept pace. The public transportation systems in most of our cities are woefully inadequate. The equipment is old and unattractive and costly to operate. It is inefficient and unable to meet the demands placed upon it in an increasingly complex urban environment.

Public transportation must be revitalized and made into a viable community service. President Nixon has recognized this urgent need and found a practical means for beginning this renewal.

The Public Transportation Assistance Act of 1969 can help to eliminate the debilitating condition of our public transportation systems. Federal funds will not only help to update present systems, but can also be used to build entirely new modes of transport that may one day completely revolutionize our way of living.

This legislation is urgently needed if we are to keep our cities the vital centers

of social and economic activity that they were meant to be. I ask Senators to give it their very careful consideration.

NOMINATION OF MRS. HELEN D. BENTLEY TO BE CHAIRMAN OF THE MARITIME COMMISSION

Mr. MAGNUSON. Mr. President, the nomination by President Nixon of Mrs. Helen Delich Bentley of Baltimore, to be Chairman of the Federal Maritime Commission, may well be taken as an indication that the administration is concerned about the role of merchant shipping in national and international affairs.

Mrs. Bentley is a well-educated and articulate maritime expert. If her nomination is in fact the result of a serious White House effort to upgrade the role of merchant shipping, then I am pleased. President Nixon has made several strong statements committing his administration to revitalizing merchant shipping and Mrs. Bentley's nomination seems consistent with those statements. The submission by the President to the Congress of a strong maritime revitalization program should be the next step.

THE PRESIDENT'S WELFARE MESSAGE

Mr. PERCY. Mr. President, President Nixon's welfare reform proposals constitute the most significant ideas to be advanced from the White House in this area for a third of a century.

If enacted by Congress, they would do away with a welfare system that is burdensome to the taxpayer, degrading to the recipient, and discredited in the eyes of our people.

The President's assertion that "the present welfare system has to be judged a colossal failure" was amply borne out last week in a poll of 12,000 of my Illinois constituents. Ninety-nine percent of those polled strongly disapproved of the welfare program.

The President's reforms, if enacted and properly funded by Congress, could, perhaps within a generation, break the terrible cycle of poverty and dependency on the dole that is the bitter heritage of so many broken welfare families.

The President's reforms look forward to the day when all able-bodied Americans may work in self-respect and lead useful and productive lives.

The President's reforms would permit the old, the blind, the infirm, and others among us whose harsh circumstances in life are beyond their power to control to live out their years in dignity under an equitable insurance-styled program.

The President's reforms tell the working poor that America will reward their efforts to produce and give them a hand up.

The best government should be that which is closest to the people. The revenue sharing program set forth in principle under the President's plan means that overburdened States and cities will at last have a chance to offer their people the highest quality services with local control.

Aspects of the President's program break new ground in complex areas and these pilot efforts should be observed, evaluated, and refined in the crucible of experience.

An early end to the Vietnam war and a careful reordering of our national priorities could permit the Congress to establish revenue sharing and other parts of the President's program at a level where they could soon make a measurable improvement in the quality of American life.

I support the President's bold initiative and I will work for its implementation by Congress.

PRESENT OIL IMPORT POLICY IS IMPORTANT TO NEBRASKA AND THE NATION

Mr. HRUSKA. Mr. President, perhaps not everyone thinks of Nebraska as a major oil-producing State. Yet the oil industry is very important to us. Last year, Nebraska produced 13,183,000 barrels of oil and ranked 17th in production among the States of the Union.

For that reason, it is particularly alarming to listen to the current campaign in favor of letting down the barriers against imported oil and increasing our dependence on foreign sources to meet our petroleum needs. Petroleum is the most vital of strategic materials, in war or peace. In its summary to the Cabinet task force now studying our petroleum policy, the Department of Defense says:

> The very chance of success or failure in any conflict hinges on oil.

In Southeast Asia today, about 50 percent of the military tonnage consists of petroleum products. About 90 percent of this need is supplied from foreign sources, but the Department points out that normal foreign sources may be denied for a variety of reasons, political as well as military. For example, our sources in the Arab countries were denied for a short time—7 to 10 days—during the 1967 Middle East crisis. In case of such an interruption, the Department says:

> We must maintain a capability in the U.S. to supply our war needs. . . .

The 1967 interruption for political reasons by the Arab countries did little damage precisely because we have maintained the potential within the United States to expand production, if necessary, to fill all our petroleum needs from domestic sources.

The Department of the Interior, in its submission of material to the Cabinet task force, points out that the interruptions of world flows of petroleum have in fact occurred no less than six times since World War II. This experience emphasizes the urgent need to be able to rely primarily on domestic sources. The Interior Department concludes:

> The United States must maintain the ability to meet a very high percentage (90 percent) of its petroleum requirements from secure sources.

Mr. President, the Nebraska Legislature has taken note of the study of our petroleum policies now being conducted by the Cabinet task force under the immediate direction of Mr. Phillip Areeda. I ask unanimous consent to have printed in the RECORD, Legislative Resolution 78, passed in the Legislature of Nebraska on August 5, urging that the present oil import policy of the United States be continued.

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

LEGISLATURE OF NEBRASKA, 80TH SESSION

LEGISLATIVE RESOLUTION 78

(Introduced by Robert L. Clark, 47th District; Lester Harsh, 38th District; Leslie A. Stull, 49th District; Terry Carpenter, 48th District; Leslie Robinson, 36th District)

Whereas, petroleum production is an exceedingly important part of the economy of the State of Nebraska, and

Whereas, the oil industry spends nearly $22,000,000 annually on production supplies and equipment in Nebraska, or 75% of the total investment for this purpose by all mineral industries in the state, and

Whereas, there is an annual average capital expenditure for exploration and production in Nebraska of about $9 million, and

Whereas, the annual payrolls for exploration and production in Nebraska are about $4 million, and

Whereas, the oil severance tax in Nebraska amounts to about $750,000 per year, and

Whereas, there has been no recent large discoveries of oil in Nebraska although there has been considerable exploration, and

Whereas, it is necessary for Nebraska to have a continuous flow of capital for the purposes of exploration, and

Whereas, there is great need for building up oil reserves, and

Whereas, any increase in the present oil imports would certainly discourage continued drilling, exploration and leasing in Nebraska.

Now, therefore, be it resolved by the members of the Nebraska Legislature in eightieth session assembled:

1. That we as members of the Nebraska Legislature are highly concerned about the future of the oil production industry in Nebraska.

2. That we believe that the present oil import policy of the United States should be continued.

3. That copies of this resolution be sent by the Clerk of the Legislature to Mr. Philip Areeda, Executive Director, Cabinet Task Force on Oil Import Control, 726 Jackson Place, N.W. Washington, D.C. 20526 and to the members of the Nebraska Congressional Delegation.

JEROME WARNER,
Speaker and Acting President of the Legislature.

I, Hugo F. Srb, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 78, which was passed by the Legislature of Nebraska in Eightieth regular session on the fifth day of August, 1969.

HUGO F. SRB,
Clerk of the Legislature.

VIETNAM WAR INJURIES

Mr. MONDALE. Mr. President, recently the Wall Street Journal carried an article on its front page noting the severity of the injuries suffered by American servicemen in Vietnam; a constituent called this article to my attention.

While the Paris peace talks slowly drag along, we must remember that thousands of young Americans continue to die or suffer injuries that will be with them for the rest of their lives. I ask unanimous consent that the article "Many of U.S. Wounded Have Worse Injuries Than in Earlier Wars" from the Wall Street

Journal for July 24, 1969, be printed in the RECORD.

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

VIETNAM TOLL: MANY OF U.S. WOUNDED HAVE WORSE INJURIES THAN IN EARLIER WARS—NEW RIFLES, ROCKETS CAUSE MORE DAMAGE; MUTILATION OFTEN CANNOT BE REPAIRED—"OH, NO, IT COULDN'T BE US"

(By William M. Carley)

A dark speck appears in the Western sky, ablaze with the hot afternoon sun. Within a minute, the speck becomes a big Lockheed Starlifter jet gently landing on the airstrip, its wings drooping like a tired seagull.

The Starlifter has just completed a 7,000-mile flight from Japan to Kelly Air Force Base in Texas, bringing badly wounded servicemen back from the Vietnam war. The flight dramatizes one positive aspect of the war: Thanks to speedy evacuation and excellent medical care, many of the wounded who never would have made it back alive from earlier wars are returning alive from Vietnam.

But the plane's mercy flight also underscores a grim fact about the Vietnamese war: In many cases, the men are coming back with wounds far worse than those suffered by survivors of earlier wars.

On the Starlifter, for example, are young soldiers burned over as much as 70% of their bodies. With months of care and plastic surgery, some can return to a semblance of normal living. But for many the price of survival will be to go through the rest of their lives badly mutilated.

"We're saving them, but I don't know for what," says one Army medical officer.

MORE THAN 81 PERCENT SURVIVE WOUNDS

The increase in the percentage of soldiers who survive their wounds is impressive. The Army, which accounts for more casualties than any other service, reports that more than 81% of its wounded men are surviving in Vietnam compared with 74% in the Korean war and 71% in World War II.

Thus far, about 237,000 men in all the U.S. armed services in Vietnam have been wounded and have survived. As in any war, many of the wounds are slight. About half the 237,000 had injuries so minor they didn't even require hospitalization.

In the case of the more severe wounds, the Army Surgeon General's office says that it's too early to make a "definitive" assessment of the long-term effects. But interviews with doctors and patients at several military hospitals in the U.S., where some of the wounded are brought as early as three days after being hit in Vietnam, show there's no doubt about the severity of the patients' wounds. Besides the speedy medical attention in Vietnam that saves a lot of badly wounded men, many wounds are simply more severe to begin with.

High-powered rifles are one cause. Bullets fired from the "burp guns" commonly used against U.S. troops in the Korean war traveled at about 1,600 feet per second, but bullets fired from the AK–47 rifles being used against U.S. forces in Vietnam travel at about 2,400 feet per second. Because a bullet's speed is important in determining its wounding power, this increase often makes the difference between a minor wound and a devastating injury, experts say.

AK–47 DEADLY AT DISTANCE

"At 100 yards, you can almost catch the burp gun shell with a pitcher's mitt, but at the same range an AK–47 can kill a bull moose," says Dr. William Demuth, a University of Pennsylvania professor who has studied the wounding power of rifles.

"The rifles being used in Vietnam have impressively greater wounding power than those used in earlier wars," says Dr. Norman Rich, who treated scores of rifle wounds when he recently served in Vietnam and who now is a surgeon at Walter Reed Army Medical Center in Washington. The Vietnam rifles are causing "massive destruction" of flesh, bone and nerves when they hit, says Dr. Rich.

One soldier—call him Tommy—provides an example. A few months ago the 24-year-old soldier was in Vietnam. A North Vietnamese rifleman caught Tommy in his sights and fired one shot. In an instant the bullet went through Tommy's helmet, through his forehead and came to rest at the back of his skull.

"The bullet destroyed most of his brain," says Dr. Ludwig Kempe, a neurosurgeon who treated Tommy at Walter Reed. "He breathes, but he is and will remain totally unconscious—he will never even know he's here."

BIGGER THAN BAZOOKAS

Bigger rockets also cause worse wounds. In Korea, bazookas were used against U.S. troops, but in Vietnam much larger 122mm. and 240mm. rockets are being used.

Comparing the bazooka with the larger weapons "is like comparing a firecracker with a stick of dynamite," says an Army officer.

One soldier recently hit by a rocket blast had his lower right arm blown off, was hit by 33 fragments in his other arm, in his chest and abdomen and in both legs, and was burned over 60% of his body.

That men can survive such wounds, of course, is due to the high quality of medical care almost immediately available to them. Modern drugs also save many soldiers.

Men burned over large portions of their bodies, for example, usually didn't survive in previous wars. They would die not from the burn itself but because deadly pseudomonas bacteria would invade the burned tissue and then spread throughout the rest of the body.

In the past few years, however, new drugs such as Sulfamylon have been developed to fight the pseudomonas bacteria. Dr. Basil Pruitt, chief of the burn unit of the Army Institute for Surgical Research, says the new drugs have cut the fatality rate in half for burned men. For example, of patients with burns covering almost half of their bodies, nearly 60% died previously, but now fewer than 30% die.

But the drugs cannot reverse the mutilation of men who survive extensive burn wounds. After being flown to Kelly Air Force Base by Starlifter jets, burned men are taken to the Army's burn unit, which is at nearby Brooke Army Hospital in San Antonio. One patient now in the burn unit is Peter, a 20-year-old Army private. When he was injured in March, Peter was in a Sheridan tank, working as a loader for the main gun.

"We were moving through a rubber plantation one afternoon when we were attacked by mortars, rocked-propelled grenades and machine guns," he says. "Our tank began firing, and the main gun jammed. Then a rocket-propelled grenade hit us, and there was a big fire."

Peter tried to claw his way out of the intense heat of the tank fire, "but the hatch was so hard to open," he says By the time he got out, all of Peter's fingers had been burned off. He also suffered severe burns on his arms, face, chest and neck.

Helicopters get much of the credit for helping the wounded come back alive. Tried in a few cases in Korea, helicopters are used in almost every medical evacuation in Vietnam, and they cut the time between injury and medical treatment from hours or even days to minutes.

FASTER THAN AT HOME

Because of the helicopters, says one military medical officer, "an American wounded in the remote jungles or rice paddies of Vietnam has a better chance for quick, definitive surgical care by top specialists than were he hit on a highway near his hometown in the U.S."

In the case of a young soldier named Warren, as in many others, this reduction in time made the difference between life and death. A lanky 22-year-old Marine sergeant, Warren was a member of a platoon moving through a rice paddy near Hue when it ran into enemy fire. "Charlie (the Vietcong) was in a concrete bunker," he says. "I began shooting with my grenade launcher, and they opened fire with a .50-caliber machine gun. The first machine gun round grazed my face, but the second hit my right cheek."

Warren only remembers being helicoptered out of the rice paddy, and nothing after that until he woke up 24 days later in a U.S. military hospital. But his doctor, Dr. G. W. Anastasi, a plastic surgeon at the Chelsea Naval Hospital near Boston, says Warren would have died had it not been for the helicopter evacuation.

"He either would have bled to death or died of infection," Dr. Anastasi says.

But again, the survivor must live with a terrible wound. The bullet, as it emerged from the left side of Warren's head, blasted away most of the left side of his face. "He came here so mutilated you have no idea what he originally looked like," says Dr. Anastasi. Despite numerous operations, Warren will have practically no vision in his left eye and will be badly disfigured for life.

HELICOPTER CASUALTIES

Unfortunately, things that save lives sometimes also produce casualties themselves The vastly increased use of the helicopter in Vietnam is itself leading to severe wounds because of crashes.

On May 13, for example, a helicopter flew into a jungle valley to pick up wounded from the fight on Hamburger Hill. "We saw a smoke signal," says Jim, the 24-year-old lieutenant who commanded the craft. "We couldn't land—the jungle was too thick—so we hovered over the trees about 100 feet up, and dropped a litter basket on a line to load the patients."

Then, he relates, a rocket-propelled enemy grenade shot into the helicopter's open cargo door and exploded. "I felt, 'Oh, no, it couldn't be us,' but the helicopter began turning over and falling towards the ground."

The helicopter turned upside down and crashed. Jim escaped from the cockpit only seconds before the aircraft exploded and burst into flames. In the crash, however, Jim's left leg was sliced off.

The nature of the war being waged in Vietnam also contributes to some more serious wounds. In Korea and World War II, much of the fighting was done from the protection of trenches and bunkers. But in Vietnam soldiers are often fully exposed while on patrols or search and destroy missions. Thus, a mortar or rocket shell exploding near a soldier in Korea might have injured only one limb—but in Vietnam it may spray fragments into several areas of his body.

A SHARP INCREASE

The Army says the category of "many multiple wounds in which there was no single predominant location" includes 20% of patients in Vietnam compared with only 2% in Korea and 3% in World War II.

Dr. Peter Biron, a surgeon at the Chelsea Naval Hospital near Boston, says that when patients have multiple severe injuries, "treating them is very difficult." He adds that "there are no books that have been written on how to handle these complex cases. Doctors have to learn as they go along."

In some cases, medical advances have at least partially offset the effects of the more severe wounds. If a high-velocity rifle bullet hits a soldier in the arm, for example, damage to blood vessels and interruption of the blood flow could cause gangrene and necessitate amputation. But in recent years doctors have learned how to repair the blood vessels and thus save many limbs. The Army Surgeon General's office says that in World War II

and Korea, 2% to 2.5% of those hospitalized were amputation cases. But in the Vietnam war the 659 Army men who have lost limbs thus far comprise only about 1% of the hospitalized casualties.

Even so, a soldier who keeps a wounded limb may face a difficult future. A high-powered rifle bullet may destroy nerves as well as blood vessels, and doctors say it's far more difficult and often impossible to restore full function of certain nerves. The result is that a soldier may retain his wounded arm, but it may dangle uselessly at his side for the rest of his life.

Advances have been made in plastic surgery. In the past when a patient was burned over large parts of his body, for example, doctors sometimes had trouble getting enough skin from the patient's unburned areas to cover the huge burns.

In recent years, however, surgeons have tripled the area a piece of skin can cover by cutting a series of incisions in the skin and then stretching it into a mesh-like web before applying it. After the skin is applied over the wound, it eventually grows together, filling in the mesh holes.

But in many cases such advances still don't restore a burn victim to anything like his original appearance. One 34-year-old Air Force pilot was burned when his plane crashed on takeoff from a Vietnamese airfield. He has since gone through 17 plastic surgery operations.

But the fire badly burned his face, burned off most of his hair and burned off most of his ears, and doctors say that even with the best medical techniques, he will never look the same.

"I have to tell them that I can't restore their original looks," says Dr. Anastasi, the plastic surgeon at Chelsea Naval Hospital. "I say, 'Son I'm only a surgeon, and when I do scar revisions, I only trade one scar for another.' "

UTAHAN DIRECTS APOLLO 11 SIMULATION

Mr. BENNETT. Mr. President, now that our three Apollo 11 astronauts are safely back on earth after their incredible voyage to the surface of the moon, it is time to begin giving high credit to the many individuals whose expertise prepared the men and their machine for the historic flight.

As a citizen of Utah, I cannot help but take pride in the role played by one of our native sons, John P. Mitchell, who is in overall charge at Cape Kennedy of the command module trainer, which simulates in remarkable detail the living in and handling of the Apollo spaceship.

The importance of this facet of the astronauts' training program is indicated in the fact that Michael Collins spent some 250 hours in the simulator, practicing his part of the mission.

An interesting account of John Mitchell's work and the role of the simulator in our Apollo program is given in the following article. It was written by Gordon Eliot White, Washington correspondent for the Deseret News, and appeared in the newspaper on July 30. 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:

UTAHAN PLAYED KEY ROLE IN MOON SHOT TRAINING

(By Gordon Eliot White)

KENNEDY SPACE CENTER, FLA.—When America's three astronauts set off for the moon two weeks ago, a preparation had been carried out by a 39-year-old Utahan from Parowan who was responsible for the meticulous training received by Mike Collins in flying the Columbia command ship.

John P. Mitchell, who works here in the so-called "industrial area" of Cape Kennedy, is in overall charge of the operation of the command module trainer, which simulates in remarkable detail the look, feel, sounds, and handling qualities of the Apollo space ship.

"Collins spent more than 250 hours in the simulator, practicing his part of the mission," Mitchell said. "Aldrin and Armstrong worked in the command simulator much less since they concentrated on the lunar landing module."

The simulator building here at Kennedy Space Center is a fantastic structure, filled with oddly-shaped machinery, photo projectors, recorders, communications panels, and interior mock-ups of the two Apollo spacecraft. Flying the simulator, the pilot sees the same scenes, makes the same motions, that he will in space. On a practice mission, all of the world-wide tracking stations may be hooked to the simulator and the entire space trip flown with remarkable versimilitude. Since the practice module is designed to be a good test of astronaut training, its characteristics are programmed to be on the fringes of the acceptable point for an actual spacecraft. Usually the space men find that the real thing is easier to fly than the simulator.

Mitchell was graduated from Parowan High School in 1948, then attended the University of Utah before going into the Army for three years. After military service, he enrolled in New Mexico A and M, and was graduated in 1959. Hired by Pan American World Airways, he was sent to Florida to work at the Cape Canaveral Guided missile range. In 1962, he shifted to NASA and worked briefly at the Goddard Space Flight Center near Washington, D.C., returning to the cape in 1963 at the end of the Mercury flights.

While working his way up in NASA, Mitchell married an Indiana girl. They now have five children and live about 10 miles south of Cape Kennedy at Satellite beach, one of the heavily space-oriented new communities along the Florida shore. John is a member of the stake high council of the Orlando Stake.

Right now, with Apollo-11 such a great success, NASA experts are getting ready for the Apollo 12 flight, probably in November. Mitchell observed that "the Apollo 11 crew was pretty serious all through their training. They didn't talk a lot then, and certainly didn't joke much. I think you'll see a definite difference in the Apollo 12 crew. They are a lot more gabby—they talk it up, sing, and whistle in the training craft, and I suppose they'll do the same thing on their mission."

The Apollo 12 crew will be Dick Gordon, Pete Conrad, and Al Bean will fly the command module.

Mitchell is preparing his simulator crew to train the next Apollo astronauts, the No. 13 flight set for March, 1970, for which a crew has not yet been announced.

"We have to update our hardware with every shot," he said, "and we crank in things we learned on the last mission. A lot of changes are in the software (computer program) area—different trajectories and so on. Actually, the command module won't change much, though we will improve the visual fidelity based on the Apollo 11 trip and we will have some updates on the computers they used." The reconfiguration for Apollo 13 will start Aug. 18, to be ready to start the training that will lead to the expected launch date next March.

"Everything is simulated and everything is practiced," Mitchell said. "They even had practiced with the television camera before they left, and they usually come back saying they'd seen it all before they left."

Mitchell predicted that some of the moon crew would be back for later missions, though the honors they are getting will keep them out of training for many weeks.

"We have more than 50 men to choose from," Mitchell said. "The training is pretty tough, and it just isn't fair to keep one man in training constantly without a break, so we rotate the missions pretty well."

He noted that as flight becomes more routine the makeup of the crews may change. Later in the Apollo series, the crews will be made up of a command module pilot, a lunar module pilot, and a scientist such as a geologist, whose astronaut training will be secondary to his scientific background.

The simulators obviously save money and lives, since a mission like Apollo 11 cost $355 million just for the spacecraft alone. But the $30 million trainers built by Link, which made the famed World War II "Blue Bomber" ground trainers, are hardly cheap. Mitchell scratched his head a moment and estimated that "Link time" for the Apollo missions cost $375 a minute.

EVERGLADES

Mr. NELSON, Mr. President, it is encouraging to note the growing concern and attention being expressed throughout the Nation for the survival of Everglades National Park in Florida. A proposed super jetport, along with a superhighway, involving hundreds of millions of Federal dollars, is threatening to destroy the wilderness park with noise, pollution, and intensive urban development. The issue brings us face to face with a question we have been skirting for too long: Do we decide to protect our environment, or do we continue to use public money to destroy priceless resources.

An excellent article appearing in yesterday's New York Times puts the whole issue of the Everglades National Park and the proposed super jetport in perspective, and I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, Aug. 11, 1969]

NATURALISTS SHUDDER AS OFFICIALS HAIL EVERGLADES JETPORT

(By Homer Bigart)

HOMESTEAD, FLA.—At the bottom of Florida, beyond the burgeoning Miami suburbs, past the last television tower, the last alligatorium, the last serpentarium, the last used car lot, the last snakorama and pancake house, is a wonderfully quiet place where the only offending spoor of civilization is a rusty litter of beer cans along the infrequent trails.

The Everglades National Park is the last refuge of solitude along the Eastern Seaboard. And it is surely doomed, conservationists warn, by a jetport under construction just north of it.

An aquatic wilderness, the glades have faced many crises in this decade.

Consecutive seasons of subnormal rainfall, combined with the wasteful diversion of water by drainage canals, produced droughts that decimated the alligators and threatened several species of birds with extinction.

Oil exploration and urban and agricultural development intruding close to the boundaries of the park brought an increasing menace of pollution.

AT CENTER OF SWAMP

But these were lesser perils against the threat posed by the new jetport. That facility, covering 39 square miles, is right in the middle of the Great Cypress Swamp, which supplies 38 per cent of the water flowing into the park.

Water pollution, air pollution, a shattering of the stillness by overflights of jets will be inevitable when the project is fully developed, park officials warn. The impact on the glades, they contend, could be catastrophic.

This is sharply denied by the Dade County (Miami) Port Authority, sponsors of the project.

"No pollution is anticipated," Port Authority officials assert. "The operations are not expected to create excessive noise. Wildlife will be protected."

Alan C. Stewart, Port Authority director, dismisses conservationists as "butterfly chasers." To him the rare and endangered bird species in the park—the wood stork, the bald eagle, the roseate spoonbill, the great white heron, the pink and wood ibis, the noddy and sooty terns—are just a bunch of "yellow-bellied sapsuckers."

SEEN AS BAR TO DEVELOPERS

"If conservationists want to stop the development of south Florida," says Mr. Stewart, "it behooves them to save up their pennies and buy up the land."

In a more diplomatic vein his deputy, Richard H. Judy, assures visitors that work on the jetport would be halted immediately if it was proved that the project would spoil the Everglades. But he is currently convinced that the jetport will serve the park as a buffer, saving the environs from greedy developers.

"The preservationist wants everything to remain the way it was," Mr. Judy observes. "He's right in a sense. But it's not the way the great American system operates.

"We can't escape reality. People are coming here to live. This is going to be one of the great population centers of America in the next 20 years.

"Great Cypress Swamp is just typical south Florida real estate. It's private property; eventually it's going to be put to human use."

APPEALS TO VOLPE

A word from the Department of Transportation in Washington would halt the project. Conservationist leaders throughout the country have appealed to Secretary John A. Volpe, urging him to order relocation of the airport.

But the Department of Transportation has already provided $500,000 toward construction of the first runway, a pilot training facility scheduled to go into operation next month, and $200,000 more for a study of a high-speed transportation corridor slashing across the wilderness and linking the airport with the east and west coasts of Florida.

These grants were made without consultation with the Department of Interior, where sentiment against the jetport is hardening.

Meanwhile, an interdepartmental committee headed by Dr. Luna Leopold, of the United States Geological Survey, is preparing a report on the potential effects of the jetport on the park.

Conservationists are hoping that a strongly negative report by the Leopold group will persuade both Secretary Volpe and Interior Secretary Walter J. Hickel to condemn the airport.

Last week, the Dade County Commissioners hired Stewart L. Udall and his environmental planning consulting firm, Overview Group of Washington, to prepare a plan that would keep to a minimum any adverse effects of the jetport on the national park.

The Udall organization will first conduct a four-month feasibility study to determine whether the jetport can be built without destroying or severely damaging the Everglades. This "first-phase study" will also consider alternate sites.

To a nonconservationist, it is difficult at first to see why opposition to the jetport is so intense. The site is six miles from the nearest park boundary. And at the outset the jetport will be used merely as a training field. Only one runway will be used in the initial development.

However, a second training runway may become necessary in three to five years, the Port Authority says, and by 1980 the jetport would be transformed into a giant commercial operation, the nation's biggest air terminal, covering more land than the entire City of Miami, and able to accommodate jumbo jets and supersonic planes.

Conversationists warn that even before that materializes the delicately balanced ecology of the park could be upset by polluting and altering the flow of water in the park.

The park is absolutely dependent on a cycle of summer flooding and winter drought. Any change in the quantity, quality and rhythm of the flow threatens the incredible diversity of plants and wildlife established there.

The true Everglades are sawgrass prairies stretching to the horizon, a vast green blanket dotted with wooded hammocks, the grass hiding the shallow water of a strange river, 30 miles wide, that creeps imperceptibly southwestward toward the Gulf of Mexico.

CHANGES IN PLANT LIFE

A few years ago, when the water table in the park began falling, changes were noted in the plant life. Poisonwood, buttonwood, willow and other scrubby vegetation began shouldering into dried-up areas where formerly they had been drowned out. They threatened a drastic alteration in the appearance of the glades.

Today, after three years of abundant rainfall, the river of grass seems revived, and the invasion of brush has been slowed. The river, starting as seepage from Lake Okeechobee, 100 miles north, enters the park from the north and east.

The flow of the river has been impeded, before reaching the park, by a complex system of drainage and flood control canals and by two highways, the Tamiami Trail and the newer Alligator Alley.

A bill passed by Congress last year provides for the release to the park of 315,000 acre-feet of water annually from conservation districts north of the park. This would meet the park's minimal needs, but the plan will not be implemented before 1976, and the interim release schedule is tied to the water level in Lake Okeechobee.

Frank Nix, park hydrologist, said the jetport threatened the last unimpeded flow of water into the park. All the northwest corner of the park, he explained, is dependent on water from the Big Cypress Swamp.

Dr. William B. Robertson, Jr., the park's research biologist, noted that "substantial residues" of DDT were found recently in bald eagle eggs. The poison had apparently been ingested by fish, and the fish, in turn, eaten by the eagle.

Most birds may adjust to the noise of jet engines, Dr. Robertson suggested, but their is danger of collision with aircraft of some soaring species, especially the wood stork, which likes to ride the thermal updrafts. There is a major colony of wood storks in Big Cypress Swamp.

In a recent test, it was found that birds in the park flushed whenever a plane flew over at less than 5,000 feet. Consequently, park officials have asked for an air-space reservation of at least 5,000 feet. The Federal Aviation Administration contends that 3,000 feet is enough.

In their concern for plants and wildlife, conservationists tend to forget the 400 or more Miccosukee Indians living along the Tamiami Trail near the jetport. Initially the Indians went along with the project, hoping it would give them jobs. Now they oppose it.

USED TO HAVE GOOD LIFE

At the tribal office in Miami, Chief Buffalo Tiger told why:

"It happens to Indians year after year: progress wasting the hunting grounds.

"Indians used to have good life here; clean air, clean water, plenty of food.

"We used to see two or three raccoons on every hummock, a lot of otters, turtles, alligators in every pond.

"Now even the snakes are scarce. The fish and turtles are going. It's hard to make a living in the glades."

Buffalo Tiger, 49, said the Port Authority had usurped sacred Indian ground where the annual tribal festival, the Green Corn Dance, is traditionally held.

At this affair, which usually lasts five days, boys are given new names and inducted officially into manhood.

Eating the new corn crop at the close of the ritual marks the start of a new year for the tribe.

There is also a display by the medicine men of sacred tribal relics; dried seeds, little shards of glass, and what looks like the shriveled claws of animals. These are kept by medicine men in buckskin bags and revealed only at Green Corn dances, Buffalo Tiger said.

Turning back to the despoiling of the Everglades, Buffalo Tiger said:

"You can't make it. You can't buy it. And when it's gone, it's gone forever."

EXPLORATION OF SPACE

Mr. PERCY. Mr. President, recently Col. Frank Borman made a remarkable visit to the Soviet Union, where he was hailed for his achievement in outer space and where he was genuinely and warmly received because of the qualities and characteristics that became evident during his visit. He proved to be one of the most successful ambassadors of good will this country has ever sent abroad. Shortly following his return to this country—in fact, it was on the very night that the Apollo astronauts landed on the moon—I asked Col. Borman how much interest he had detected on the part of the Russians in possible joint ventures to explore outer space.

I told him that when I had served as a member of the Aeronautical and Space Sciences Committee, I had been advised by NASA officials, that the United States would be very much interested in continuing to expand the multilateral aspects of space exploration. Did he find the same attitude in the Soviet Union? Colonel Borman said that he had talked with high-ranking Soviet scientists about this, and that they had expressed considerable interest. They felt that it would be practical as well as wise for our countries to explore this possibility.

Mr. President, I trust that NASA officials will followup on this possibility and that they will be encouraged to do so by the State Department. I recognize that to do so presents some complications. But the goal; namely, to seek out as many objectives that we hold in common with other nations and to work on these objectives together is a sound one. I trust that by such activities, we can better understand one another. It would be worth the complexity. Also, it may well

be that very major savings in cost could be made and at the same time accelerate the time schedule for one of the stated goals of our space program; namely, to expand the horizons of man's knowledge.

On July 26, 1969, Richard M. Gardner, professor of law at Columbia and former Deputy Assistant Secretary of State for International Organization Affairs, wrote an article on this subject for the New York Times. I ask unanimous consent that the article be printed in the RECORD. I feel that it expresses far better than I can some of the advantages of cooperation in space between the United States and the Soviet Union.

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

[From the New York Times, July 26, 1969]

TOPICS: A PROPOSAL FOR A U.N. SPACE STATION

(By Richard N. Gardner)

For nearly a decade we have been engaged with the Russians in a race to the moon. This race has involved a massive duplication of effort and a substantial waste of expenditure on both sides. Moreover, important opportunities for the enhancement of international cooperation have been lost.

With the brilliantly successful landing of the American astronauts this week, the race to the moon is over. It is now too late to convert this race into a cooperative venture in space exploration on behalf of all mankind. But it is not too late to try a new approach in the next phase of space exploration.

COOPERATIVE PLANNING

A first step in this direction should be the creation of a United Nations Space Institute. The Institute, which might be located in Geneva or Vienna, would be a center for the cooperative planning of space exploration in which all U.N. members would be invited to take part.

Scientists from the United States and the Soviet Union and other countries could work together on such subjects as the medical problems of manned space flight. They could recommend a set of common priorities for mankind in space and a specific timetable of space missions.

Instead of both the United States and the Soviet Union undertaking landings on Mars and Venus, for example, each could divide responsibility for instrumented landings on different planets. Such activities would be considered part of a total U.N. program and every opportunity would be found to let other countries participate in their preparation and in the sharing of the information.

A JOINT VENTURE

We should also establish a United Nations Space Station, a true joint venture of mankind in what most authorities now agree is the most important space task of the next decade.

Joint ventures in space between ourselves and the Russians have hitherto been regarded as impractical. It has been said that the presence of Soviet astronauts and Soviet scientists at American launching sites would give them access to our rocket technology and thus prejudice our national security—and vice versa.

But technology now offers a way around this problem. Both we and the Soviets have developed the art of rendezvous and docking in space. We and they could launch elements of a space station that could be assembled in outer space. The equipment could be agreed on in advance to assure compatibility. The astronauts—drawn not only from the United States and the Soviet Union but from other U.N. members—could be trained together at the U.S. Space Institute.

When other U.N. members—for example, Japan and European countries—develop sufficient space capabilities, they could be invited to launch additional modules for the space station. In the meantime, their scientific abilities could be used to the full in designing and producing the equipment to be launched by the U.S. and the U.S.S.R.

MULTIPLE-USE FUNCTION

A U.N. Space Station would be an orbiting astronomical laboratory, gathering information about our solar system and the universe beyond. It could also be usec. for practical earth applications—for weather forecasting, observing ice and snow accumulations, mapping ocean currents monitoring crops, and locating mineral deposits. One day it might help patrol troubled borders and verify arms control agreements.

Such a cooperative space program could serve the enlightened self-interest of all. The sharing of the costs of space exploration and the adoption of a space timetable geared to scientific cooperation rather than political competition could save billions of dollars the U.S. and the Soviet Union could devote to pressing domestic needs.

The non-space powers, including the less developed countries, could participate more fully in space exploration. Every country would have access to information gained from space activities—for example, the discovery of mineral deposits made possible by observation from a space station. Finally—and by no means least important—significant political benefits could be realized in close U.S.-Soviet cooperation and a stronger United Nations.

DEATH OF PEDER N. WICK

Mr. JACKSON. Mr. President, recently a longtime friend of mine, Peder N. "Pete" Wick, passed away. He had served for 32 years as newsman for radio station KIT in Yakima, Wash., developing a reputation as an extremely fair and able reporter. He won the respect of all who knew him, most specifically those of his own community who knew him best—the people of Yakima.

Pete Wick is survived by his wife, Helen, and his daughter, Margaret Jane, who is presently studying orthoptics at the University of Iowa and will complete her training at the University of Oregon Medical School beginning this fall.

I recently obtained a copy of the eulogy of Pete Wick at his funeral by the Reverend Harry G. Brahams of Yakima's First Presbyterian Church. The Reverend Mr. Brahams caught the spirit and the truth of this fine man in his memorial remarks which I ask unanimous consent to have printed in the RECORD.

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

MEMORIAL REMARKS FOR PEDER N. "PETE" WICK

HE WANTED TO WRITE

His father thought it was silly and tried to sidetrack him by offering to send him through the University of Washington, if he would be an engineer. He would not be sidetracked, and in true Scandinavian spirit, he headed for Snoqualmie Pass and a summer job as a surveyor in order to subsidize his entrance to Central Washington College at summerend.

It was not easy in Ellensburg, and survival became just about as important as study. Along with his studies he did a little bit of everything to survive . . . collected cleaning for a Dry Cleaners; operated a player-organ in a theater; played his violin in an orchestra; swept the dormitory halls; and organized an employment service for students.

It almost cost him his life, but it paved the way for his livelihood.

He came to Yakima . . . caught the fancy of Col. Robertson, and became a cub reporter for the Herald Republic.

The hospital, the fire station, the police station, the courthouse became his precinct as he began to ponder and report the pathos, the problems, and the projects, that go to make up the general public. He soon proved that he *could* write, and that what he wrote was worthy of being read.

Having served his apprenticeship with the paper . . . he was retained by Radio Station KIT as a part of its newsstaff, and in the course of 32 years of faithful service became the Editor and Chief of the newsroom.

He brought to his leadership in the news media some marvelous natural equipment:

He had a nose for news . . . an instinct for the important incident.

He possessed a keen mind and a great memory.

He was master of the king's English, and of some that was not, yet he maintained constantly a great sense of which was right . . . and when.

Along with his natural instincts, he developed real insight. He learned to give credit where credit was due and constructive criticism where constructive criticism was due.

He held strictly to the truth and thereby earned the community's trust. His interviews of individuals (great and small) were always intelligent and interpretive.

He learned to review the circumstances and report the sense.

As a result, he became the friend of all . . . the prominent and the pedestrian; the politician and the public; the judge and the judged; the officer and the offender, the rich and the poor, the helper and the hurter.

During the course of his life, he received many commendations for his commitment, but the one he coveted the most was the one he earned the best . . . the confidence . . . of his company, his competition, his community, his country.

He wanted to write . . . he made it to the top . . . he became known as the "Dean of Northwest Newsmen."

HE WANTED TO BE WED

Walking down the streets of Yakima one day, he saw in a store window, a display of colored pictures of beautiful young ladies vying for the honor of Elks Beauty Queen. Examining the pictures carefully he chose as his candidate, Miss Helen Powell. Discovering shortly, they had a mutual friend in the community, he sought . . . and got . . . an introduction. He liked her . . . grew to love her . . . and ultimately led her . . . to the marriage altar.

The commoner married the queen!

Since . . . they have had 34 wonderful years together.

All that time he never forgot she was a queen . . . and what is far better . . . he never let her forget it.

The marriage of the commoner and the queen produced a prince and a princess . . . John and Margaret.

He was tremendously proud of his royalty. He loved each of them and through the years, their home has been characterized by a regal fellowship.

He wanted to be wed. . . . he married a queen . . . and became a wonderful husband and a great dad!

HE WANTED TO WORK FOR HIS COUNTRY

Not only in the cause of the Press, but in he cause of Peace. He got his opportunity in World War II. Though he was beyond the

normal age . . . he insisted . . . and enlisted. He was extremely proud to be a Petty Officer in charge of publicity for the Navy. He started his service by making "first" in his enlistment class . . . and his service was like that all the way . . . First class!!

He wanted to work for his country . . . today in silent tribute, the colors of his country drape his casket!

HE WANTED TO WORSHIP HIS CREATOR

This came hard because of two major handicaps . . . the untimely passing of two of his favorite people . . . his mother, and his young son John. But God is good . . . and time has a way of tempering . . . and through the mastery of Masonry and some friends in the ministry, he finally found a meaningful faith.

He wanted to worship . . . he has set before us a fine example of faith . . . an example characterized by: Faith in God, Faith in the Government, and Faith in all that is good!

In his jests, we have found justice.

Under his crust, we have found kindness.

Behind his front, we have found faith.

Justice, Kindness, faith—that's what this thing called life is all about.

The Good Book summarizes it this way: "He has showed you O man what is good, what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God." (Micah 6:8)

According to these requirements of life.

Peder N. "Pete" Wick lived his life.

And because he lived his life this way—our lives will be better as we travel our way.

And do you know what that is?

Good news!

Respectfully, a friend,

Rev. HARRY G. BRAHAMS,
First Presbyterian Church, Yakima, Wash.

HELP DAN

Mr. STEVENS. Mr. President, Mrs. Edrel Coleman, a remarkable woman who has been chosen as Alaska State Mother of the Year 1969 and Military Wife of the Year, is a teacher who organized a club, HELP DAN—Help Educate Little People about the Abuse of Drugs, Alcohol, and Narcotics.

I invite the attention of Senators to the wonderful work of Mrs. Coleman, who has displayed a well-placed trust in the youth of our Nation. In Mrs. Coleman's words:

If elementary pupils are educated about the harm that the abuse of drugs, alcohol, and narcotics does to a person . . . when they reach high school and college, and are faced with the decision to make—"Should I or Shouldn't I?"—their knowledge of the true facts will enable them, more than likely, to make the right decision.

NIXON MASS TRANSIT BILL—A FLAWED PROGRAM

Mr. WILLIAMS of New Jersey. Mr. President, the Nixon mass transit bill is an outstanding example of the age-old adage that "the road to hell is paved with good intentions."

Experts have argued clearly and concisely before the Senate Committee on Banking and Currency, that long-term capital programs cannot be funded without long-term assurance of Federal funding—funding which my mass transit trust fund bill will make available.

This is the approach taken by Dr. William J. Ronan, chairman of the Metropolitan Transportation Authority of New York and president, Institute for Rapid Transit; George L. De Ment, chairman of the board, Chicago Transit Authority; Kermit Bill, president, Southern California Rapid Transit District; Leo J. Cusick, general manager, Massachusetts Bay Transportation Authority; Roy Blount, acting chairman, Metropolitan Atlanta Rapid Transit Authority; and B. R. Stokes, general manager, San Franciso Bay Area Rapid Transit. These men who are in the forefront of the fight to make our cities' transit systems work are far better qualified to suggest solutions than President Nixon's self-styled experts.

President Nixon rejected this approach perhaps as the Trenton Times in its August 8 editiorial points out, because "of his Budget Bureau, which dislikes earmarked tax revenues."

The editorial continues:

Perhaps he was also conscious of the opposition of the highway-user lobbies, which fight any attempt to divert user taxes into non-highway projects—even though improved mass transit would obviously help the motorist by reducing road congestion.

The Nixon alternative, however, is completely unworkable. As the Times editorial so aptly states:

Mr. Nixon suggested that Congress could "declare its intent" to back the program over a long period of time. This is no substitute for the assurance of a trust fund; no Congress can bind its successors, no matter how many intentions it declares. The President's program—which shows at least some grasp of the nationwide crisis in mass transit—should be appropriately amended when it reaches Congress.

The administration can rest assured that I, for one, will not cease in my efforts to obtain trust fund financing. This is the most effective method of providing for adequate mass transportation for all of our Nation's citizens.

I ask unanimous consent that this excellent editorial be printed in the RECORD.

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

[From the Trenton (N.J.) Times, Aug. 8, 1969]

FLAWED TRANSIT PROGRAM

President Nixon's proposed 12-year, $10 billion program of aid to urban mass transit systems has serious flaws. The President is absolutely right when he says public transportation must be made an attractive alternative to private car use in order to forestall "strangulation of our central cities."

But the sum proposed is inadequate. And the program would rely on annual appropriations by Congress rather than the trust-fund approach which has made the interstate highway program such a booming success. A trust fund for transit, paid for with revenue from the automobile excise tax, has been urged by many experts, including New Jersey's Senator Williams, sponsor of many of the federal mass-transit laws now on the books; the President's own Transportation Secretary, John Volpe, and New Jersey Transportation Commissioner Goldberg. They argue that states and localities cannot comfortably embark on long-range capital programs without the assurance the funds will be there each year to see them through.

President Nixon, however, yielded to the arguments of "his Budget Bureau, which dislikes earmarked tax revenues. Perhaps he was also conscious of the opposition of the highway-user lobbies, which fight any attempt to divert user taxes into non-highway projects—even though improved mass transit would obviously help the motorist by reducing road congestion."

Mr. Nixon suggested that Congress could "declare its intent" to back the program over a long period of time. This is no substitute for the assurance of a trust fund; no Congress can bind its successors, no matter how many intentions it declares. The President's program—which shows at least some grasp of the nationwide crisis in mass transit—should be appropriately amended when it reaches Congress.

AMERICAN PRISONERS OF NORTH VIETNAM

Mr. PELL. Mr. President, the recent release by the North Vietnamese Government of three American prisoners was a most welcome development. It was welcome first and foremost in basic human terms because of the joyous reunion it made possible for these three American men and their families.

But thankful as we are for the safe return of these men, their release served also as a reminder of those men still held captive by the North Vietnamese Government. Their release served also as a reminder of the hundreds of families in the United States who wait hopefully, prayerfully, and sometimes desperately for a similar reunion.

Mr. President, the release of the three prisoners by the North Vietnamese Government was perhaps intended as a gesture of good will, or as a humanitarian action, or it may have been a step taken solely for propaganda purposes.

Whatever the motivation, the return of three American prisoners inevitably raises questions about the fate and the condition of the American servicemen listed as prisoners or missing in action in Southeast Asia.

The North Vietnamese Government, in refusing to provide even a listing of the names of the men it holds prisoners, has added unnecessarily to the terrible burden borne by the families of these men. The wives, the children, the parents, and friends of those Americans listed as missing in action in Southeast Asia live in torment between hope and despair.

Mr. President, the Government of North Vietnam, if it truly seeks respect and understanding among people throughout the world, will, I think, be given a more sympathetic hearing if it first revises its policies toward its prisoners. Certainly North Vietnam has nothing to lose by at least making known the names of the men it holds prisoner, by permitting correspondence between prisoners and their families, and by permitting neutral inspection of its prison camps.

Mr. President, the Providence Journal recently published an excellent editorial on this subject. I ask unanimous consent that it be printed in the RECORD.

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

[From the Providence (R.I.) Journal, Aug. 6, 1969]

BEHIND THE GOOD NEWS

The freeing of three American servicemen, held captive by North Vietnam, is good news, but it is difficult to swallow the nauseating hypocrisy with which Hanoi has surrounded the release. The release, said North Vietnamese spokesmen, was made as a "humanitarian" gesture and in recognition of American Independence Day.

Here is a nation which prates of humanitarianism but will not release even a list of prisoners held in its camps. Here is a nation which prates of "recognizing America's Independence Day" but will not make public any news of the sick and wounded Americans or even of those men who have died in captivity of wounds or natural causes.

Much has been made in recent years of the ignorance of the West about the workings of the minds and hearts of the East. Whatever ignorance exists in the West about the East, the prisoner-of-war situation suggests that ignorance of the West is absymal in the East, if Hanoi expects that its use of American pacifists for propaganda purposes will be read as "humanitarianism."

There may be Americans who will criticize the pacifists for allowing themselves to be used in a shabby operation. But the pacifists have arranged for the freeing of three men—and the relief expressed by the families of the men is a measure of the profound concern among all the families of all of the men held behind barbed wire in North Vietnam.

Hanoi's propaganda will deceive no one except the North Vietnamese leaders who must believe that their "generosity" will be taken at the value they place on it. Those leaders fail to understand that Americans, happy as they may be about the return of the three men, will interpret the move for what it is: stunting with human lives for propaganda.

If Hanoi really wants to gain stature among the nations of the world, let it abide by the spirit—if not the letter—of the Geneva convention on prisoners-of-war. Let Hanoi list all its prisoners, allow neutral inspection of its prison camps, permit the free flow of mail between captives and their families, and arrange for release of sick and wounded prisoners.

It is known that scores of Americans are held captive by North Vietnam; it is believed on good evidence that scores of others also are held, but of them, there is no clear news. If Hanoi wants to demonstrate a humanitarianism that will convince this country and the world, of its sincerity, let it reverse a prisoner policy that revolts civilized nations.

THE SMALLTOWN CRACKER-BARREL PHILOSOPHER

Mr. McGEE. Mr. President, in this day of advanced technology and worldwide preoccupation with nuclear and foreign policy crises, domestic upheavals, and other 20th century facts of life, one of the casualties has been the smalltown, crackerbarrel philosopher.

Fortunately, a few still exist and are still able to pass their wisdom and experience and sage observations along to us "young upstarts" who sometimes become so obsessed with the pace of daily survival that we often forget some of the tried and true values of the past. Such a man is A. J. "Gus" Morrow of Riverton, Wyo.

Mr. President, I am proud to say that Gus has long been one of my prime advisers in the State, as well as many of my predecessors, starting with the late Senator John Kendrick, our beloved former colleague, Senator Joe O'Mahoney, and many other of the State's political figures.

The Riverton Ranger on Tuesday, August 5, 1969, published a feature article which traces Gus's famous history and his many contributions to the State. I ask unanimous consent that it be printed in the RECORD.

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

A. J. "GUS" MORROW HAS BECOME A RIVERTON INSTITUTION

James A. "Gus" Morrow has been in Riverton so long that he can practically be called an institution. In fact, Morrow was in Riverton before there really was a Riverton.

He is a familiar sight to many Rivertonites, and can be frequently seen walking the city streets or dozing quietly in the lobby of the Lapeyre Hotel.

Gus was on hand when the first town lots for the big sagebrush-covered area soon to be called Riverton were drawn. Gus drew "Number Eight," a homestead near the site of the present Safeway store.

J. A. Morrow was born in Canton, Missouri, on March 21, 1884 and in 1906 he heard of the new territory being opened up for a townsite in the newly-formed state called Wyoming—then about 16 years old. On the night of August 12, 1906, he arrived in Shoshoni, which at that time was a year old and was "the end of the line" for the Northwestern Railroad.

Because of the rush on lots in nearby Riverton, Shoshoni had grown up literally overnight. Gus remembers that there were at least 18 saloons and three or four "sporting houses." Most of the "new buildings" were tents.

"The town's big size didn't last long," he says. "It just grew up for the big rush and then was gone."

On that night, murderers, gamblers and cutthroats from all over the country had come to Shoshoni. Gus recalls that it was a "wicked town." An evangelist came into Shoshoni that night and vowed to make it "a church town." A gang of men killed him the first night he was there.

Since there were no roads or bridges between Shoshoni and the Riverton area, and a trip on horseback would take at least half a day, Gus waited a day in Shoshoni before starting out to see his new Indian land.

Gus did nothing but homestead for the first few years. Then, as the population of Riverton began to expand, Gus and another man brought in new horses from Basin. They broke the horses themselves and sold them to new Rivertonites, splitting the profits.

At about this time, dark and noisy machines called "automobiles," "horseless wagons," and undoubtedly scores of other less polite names were gaining a foothold in the new town. Gus made his move and went into the auto business with a place across the street from where Ace Hardware is now.

Gus still had his farm when World War I broke out, and the government needed wheat for the war effort. Gus provided the wheat for awhile, and then went to Denver to enlist in the army. He got there just as the armistice was signed.

It took two days to get to Denver by car—provided it didn't rain. The road followed a trail and it was easy to get stuck on the high centers in the road."

"If roads back then were like they are now, those cars would last forever," says Gus with a laugh. "The cars were good, but they just wouldn't make it half the time."

Gus recalled in 1910 he and four others had to push a Model T Ford from Badwater to Riverton. It was the first car ever in Wyoming, but that honor didn't stop it from getting bogged down in the sand. One man took turns driving while the other four pushed. They had to keep putting water in the radiator every few miles or so from the three water bags they had taken with them.

1910 was a time when people still looked up when they heard a car coming.

"People thought you'd never get anywhere," said Gus, "but I can remember plenty of times when your horse would get spooked and run away and leave you. Cars might break down on the road but they sure wouldn't run away from you."

When Riverton was a year old and was right in the middle of its first and perhaps wildest anniversary celebration, Gus remembers when a man came into town drunk and shot up just about every building in on Main Street.

"Everybody took to the buildings," he remembers. "Then some officers were called in and they finally got him without a shot."

Sometimes things would get so wild that soldiers from the army camp at Fort Washakie had to be called in to restore some semblance of order.

"In those days people didn't think hardly anything of killing," he said. He recalled that near Morton was a gang of horse thieves that was, as he put it, a "pretty bad bunch."

The first building put up in Riverton was a livery barn where Sunset Lumber is now. Next came the Wind River Hotel, located about where the Lapeyre Hotel is now. Two grocery stores, Hays' and E. T. Glenn's, and finally an official U.S. Post Office came next and from then on, things were hard to keep track of.

In 1915 Gus Morrow was chosen for deputy sheriff at Lander for two years. At this time, Pinedale and Thermopolis were included in Fremont County, and Gus had quite an area to cover. For eight years Gus was the deputy U.S. marshal in Riverton, and had charge of the whole west part of the state.

When Gus was working for the county in Lander, a man by the name of Bill Carlisle was robbing trains in Wyoming like it was going out of style—and in 1915 it almost was out of style. Gus helped hunt for him.

Carlisle had been in and out of jail constantly, but he couldn't be kept there for long. He was even held in Riverton's prison farm for a short time. While he was in the state pen at Rawlins, Carlisle had some fellow prisoners conceal him in a big box used to ship the prison-made shirts outside the walls. The box was taken from the prison, and so was Carlisle, who managed to rob a train that same night.

Thief though he was, Carlisle managed to win what might be called admiration for his famous discretion during his working hours: he would never rob ladies or military men. He would barge into a train yelling: "Women and soldiers keep your seats. The rest of you, throw up your hands and give me the money!"

Carlisle would often leave clues about which train he planned to rob. The train would be guarded carefully until railroad officials thought the danger was off. This was Carlisle's cue, and he'd suddenly appear out of nowhere and rob the train, catching everyone literally off guard.

He was finally captured by Sheriff Lon Roach of Wheatland, who was forced to shoot Carlisle in the hand to subdue him. As Carlisle was being treated for his wound at a hospital in Douglas, a nurse there, obviously remembering the robber's Robin Hood chivalry, said indignantly to Roach: "You should be suffering instead of him."

Morrow recalled once when he was taking a prisoner to the penitentiary in Rawlins. The warden told Morrow that a prisoner on death row wanted to talk to him.

Morrow was also involved in helping the local undertaker on occasion and the condemned man wanted Gus to "take good

care" of his body after he was executed. Gus told him he would.

The man was finally hanged in 1928—the last man to swing in Wyoming.

The warden at Rawlins later told Gus that the prisoner was one of the coolest condemned men he had ever seen, and he'd seen quite a few.

The warden's wife would always cook a big chicken dinner as a last meal for each condemned man on death row. After his meal, the prisoner asked the guard when he would be hanged. The guard told him at midnight, so he saved a bit of his chicken dinner to eat before his last walk. When the hour finally came, the prisoner calmly asked them to wait for him to finish his chicken. He walked to the gallows "beyond all concern."

After Morrow stepped down as deputy sheriff he became quite actively involved in early Wyoming politics, and it almost became a hobby for him. Gus was on good terms with every well-known political figure in Wyoming—Senator Gale McGee still phones Gus whenever he has the chance. Above Gus's bed in the Lapeyre Hotel is a photograph of John F. Kennedy on which is written: "To Gus—Very Best Wishes—John Kennedy." On another wall hangs an official invitation to Kennedy's inauguration in 1960.

Gus worked for the Democrats, boosting the campaign and getting votes, but he was also good friends with Republican Francis E. Warren, who ran against Wyoming Democrat John B. Kendrick for the U.S. Senate. Gus said Warren and Kendrick were the "best of friends" and worked together whenever they could outside of party lines.

"They didn't split over politics like they do now," observes Gus.

Most Rivertonites today remember Gus best when he worked with Democratic Senator Joe O'Mahoney—"O-Manny," as Gus calls him. Although O'Mahoney resigned about 1945, he had a lot to do with several important projects in Riverton, among them the charter for Riverton's first bank—the First National—and the airport.

"We have a hard time convincing people that once we got an airport, people would really want to ride in the airplanes," said Gus. "O'Manny was able to have foresight and see into the future, though. He used to tell the people that we'd never know whether people wanted to ride in airplanes or not until an airport was actually built."

It seems right in keeping with Gus' character that he helped push the airplane on a growing Riverton. In Riverton's early days, he brought horses to the struggling new town to keep it going. When something else was needed, he helped set up an auto shop. It seems only natural that he also played a major role in introducing aviation to this town.

If Riverton ever has a need for a launching pad and a rocket, many people will expect Gus to be there.

HAWAII CELEBRATES ITS 10TH YEAR OF STATEHOOD

Mr. FONG. Hawaii celebrates its 10th anniversary of statehood this month with great rejoicing.

Festivities starting this week will be climaxed on August 21—the day in 1959 when President Dwight D. Eisenhower formally proclaimed Hawaii the 50th State.

Statehood for Hawaii was an arduous struggle for equal rights. Three years after the islands became an incorporated territory of the United States in 1900, the territorial legislature petitioned Congress to admit Hawaii into the Union on an equal footing with the mainland States. At least 16 times thereafter, Hawaii's people, through their elected legislature, made their plea to Congress. Thirty-four printed House and Senate hearings produced nearly 7,000 pages of testimony and exhibits—more than in the case of any other territory seeking statehood.

Over the years, the statehood movement for Hawaii gained nationwide momentum. The two national political parties and countless national oragnizations and friends in high places and low made possible the eventual victory.

In the climactic year of 1959, the Senate passed the Hawaii statehood bill by an overwhelming vote of 76 to 15. The House approved the bill by an impressive 323 to 89 vote.

The bipartisan victory sent the bill to the White House for President Eisenhower's signature. The President signed the statehood bill and, later, the official statehood proclamation, with keen satisfaction. For he had called for statehood for Hawaii in his state of the Union message on January 5, 1956:

> In the Hawaiian Islands, East meets West. To the Islands, Asia and Europe and the Western Hemisphere, all the continents, have contributed their peoples and their cultures to display a unique example of a community that is a successful laboratory in human brotherhood.
>
> Statehood, supported by the repeatedly expressed desire of the Islands' people and by our traditions, would be a shining example of the American way to the entire earth. Consequently, I urgently request this Congress to grant statehood for Hawaii.

It is noteworthy that in October 1966, in reviewing his Presidency, Eisenhower listed statehood for Hawaii and Alaska among 23 major achievements of his administration.

Statehood, when ultimately won, brought to Hawaii's people the equal rights they long sought. These rights included:

The right to full voting representation in both the U.S. Senate and House of Representatives; the right to vote for President and Vice President of the United States; the right to choose their own Governor and to carry on functions of government by their own elected officials instead of Federal administrators; the right to determine the extent of the powers to be exercised by their own legislature; the right to have justice administered by judges selected under local authority rather than by Federal appointees; the right to freedom from overlapping of Federal local authority; the right to an equal share on a per capita basis in Federal grants for education, health, highways, and other public improvements; the right to a voice in any proposed amendment of the Federal Constitution, as well as on the taxes which the people of the territory must pay.

As the newest State, Hawaii has a fresh and abiding appreciation of the equal rights accorded her people through statehood, both in the opportunity to participate fully and equally with other States in the National Government and in the chance for self-government of their own internal affairs.

I share the pride of Hawaii's people in the record the 50th State has made in advancing their political growth nationally and statewide. Statehood made it possible for Hawaii's people to grow politically as no other avenue could have. And we are most grateful for this opportunity.

In many other areas, statehood has been a boon to the islands.

As President Eisenhower noted:

> Hawaii is a successful laboratory in human brotherhood.

In a world struggling with racial, religious, and other deep schisms, the 50th State demonstrates a unique model of peace, harmony, and amity among her cosmopolitan population.

Located in the middle of the vast Pacific basin, closest to the Asian peoples who make up half the world's population, Hawaii serves as a most useful bridge of understanding between East and West.

The East-West Center at the University of Hawaii performs this vital role as a unique institution for cultural and technical interchange between the peoples of the Occident and the Orient. Hawaii provides excellent training for Peace Corps volunteers and AID personnel bound for Asian assignments.

The Fifth East-West Philosophers Conference held in Honolulu recently continues a forum for rich and enlightening dialog among scholars from around the world.

In the transportation field, Hawaii's strategic location has been underscored by the awarding of numerous air routes to the 50th State and beyond, opening up further trade, commerce, tourism, and business opportunities in this largest of all oceans.

International and regional meetings for the economic development of the Pacific Basin countries are being held with increasing frequency in Hawaii. And Hawaii continues to send skilled manpower to aid developing areas like the Trust Territory of the Pacific Islands.

The 50th State is forging ahead also as a Pacific science center. In the Apollo 11 moon-landing project, tracking stations in Hawaii contributed to the epic success. In the emerging field of marine science and technology, government, industry, and the academic community are joined in expanding the oceanographic front.

Hawaii has experienced an unparalleled boom in its economy during the past decade.

Samples of this growth are reflected in these statistics:

The visitor industry flourished at an average rate of 20 percent compounded annually; the influx reached 1.2 million visitors last year, with visitor spending estimated at approximately half a billion dollars.

Tourist-related employment rose by one-half since 1961, compared with a 14-percent expansion in the rest of the private economy.

In 1968, personal incomes in the State reached approximately $2.7 billion, or $3,470 per capita. Expressed in 1961 prices, this was a 21-percent increase in real per capita income over the 7-year period.

Since the last census, in 1960, the population has grown from 648,000 to 800,000.

Substantial investments have poured in from business firms in continental United States. Many have established branches in the islands.

Faster growing in employment than even the tourist industry has been employment in scientific research and technology organizations, including computer services. The latter's growth has been an amazing 75 percent from the end of 1964 until mid-1968.

Hawaii's changes have been so rapid and spectacular that almost every major magazine and other media have devoted extensive coverage to these changes. Millions of words have been used to tell the Hawaii story since statehood.

While the changes have been accompanied by some problems of adjustment, Hawaii today has reached higher peaks in political and economic growth than ever before. Few will question that the advancement has been made possible as a result of the attainment of statehood.

In celebrating the decade of statehood, Hawaii is mindful of her many friends who supported the territory in attaining this goal, and who still support us today. We are indeed grateful for their abiding confidence and cooperation. Our gratitude can best be voiced in that traditional Hawaiian expression, coming from the heart, "Mahalo and Aloha."

MEDICAL CARE IN GOVERNMENT HOSPITALS

Mr. STEVENS. Mr. President, medical care in the Government hospitals across our land is a critical part of our Nation's health care system. As such access to the care provided in these hospitals needs to be open to as many of our citizens as it is feasible to reach with their services.

An outstanding example of putting just such a concept into reality is a bill introduced by the Senator from Nevada (Mr. BIBLE), of which I am pleased to be a cosponsor.

It is predicated on an example set by my State of Alaska and concerns making Indian hospital facilities available to non-Indians at remote Indian hospital or health facilities of the Public Health Service across the country.

In Alaska we have seven such health facilities in Barrow, Bethel, Fort Yukon, Kanakanak, Kotzebue, Nome, and Tanana where we have instituted this policy and now reach over 2,500 non-Indians who otherwise would have had to travel hundreds of miles to a hospital or health center in the event of their illness.

It is currently estimated that this legislation would reach approximately 31,000 non-Indians who live within 30 miles of the 22 remote hospitals which fall within the preview of this legislation. Most importantly it means approximately 2,100 patients will now be served by hospital facilities which were previously unavailable to them.

I believe reaching these 2,100 patients so that our remote Indian hospital facilities are fully utilized is a good and necessary step. I take great pleasure in being a cosponsor of this important legislation and urge favorable action on it at this session of Congress.

TOWER ON THE PLAINS—THE NEBRASKA STATE CAPITOL

Mr. HRUSKA. Mr. President, the August issue of the American Bar Association Journal, which has just arrived on my desk, bears on its cover a beautiful picture of the Nebraska State Capitol in Lincoln,

This is a building of which Nebraskans are justly proud, proud for two reasons. First, the structure itself is an architectural marvel of beauty and innovation. Second, the structure houses a marvel of political ingenuity, the unicameral legislature. Nebraska is the only State which entrusts its legislative responsibilities to a one-house legislature.

The editors of the American Bar Association Journal have written an interesting and informative editorial about the the Capitol and the legislature it houses. I ask unanimous consent that the article entitled "Tower on the Plains," be printed in the RECORD.

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

TOWER ON THE PLAINS

The fourth finest building the world has seen stands not in Rome or Athens or New York, but in Lincoln, Nebraska. This was the conclusion of a 1948 poll of 500 of the nation's most eminent architects. That edifice, pictured on our cover this month, is Nebraska's capitol building, towering 400 feet above the prairie. The limestone for its exterior came from Indiana, marble for the interior from nearby Colorado and from France. Its architect was selected by competition, even its inscriptions and symbols were planned by a specialist, and most of the intricate mosaic work on the floors and ceilings was laid out on paper in New York by a designer who then numbered the tiles and sent them to Lincoln to be painstakingly pieced together. Construction of the capitol, dedicated in 1932, took ten years, and Nebraskans paid the costs—approximately $10 million, which would be multiplied many times over today—as the building was erected, without incurring a bonded indebtedness.

The eight-and-one-half-ton bronze statue of the "Sower" that caps the golden dome is "sowing the seeds of good will for a more noble living in the future", say Nebraskans. It manifests the symbolism that is the keynote of the interior, clear and direct in the lower levels and ascending into abstraction in the upper reaches. "Gifts of Nature" is the theme of the vestibule, and it is Nebraska nature that is represented in the rich reds, browns and yellows of the murals that portray the coming of the pioneers to the new land. Nebraska animal life adorns the arches. High in the dome is a radiant gold mosaic sun, surrounded by marble mosaics depicting the four seasons. These in turn are encircled by mosaics depicting the unity between man and nature, a unity that remains evident in agricultural Nebraska. Mosaics of plowing, sowing, cultivating and reaping complete the vestibule dome.

Color shifts to brighter hues in the long foyer, which presents a glowing vista of light patterns. The marble mosaics in the floor reflect the artificial light of numerous chandeliers, and the softened natural light that filters through the onyx windows enriches the huge, colorful medallions borne in the high, vaulted ceiling.

These glimpses suggest the creative energy that went into every part of the capitol, and it is creative energy that is the theme of the imposing rotunda, whose dome is higher than a ten-story building. Suspended eighty feet below the dome is a cast bronze chandelier which weighs more than 3,500 pounds and contains 136 light bulbs. Far beneath it, dominating the floor, gleams a giant mosaic of Ceres, goddess of agriculture.

The new capitol was completed at a time when Nebraskans were becoming increasingly dissatisfied with their government. The depression was upon them. Then in 1932 a Democratic landslide swept the normally Republican state on the coattails of Franklin D. Roosevelt, and because the Democratic Party generally had met with little success in Nebraska, its candidates were inexperienced and found it difficult to cope with the problems of the depression. Nebraskans were ready for a more open, direct and responsible legislature, and they wanted more economy in government. The time was ripe for the proponents of unicameralism, who had been waging a battle in Nebraska for over twenty years.

Most cities, they urged, had made a successful transition from bicameral to unicameral governing bodies by the turn of the century, and some of them had larger populations than the State of Nebraska. By reducing the 133-member, bicameral legislature to a small, unicameral body, they contended the state could increase the salaries and prestige of legislators, thereby attracting better qualified men and at the same time cutting costs. They pointed out that under the bicameral system it was common for members of one house to pass a popular bill and then urge members of the other house to kill it, making legislative responsibility difficult to pinpoint. The highly regarded United States Senator George W. Norris, who was instrumental in this effort to make the Nebraska legislature unicameral, was particularly vehement about the evils of the small, secretive and appointive joint committee, which had come to be known as the third house or the superlegislature, and which often had served as a graveyard for important legislation.

At the general election in November, 1934, three liberal measures appeared on the ballot. One was a constitutional amendment submitted by the initiative to provide for a nonpartisan, unicameral legislature. Perhaps fortunately for unicameralism, the other two measures—repeal of prohibition and legalization of pari-mutual betting at race tracks—had considerable popular support. Unicameralism carried by a vote of 286,086 to 193,152.

After two joint conferences, the 1935 session of the legislature, the last bicameral, set the number of seats for the unicameral body at forty-three. The first unicameral legislature convened in 1937 in the new capitol, which had provided for two legislative chambers. The legislature now meets in the more spacious chambers designed for the lower house.

"Nebraska's remarkable state capitol symbolizes the new civilization evolving in the prairied state and makes articulate the spirit of a people unfraid to try something new," wrote a University of Nebraska political scientist in 1935. Nebraska was the first state to try unicameralism since Vermont had discarded it a century before. Only two other states, Georgia and Pennsylvania, had ever tried it, and their attempts were brief. Today Nebraska remains the only state with a unicameral legislature.

Hailed at its inception as a major political innovation, the state's one-house legislative body is still considered an oddity by many Americans. Our government under the Articles of Confederation had a one-house legislature, but Britain, the Mother of Parliaments, which for all practical purposes now operates with one house, had exported the bicameral tradition to the Colonies, and tra-

dition it remains. However, the *Baker* and *Reynolds* decisions have awakened renewed interest in unicameralism now that both houses of state legislatures must be apportioned according to population and both presumably will represent the same voters. But while unicameralism may seem more practical in the light of these decisions, Nebraska itself used an area-population formula when it reapportioned its unicameral legislature for the first time in 1963, increasing the seats to forty-nine. The formula failed to meet constitutional standards, but a second reapportionment in 1965 passed muster.

In recent years people in more than half the states have questioned Nebraska about its unicameral system. Nebraskans would like to see their innovation exported. After more than thirty years, the unicameral legislature has proved definitely to be far more economical than its bicameral predecessor. It has also proved its efficiency, perhaps partly because its small size has forced it continually to modernize for greater efficiency. And its direct and open legislative process has been a newspaperman's paradise.

Supporters of the bicameral system argue that a two-house structure naturally slows down the legislative process, giving the public time to react to potential legislation and preventing hasty legislation; and the two houses, they contend, provide for legislative checks and balances that prevent bad legislation. The following bill, passed by Nebraska's bicameral legislature, was the type of thing that made Nebraskans believe they had nothing to lose by doing away with the second house: "No firearms shall be discharged upon a public highway except at noxious animals or an officer in pursuit of his duty."

Still many fear the fact that elimination of the second house in states which do not have the referendum, as Nebraska has, would leave only the governor's veto and the judiciary as potential checks against bad legislation. The governor would probably be disinclined to veto the numerous bills which are his own, and it has been observed that the judiciary "vetoes" only unreasonable, not unwise, legislation. Perhaps the fact that the Nebraska legislature is nonpartisan has helped prevent bad legislation, for there is no opportunity for partisan politics to sway the judgment of the legislators. And the unicameral has procedural rules to prevent hasty legislation. In any case, Nebraskans maintain that no radical or patently bad legislation has come from their unicameral house.

Nebraska's experience alone has not been enough to convince other states that unicameralism represents a significant improvement over bicameralism. Whether the reapportionment decisions will lend impetus to the unicameral movement is open to question. Nebraskans have their own answer why unicameralism has not spread. It took twenty years of time and expense to educate Nebraska voters about unicameralism and the legislative process to the point that they were willing to initiate a constitutional amendment to provide for a unicameral system. In more than half the states the voters do not even have the initiative, in which case only the legislature could move to abolish one of its houses, a highly improbable eventuality.

COMMUNITY PARTICIPATION

Mr. PELL. Mr. President, in this day of restlessness among students, when we hear so much about a lack of communication between students and educational administrators, it is refreshing and encouraging to find an example of a constructive student suggestion being adopted by an alert school administrator.

This is, however, precisely what happened at Providence Country Day School in my own State of Rhode Island. There had long been dissatisfaction with the spring semester for seniors at the school, whose attention to classes lagged after they received college acceptances.

Last year, one senior, David Leeds, brought the matter to a head with an editorial, published in the school newspaper, suggesting that the final weeks of school for the seniors be devoted to a new program of community participation.

Evan R. West, headmaster of the school, and a faculty committee took the suggestion to heart, and the result this year was an imaginative and highly successful program of community involvement that has become known as Providence Country Day's "Spring Thing."

For 4 weeks, the senior students worked as apprentices, without pay, in fields ranging from hospital work to commercial art. The response of the students, the community organizations, and the school has been highly favorable.

I ask unanimous consent that an article written by G. Wightman Williams, describing the program and published in the Providence Evening Bulletin of June 14, 1969, be printed in the RECORD.

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

COUNTRY DAY SCHOOL'S NEW "SPRING THING"

(By G. Wightman Williams)

What to do to hold the attention of seniors after they receive their college acceptances in mid-April?

That is the question Providence Country Day School tried to answer this year with a new senior independent apprenticeship program. Thirty boys participated during the spring term, working in the community, keeping daily logs of their experiences and writing papers to describe their reactions and evaluations.

They worked in industry, in business, at hospitals, the state house, at Brown University, and as tutors.

"Any time we depart from routine and engage in a different type of activity, we can't help but learn," wrote Joel Anderson in conclusion to his four weeks tutoring at Laurel Hill Avenue School. "We learn the satisfaction and disappointments of a new job. We learn the tastes, smells and noises of a different way of life. We meet a different kind of person and he shows us his different point of view."

For years—probably since formal teaching was first conceived—and well before college and secondary school administrations and trustees were faced with student confrontations, individual teachers and faculties have wrestled with how to fashion a positive and valid learning experience from situations or subject matter which at the moment seemed negative or barren.

So the question of significant year-end experience for seniors had been mooted about for some time officially and unofficially by various faculty and administration members and students at Country Day.

The seed for the program the school developed was planted by a student, David Leeds, class of 1968, and now a student at Harvard. He wrote in an editorial for the school newspaper that the spring term for seniors could be a rewarding, educational experience and a time of involvement rather than disassociation.

"Going outside the ivied walls in a plan of community involvement offers a feasible program—a broader form of education unattainable in books. Seniors, David wrote, "would offer their services to various community-oriented organizations such as Project Head Start, the Lippitt Hill and South Providence tutorial programs. . . . A paper would be expected from each participant at the end of the term relating to his work."

The young editorialist theorized that "isolation of the academic community from the real world is a major reason for the current student uprisings. Colleges are realizing that their responsibilities exceed just academics, and high schools too must assume an active role in communal affairs."

Headmaster Evan R. West took the editorial to heart and appointed a faculty committee to devise a specific project. Members were Walter F. Sharp, Richard C. Philbrick and William J. Rice. The trio proposed that senior courses be ended and final examinations given by the end of the winter term in March. The first week of the spring term was to be used for orientation of seniors, sponsors or "employers." Four weeks in the independent projects were to be followed by a week for final reports and evaluation.

Mr. West outlined the program to parents as one to encourage seniors "to find an opportunity in the community where they might through direct participation test their present interest in a particular vocation or community service project as a part of their total educational experience at the secondary school level. . . .

"It is not," he emphasized, "our intention that a senior go out into the community in the spring term and find the sort of paying job he might be able to acquire in the summer. Our plan is more of an apprenticeship under the direction of thoughtful and understanding 'sponsors' in various types of livelihoods and community activities in this area."

The program provided a three-track operation: purely academic enrichment for some, a variety of outside work experiences for others, and a continued classroom schedule for others.

Participants on their own or with the help of a faculty adviser, found sponsors in their chosen fields. Some observed politics at the state house. Others worked in marine architecture, science labs at Brown University, tutoring children at elementary and secondary levels, hospital work, commercial art, civil engineering.

There was no pay for the four weeks, but sponsors agreed to make it possible for the students to observe the operation from as many positions as possible.

"Few students," said Mr. Sharp, "have a good sense of timing. When they are first put in charge of producing the effects they want, they expect miracles right away. Of the many and varied lessons learned by the students, perhaps the most common was the realization of how much can be learned in an informal atmosphere."

Donald Jacobs, Peter Scotti and Richard Korb collaborated on a report of their work out of the governor's office. Most of the political battles, they observed, "were not between Republicans and Democrats; they were between old senators and young senators. The younger members were more articulate."

The three agreed that they learned a great deal about the political picture in the state and about how the two parties cooperate in pushing through popular bills. They also observed political manipulation "which was of questionable honesty."

The youths were in the state house during the hectic final days of the session, when "you could almost feel the tension in the air. . . . It is in the last week where you can see just who has the power and who doesn't. The final day . . . there were 105 bills passed. It all seemed strange that they did not start working this hard at the beginning of the session."

After tutoring at Laurel Hill School,

Thomas Chester wrote, "The satisfaction one feels when a child finally grasps a difficult concept is very gratifying. I can understand why people pass up high-paying jobs to go into teaching, the satisfaction is quite a reward."

John S. Palmer worked under the sponsorship of Mason Williams at Bowerman Brothers. The apprenticeship enabled him to elect his college major. "Both architecture and civil engineering had equal preference, and I wasn't quite sure which to choose. The program was the cornerstone of my decision. I found engineering too diverse and erratic, and did not present the opportunity to be creative. . . . The architects . . . were the creative people."

Kenneth S. Droitcour considered himself an avid sailor, quite knowledgeable about boat construction until he went to work at Blount Marine Corp. His first assignment to draw the floodable length curves on a cruise boat from computer data gave rise to one question, "What is floodable length?" He learned, and he also took a few minutes "to reassess my position. 'Man, am I ignorant!' "

Four weeks in Brown University science laboratories were a rewarding experience for Steven Coupe in physics and Stephen Goff in bio-medicine. Young Coupe found the persons there glad to explain things and answer questions. "My one bad feeling about the four weeks is that I did not have anything substantial to contribute to Brown. I got an immense amount out of it and had a good time, but I would like to have been able to do something constructive, even just repairing equipment."

Stephen wrote in his report that "the technicians and I became a team very quickly. This was the most enjoyable part of the work; it was marvelous to see men from dishwashers to doctors work together with little regard for rank. The atmosphere at Brown was very casual and informal; it made a newcomer feel 'one of the gang' in a matter of days. This spirit of cooperation was something I have never found outside of the lab."

Of his experience, William Kidd wrote, "I swung open the large glass doors at Butler Hospital. I was a little apprehensive at first of what the future days might bring. I had never been in a mental hospital before."

What William discovered was that "for the most part, the patients were easy to talk to. I found that most of them cared—genuinely cared—about other people. Most of them were intelligent. . . . They also were creative and unbelievably artistic."

Without exception the sponsors praised the boys and their work, attitudes and enthusiasm. The school will continue the program next year with modifications aimed to improve shortcomings recognized in this first effort.

"There is little doubt," said Mr. Sharp, "that even the best of schools are to some extent guilty of keeping students 'busy' in some form of mass goose-stepping."

The apprenticeship program is an attempt to let students break from conformity and not a few extolled the program in their enthusiasm as "the most important thing I've done at Country Day."

ORGANIZED CRIME ENTRANCE INTO LEGITIMATE BUSINESSES

Mr. HRUSKA. Mr. President, today's Wall Street Journal contains an excellent article, written by Stanley Penn, entitled, "How Organized Crime Muscles in on Firms in Legitimate Fields." I consider the subject of the article to be of the utmost importance. The article will prove very informative for all Senators.

The infiltration by hoodlums and racketeers into legitimate businesses presents a grave threat to the Nation's economy. Once the hoodlums have a foothold, they employ all the illegal tactics which come second nature to them. These enterprises also provide excellent tax havens and serve as a device to cleanse illegally obtained money.

As a result of this threat, I have introduced a bill S. 1623, "The Criminal Activities Profits Act," and the Senator from Arkansas (Mr. MCCLELLAN) has introduced S. 1861, "The Corrupt Organizations Act," which I have cosponsored. This proposed legislation is designed to employ antitrust sanctions against these racketeer infiltrators.

But the efforts of Congress and an enforcement-minded Attorney General are not enough. We need the support of the business community. The only way to acquire that support is to bring the problem to the attention of the business leaders.

The Wall Street Journal is performing this function admirably. With this article, and others like it, the Journal has reached, and alerted, the business community to this threat. With this type of cooperation, I think that we can make significant inroads into one of the most deadly aspects of organized criminal activity.

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:

HOW ORGANIZED CRIME MUSCLES IN ON FIRMS IN LEGITIMATE FIELDS; INVESTMENT, EXTORTION BOTH ARE USED TO GAIN FOOTHOLD; ONE AIM IS TO FOOL IRS—"WE WILL KICK YOUR BELLY IN"

(By Stanley Penn)

NEW YORK.—Murray Packing Co. became a dead duck the moment Joseph Pagano was named president in 1961.

The Weinberg and Newman families that controlled the Bronx meat processor seemed powerless to control their new president. Testimony in Federal District Court here reveals he bought large quantities of supplies on credit, then made quick sales to customers at cut-rate prices. He pocketed nearly $750,000 of Murray funds, the testimony indicates. The company, some $1.3 million in debt, went bankrupt a short time later.

The owners didn't know it, but they had turned over control to the Mafia.

A 1964 Senate subcommittee report on racketeering identified Pagano, who is in prison for his now-celebrated activity at Murray, as a member of the feared Mafia gang, or "family," of the late Vito Genovese. The family operates in the New York-New Jersey area and is one of the largest of the more than 20 similar Mafia groups around the country, law enforcement officials say.

THE SURPRISING MOVE

It was unusual that the Mafia could get control of a legitimate business like Murray, but it is becoming less unusual. By various methods, organized crime is infiltrating a growing number of legitimate businesses. According to the Justice Department, it now has links with tens of thousands of businesses and businessmen in such widely ranging field as electronics, trucking, banking, construction, real estate and food and health services.

One motive, surprisingly, is to establish a money-making front to justify the criminals' luxurious way of life. Without such a front, the Internal Revenue Service would be constantly investigating Mafia members to find out where they get the money for their high living. The front, the criminals hope, provides the answer.

The Mafia has plenty of cash to invest in these legitimate enterprises. Its yearly revenue from gambing, narcotics, usurious loans, prostitution and the numbers game has been estimated at as much as $50 billion.

How does the Mafia work its way in? There are several methods. Pagano had worked for a Murray affiliate and knew the parent firm was short of capital. According to court testimony, he told the owners that if made president he'd invest $35,000 in the firm for a one-third interest and would bring in new business through his connections in the wholesale meat field. The owners bought the deal.

Joseph Weinberg, one of the principals of Murry, found to his dismay that once gangsters get control it's difficult to force them out. Weinberg tried vainly to get Pagano to discontinue withdrawing Murray's funds for his own use, testimony indicates. "Look at the hole you are putting us into," Weinberg complained to Pagano, according to the court testimony. "Don't worry, I'll get the money back to you," Pagano lied.

MR. HOLZMAN'S ORDEAL

Weinberg was asked in court why he didn't remove Pagano. After all, he and David Newman, another principal in the company, controlled two-thirds of Murray's stock. Weinberg's reply: "I didn't know what steps to take."

For their role in violating the Federal bankruptcy laws by defrauding creditors, Weinberg and Newman in 1965 were given 12-month and 15-month jail sentences, respectively. Pagano got a five-year sentence.

Extortion is another favorite device for gaining control of a firm. Witness the ordeal of Irving Holzman, a New York juke box distributor.

According to documents on file with the New York Court of Appeals in Albany, Mr. Holzman was asked by Salvatore Granello, a Mafioso, to meet with him at a Manhattan restaurant. There, testimony indicates, Granello got right to the point: He said Mr. Holzman should surrender one-fourth of the profits of his firm and, in return, the Mafia would see that no physical harm came to Mr. Holzman. "If at the end of a week, you have $1 left, I'll take 25 cents and you keep 75 cents," Granello explained.

THREATS AND A BEATING

When Mr. Holzman resisted, the pressure intensified. Court documents described how several men entered his home in Roslyn, N.Y., and beat up his wife. He said their married daughter, who was expecting a child, got a phone call at her home in Oyster Bay, N.Y., warning: "If your father doesn't cooperate, we'll come and kick your pregnant belly in."

But Mr. Holzman didn't cave in. He went to Nassau County District Attorney William Cahn and allowed authorities to tap his phone conversations with Granello. The mobster, convicted of an extortion plot, was given an 18-month jail term in 1967.

(Granello served part of his sentence, then was released pending an appeal. He failed to surrender after his appeal was rejected, and is now a fugitive. Last month, in a separate action, Granello was one of 13 persons indicted by a Federal Grand jury in New York in an alleged kickback conspiracy concerning a loan by the Teamsters Union to a Detroit realty firm.)

Because the Mafia pays no taxes on its income from illegal rackets, its members must be circumspect when they buy into legitimate businesses. They can't appear to pay more than the amount of money they could have amassed through legitimate enterprises.

Otherwise, they would arouse the suspicions of the Internal Revenue Service, and that could lead to criminal charges of tax evasion.

A real estate operator who is in a position to know tells how the Mafia often dupes the IRS. "Suppose John Smith, a legitimate businessman, wants to sell a building for $1 million," he says. "The hoodlum has the money to pay for it, but he can't show he got it all legitimately. So he says to John Smith, 'We'll make the legal papers show it as a $500,000 deal, and I'll give you the other $500,000 in cash.'" The legitimate businessman agrees not to pay taxes on the cash, because if he did the IRS easily could trace the money back to the gangster.

"You take a Mafia man who owns 10 night clubs," says Ralph Salerno, a former investigator for the New York City police and now a consultant to the National Council on Crime and Delinquency. "He'll use front men as owners for nine of the clubs, and he'll show ownership for the 10th. Each club, supposedly a separate business, pays a smaller tax bill than if the Mafia man admitted ownership of all 10." He explains that under the arrangement, profits of the individual clubs are taxed at a lower rate than would prevail if the profits were pooled in one sum.

The mere charge of Mafia penetration can prove a headache to nationally known firms. In 1959, for example, Sen. John McClellan's committee on racketeering was told that Carlos Marcello, a Mafia chieftain in the New Orleans area, had a "substantial financial interest" in a motel franchised by Holiday Inns of America Inc., now one of the nation's largest motel chains.

A PROBLEM FOR HOLIDAY INNS

Aaron Kohn, director of the Metropolitan Crime Commission of New Orleans, told the Senate panel that the motel—in Jefferson parish in the New Orleans metropolitan area—had been purchased in November 1958 in the names of New Orleans businessmen Roy and Frank Occhipinti and others, but that Marcello had a concealed partial interest.

Mr. Kohn says he called the alleged Marcello part-ownership to the attention of Holiday Inns management. "They were deeply concerned, and they reacted immediately," Mr. Kohn says. A Holiday Inns executive went to New Orleans to investigate, but the company took no further action. Mr. Kohn says he was informed by Holiday Inns that the Occhipintis had committed no violations of the franchise charter to provide grounds for revoking the franchise.

In 1964, the Occhipintis sold the motel, together with another Holiday Inn they controlled in New Orleans, to a group headed by Leon Poirier, a former tax accountant for Marcello. Recently, a spokesman for Mr. Poirier, asked whether Marcello was a hidden owner in the two motels, said Marcello had no financial interest in them during the period the Poirier group operated them.

Later, Holiday Inns tried to revoke the licenses of the Poirier group on grounds that the operation of the two motels didn't meet company standards. The Poirier group protested that without licenses the motels couldn't be identified as part of the national chain, and that a mortgage loan on one of the motels would be jeopardized. In a suit filed in Federal District Court in New Orleans, Mr. Poirier charged harassment and sought to block Holiday Inns from carrying out its threat.

The suit dragged on. Then came a series of transactions that ended the controversy. Last March, the Poirier group sold the two motels to a Topeka, Kan., firm. The firm, which owns other Holiday Inn motels, was acting strictly on its own initiative, maintains a Holiday Inns spokesman. Recently, Holiday Inns announced plans to buy all the motels owned by the Topeka concern. Holiday Inns insists this move isn't connected with Mr. Kohn's charge of 1959 alleging a hidden ownership by Marcello.

A Mafia-controlled enterprise, though it may operate within the law, has definite advantages over the ordinary firm against which it competes. The Mafia firm is likely to be capitalized in part with untaxed funds. Often it has no union trouble while a competitor may find itself struck by a Mafia-dominated union. And the Mafia enterprise may get bargain rates by using a Mafia-controlled trucking firm.

A hearing in New York this year heard testimony suggesting that a Mafia-controlled concern can sometimes win customers away from reliable, independent firms.

A spokesman for some knife-sharpening companies told the State Commission of Investigation that steady customers switched in 1959 to a new company formed by Paul Gambino, a member of the Mafia gang headed by his brother Carlo Gambino.

BUYING BACK CUSTOMERS

To get back their customers, the independent knife sharpeners raised $175,000 and bought out the Mafia enterprise, the commission was informed. Commission members listened with skepticism as one of the customers said he didn't know that Paul Gambino was a Mafioso when he switched to the Gambino firm. He said he switched because he was offered two weeks of free service.

After listening to this and similar testimony, Commissioner Goodman A. Sarachan asked: "Does anyone really believe that an individual like Paul Gambino could persuade large chain supermarkets to switch to his company the services they were buying from well-known and reliable persons, simply by arranging to meet with executives of such chain supermarkets and offering two weeks' free service?"

The Mafia isn't averse to strong-arm tactics to promote sales. Thomas J. Mackell, district attorney in the New York borough of Queens, recently said he believed the murder of two A&P store managers and the fire bombings of 16 A&P stores and warehouses were attempts by a Mafia-controlled sales agency to force Great Atlantic & Pacific Tea Co. to buy a detergent that A&P had tested and rejected. The agency was run by the late Gene Catena, brother of Gerardo Catena, a 67-year-old Mafia chieftain in New Jersey.

How can the Mafia infiltration be stopped? Attorney General John Mitchell has suggested a novel solution: Application of the anti-trust laws to break up Mafia firms that stifle competition. He believes that fines and triple-damage actions would be more effective than convicting a Mafia lieutenant of criminal charges and watching another take his place.

PERCY POLL RESULTS

Mr. PERCY. Mr. President, along with the recent mailing of my newsletter, I conducted a poll of my constituents. About 12,000 persons responded to the IBM questionnaire and mailed them to my Washington office.

This is such a high rate of return for a poll that I will certainly plan to make these questionnaires a regular feature. I would also like to share the results with my colleagues in the Senate.

The poll results reveal widespread support in Illinois for a phased withdrawal of U.S. combat forces from Vietnam. They show about an even division on the question of deploying the ABM.

Replies to other questions show strong sentiment in favor of the election of Presidents by direct popular vote, revenue sharing with the States, an end to farm subsidies, and mandatory disclosures of income by all Federal officials.

Moreover, the poll results reveal virtually unanimous dissatisfaction with the present welfare system. Only 1 percent of those who answered the poll favored continuing the present welfare system without reforms.

It is also interesting to note that about 75 percent of those who answered the poll identified themselves as Republicans.

These are the complete poll results:

[In percent]

1. Vietnam: I favor

An increase in the U.S. military effort	21
A gradual withdrawal of U.S. troops	58
Unilateral withdrawal of all U.S. troops	21

2. ABM: I favor

Deployment now	45
Continued research and testing but no deployment pending the results of nuclear arms talks	45
No opinion	10

3. Military spending: In my view, we are putting

Too much of our resources into military spending	50
An adequate amount into military spending	45
Too little into military spending	5

4. The draft: I favor

Continuation of the present selective service system	32
A lottery system for inductions	34
An all-volunteer military	34

5. Presidential elections: I favor

Retaining the electoral college system as it is	15
Electing the President and Vice President by direct popular vote	51
Revising the electoral college voting to reflect proportional strength actually won by a candidate in each State	34

6. Education: To finance college education, I favor

Long-term loans repayable by the students themselves	45
More Federal scholarships	2
Tax credits for parents	53

7. Jobs: I would favor

Guaranteeing every person able and willing to work a job	56
Continue present welfare system	1
Concentrate on improving welfare system	43

8. Tax rebates: I favor returning a percentage of the tax money collected by the Federal government to state and local governments to use as they see fit.

Yes	71
No	17
Undecided	12

9. Ethics: Executive appointees, including Federal judges, Senators and Congressmen and candidates for these offices should be required by law to make public all sources of income.

Yes	77
No	16
Undecided	7

10. Drugs: The use of drugs by young people constitutes a serious problem in our community.

Yes	72
No	18
Undecided	10

11. Students: Do you think reforms are needed to give students more of a say in decisionmaking on campus?

Yes	24
No	70
Undecided	6

12. Farm subsidies: I approve of gradually eliminating the Federal subsidy and control programs for agricultural commodities.

Yes	85
No	7
Undecided	8

IMPROVEMENTS NEEDED IN COMMODITY FOOD PROGRAM

Mr. HARRIS. Mr. President, I have been very much concerned about what I believe is the right of every American to have enough to eat. I believe that this is not a matter of charity, but is a right in this, the richest and most agriculturally productive country in the world.

Yet, as we have all been so painfully reminded in recent months—particularly through the excellent work of the McGovern Committee—hunger and malnutrition still exist in this country to a shameful degree.

My wife is also very much interested in hunger and malnutrition, recently representing the Urban Coalition Action Council in testimony before the Committee on Agriculture and Forestry concerning improvements needed in the food stamp and commodity distribution programs.

My home State of Oklahoma is a State where the commodity food program is in effect; the food stamp program has not been implemented there.

Oklahoma is, in my opinion, one of the best States in the country insofar as the administration of the present commodity food program is concerned.

Last week my wife and I took some time out to learn more about this program and to see how it was working in Oklahoma.

We found that all of the 77 counties in the State, with the exception of Beaver, Harmon, Major, and Woods, are participating in the program.

Those eligible are public assistance recipients—on the basis of their being on the public assistance rolls in one or another category—and others who are not receiving public assistance but who meet certain requirements concerning income and assets, these being roughly a home not to exceed a maximum value of $8,000 and income for an adult living alone not to exceed $98 a month, or a family of four not to exceed $225 a month. There are numerous exceptions.

In Oklahoma the number of participants in the commodity food program is 227,161, of which 145,213 are also receiving public assistance, and 81,948 do not receive public assistance.

The program is administered by the State welfare department which is responsible, of course, to the U.S. Department of Agriculture. The State welfare department enters into contracts with the board of county commissioners in each county. The local welfare department in each county certifies as to eligibility. Each of the three county commissioners in a county orders, transports, stores, and distributes the commodities to those certified to be eligible in his district.

Nationally, the average county which takes advantage of the commodity program reaches only 18 percent of its poor people. Only 5 percent of the counties in the nation with commodity programs reach 50 percent of their poor people. The average national participation rate in this program is 22 percent of the poor.

In Oklahoma the average percentage of poor people eligible for this program who receive commodities is 28 percent. Of the counties in Oklahoma which distribute commodities, 22 reach from zero to 20 percent of their poor people, 46 reach from 21 to 50 percent of their poor people, and four reach over 50 percent of their poor people.

With the exception of Tulsa and Oklahoma City, which distribute the commodities continuously, the commodities are distributed on only 1 or 2 days a month in the rest of the counties.

My wife and I last weekend chose Hughes County to study in more detail because it is a typical or average county distributing commodities in our State.

We went to Holdenville in Hughes County last weekend. We visited with a number of commodity recipients in their homes. We talked to several other people who were knowledgeable about the program, among whom were County Commissioner W. J. Benham and Neal Clark, director of the local community action program.

We were impressed with the fair and conscientious job that County Commissioner Benham is doing. He, of course, has no control over certification, but he tries to personally intervene with the local welfare office in regard to eligible families which come to his personal attention. We had a very warm and useful conversation with Commissioner Benham, and he was very helpful. For several reasons, he felt that it would be better if the food stamp program were in effect in the county, rather than the commodity program.

Mr. Clark was also very helpful and exhibited much concern for the poor people in Hughes County. He felt very strongly about the inadequacies of the commodity program and made a number of very worthwhile and helpful suggestions.

Mr. President, as I have made clear on other occasions, I believe that the basic need of poor people, is for income and that we must help them get it. The best way to do that is to assure a job—and the training to do the job—for all those who are able to work. For those who cannot work, or who cannot find work, we must provide a humane level of income. Income, then, is the best answer to hunger or malnutrition.

But until we can be satisfied with what we are doing in the fields of increased private jobs available to the poor, job training, and income maintenance, the very least we can do is guarantee that everybody in America has enough to eat.

In speaking for the Urban Coalition Action Council in her recent appearance before the Senate Committee on Agriculture and Forestry, Mrs. Harris went into considerable detail on what must be done to accomplish this goal. I agree, and I ask unanimous consent that her testimony and related material may be printed in full in the RECORD at the conclusion of these remarks.

In addition to suggestions concerning the whole subject of hunger and malnutrition and how to improve existing programs, her testimony gives some detailed suggestions on how the commodity distribution program can be improved. I will reemphasize these suggestions and add some additional ones in regard to the commodity program.

Of major importance—and this cannot be overemphasized—is our conclusion from this recent study that without this program a great number of poor people simply would not be able to make it. But improvements are needed.

Something must be done about the inflexibility concerning the food items offered. There is no variation from month to month and no choice for the recipients. Some items, such as dried split peas and the chopped meat, most recipients have found unappetizing and not particularly desirable. Commissioner Benham pointed out that some older people who live alone do not use as much of some items, such as flour, as families do, since these older single persons do not do as much complicated cooking.

There just seemed to be too much of a feeling that the idea of this program was to get rid of surpluses—not to feed hungry people. There ought to be more choice of various kinds of food, more variety, and more appetizing selections.

The distribution of food should be made more convenient. Transportation is a great problem for a number of people and should be provided where necessary. Refrigeration is also a problem for some people and distribution should be on a weekly basis, rather than monthly.

There seems to be little if any outreach program. Several recipients seem to have stumbled on to the program almost accidentally through word of mouth from friends or relatives. At least one family we talked to was not receiving commodities, though almost certainly eligible, simply because they had no idea they might be entitled to take advantage of the program. More effort should be made to search out the families which are eligible for the program and acquaint them with its availability. Little children, particularly, are entitled to this kind of active concern from their government, it seems to me.

Most important, there is not enough food and it is not sufficiently nutritional. Several recipients indicated they ran out of most of the food before the end of the month, generally around the third week, though one family with seven children said they ran out on the average of 2 weeks following distribution. So, the basic concern is that we must do better, either through this program, or some other, in seeing that people have more food available to them, and more nutritional food available to them, than is presently so. This is our principal finding.

Further, we found no recipient had received any assistance on how best to use or cook the commodities. This seemed to us to be a particularly unjustifiable fact. Either the department of public welfare or the Department of Agriculture should set up a program to help commodity recipients learn to use the commodities in more nutritional and more appetizing ways. Just as an example of what could be done, one lady said there was no way she could get her children to eat the "chopped meat" given under the program, while another lady said that she had finally been successful in getting her children to eat it when it was mixed with pickles and other relishes and made into a kind of sandwich spread.

Mr. President, partly in addition to the suggestions which I have made and partly to carry out some of them, I would suggest that at the State level, the county level, and at the Commissioner District level there be set up citizen advisory groups, composed principally of commodity recipients, to give their advice and suggestions on how the program might be better structured and administered. These people are eloquent and articulate on a subject like this which they know well. They ought to be heard and listened to.

Moreover, I believe that it would be well to use the "community service aid" program and the "social service volunteer" program enacted into law in 1967 as a part of my amendments to the Social Security Act, to hire poor people themselves and to recruit the nonpoor to work in this commodity program to help more poor people learn of its existence and to assist them in better taking advantage of it and foods distributed under it.

Mr. President, I wanted to make this report to the Senate for the use of Senators who are also concerned about these matters. I am also sending a copy of these remarks and my suggestions to Secretary of Agriculture Clifford Hardin; Secretary of Health, Education, and Welfare Robert Finch; Oklahoma Director of Public Welfare Lloyd E. Rader; the chairman of the Committee on Agriculture and Forestry, Senator ALLEN ELLENDER; and the chairman of the Select Committee on Nutrition and Human Needs, Senator GEORGE MCGOVERN.

I ask unanimous consent that the remarks be printed in the RECORD.

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

STATEMENT OF MRS. FRED R. HARRIS AND LOWELL R. BECK, EXECUTIVE DIRECTOR, URBAN COALITION ACTION COUNCIL

Mr. BECK. Mr. Chairman, I will begin if it is all right with you, sir.

The CHAIRMAN. You may proceed.

Mr. BECK. Mr. Chairman and members of the committee, I am Lowell Beck, the Executive Director of the Urban Coalition Action Council.

The Urban Coalition Action Council brings together various leaders in American life who do not normally collaborate on national issues but who share an overriding concern about the problems of our country and particularly the cities. These leaders are from business, labor, city and State governments, religious and minority groups. Mr. John W. Gardner, the former Secretary of HEW, is the chairman of the Urban Coalition Action Council.

The Action Council supports improvements in the food stamp program and larger appropriations to combat malnutrition and hunger. Even though our title is "Urban coalition," Mr. Chairman, I just want to stress that we certainly do see this as a national problem affecting both our rural and our urban communities.

I have the pleasure this afternoon of presenting a most valued and charming member of the Action Council, Mrs. Fred R. Harris, the wife of your distinguished colleague, Senator Harris. She has had long experience in working to improve the living conditions of disadvantaged citizens in this country. She is the Chairman of the Women's Advisory Committee on Poverty to the Office of Economic Opportunity and heads the National Urban Coalition Task Force on Health.

She is a member of the National Council on Indian Opportunity and chairs the Council's Committee on Urban Indians. In this post, Mrs. Harris has held hearings throughout the country on problems of Indians who move from reservations to metropolitan areas. She truly has firsthand knowledge of the blighting effects of malnutrition and hunger.

She can speak from firsthand experience and I am very happy to present her to you this afternoon.

The CHAIRMAN. Will you first tell us how is your Council maintained?

Mr. BECK. Yes, sir. The Council has some 50 members from business, from labor, civil rights groups, businessmen such as Mr. David Rockefeller, Mr. Henry Ford and Mr. Fritz Close.

The CHAIRMAN. You must have a very big budget.

Mr. BECK. We do not have a very big budget. Other members are Mr. George Meany, Mr. Walter Reuther, Mr. Whitney Young, Mr. Roy Wilkins and Mr. George Philip Randolph. We have a wide variety of people on this Council. The purpose of this organization is to try to bring people together who normally do not agree on issues, to sit down around the table.

The CHAIRMAN. And try to make them think alike?

Mr. BECK. And talk together. We try to come to some agreement.

The CHAIRMAN. Mrs. Harris, we are glad to have you.

Mrs. HARRIS. Thank you, sir.

Mr. Chairman, I certainly appreciate this opportunity, and if I could I would like to submit a formal statement for the record. In order to take less time, I will just hit the highlights if I could.

The CHAIRMAN. Very well. Your statement will be printed in the record at this point.

(The prepared statement of Mrs. Harris is as follows:)

"Mr. Chairman and members of this Committee, my name is Mrs. Fred R. Harris, and I am appearing on behalf of the Urban Coalition Action Council. I appreciate the opportunity to appear before this Committee today on the vital issue of providing adequate food programs for the poor of America.

"That serious hunger, malnutrition and undernutrition exist in America is no longer arguable. That our current food programs are failing to meet these grave problems is clear. Malnutrition and hunger among the poor emerged as an issue more than two years ago in Mississippi hearings before the Senate Subcommittee on Employment, Manpower and Poverty in April of 1967. These hearings were followed by the publication of 'Hunger USA' and the CBS documentary on 'Hunger in America.' More Senate hearings followed during the summer of 1968 which resulted in the establishment of the Select Committee on Nutrition and Human Needs chaired by Senator George McGovern and on which you, Mr. Chairman and Senator Cook serve. This committee has heard extensive testimony on the existence of hunger and malnutrition including that of Dr. Arnold Shaefer, Director of the National Nutrition Survey of the Public Health Service of HEW who testified that preliminary data indicate 'an alarming prevalence of characteristics associated with undernourished groups.' Shockingly, Dr. Shaefer's survey also uncovered 7 cases of marasmus and kwashiakor which we did not believe existed in this rich country.

"The Subcommittee on Food and Nutrition of the President's Urban Affairs Council estimated that half of *all* infants from poor families in the United States are likely to suffer from undernutrition and that there is no significant proportion of the poor who do *not* suffer from under-nutrition. Moreover, it estimates that half of the poor in the Southern states and a fifth of the poor in non-Southern states suffer from malnutrition and that 'scattered evidence indicates five to ten million (persons) are suffering from severe hunger and malnutrition.'

"Despite the crying need, documented in all of the forums cited above and beginning over two years ago, our current food programs are still not reaching three fourths of the poor, many of whom suffer extreme poverty. At present, the direct distribution program is operating in 1400 counties and serving approximately 3.7 million individual recipients. Under this program, 22 commodities are made available to the states with a retail value of $13 per person per month. These commodities have less than adequate amounts for energy and Vitamin A according to the National Research Council's Recommended Dietary Allowances.

"Even so, only 380 of the 1400 participating counties accept 20 or more of the 22 foods which means that even those poor persons participating in this federal food program are being denied an adequate diet.

"The food stamp program provides a bonus for food purchases which varies with the income and family size of the recipient with an average bonus of $6.90 per person per month in food purchasing power. 2.8 million persons participate in this program. This program provides only 60% of the minimum needs of those in extreme poverty who participate. Both programs fall far below the Department of Agriculture's own economy food plan which calls for $25 per person per month or $1200 per year for a family of four—an amount USDA admits can be utilized by only the most ingenious of the poor to gain a balanced diet. Moreover, there remain approximately 480 counties and independent cities with no food programs at all and which include about 10% of the poor. In areas where food programs operate, only one third of the poor are being reached—around 6 million of 25 million persons living in families with less than $3000 annual income.

"OEO estimates that approximately 5.5 million persons live in families with an income of less than $1000 for a family of four, $200 less than the $1200 rock-bottom USDA requirement for food alone per year. OEO also estimates that 8 million persons live in families with incomes less than $1200 a year for a family of four, the amount USDA says they need for food alone. It is safe to assume that many of this group are going hungry. The Census Bureau estimates that more than 11 million persons live in families with incomes less than $2200 per year for a family of four. To meet USDA's economy plan standards, they would have to spend approximately 55% of their income. Clearly with the costs of clothing, shelter, medicine, utilities and other fixed necessary expenses, these people are not eating adequately. After all, the average American spends only 17.4% of his income for food.

"Nor are poor children being reached by the school lunch program. Of the 20 million beneficiaries, only 2.5 million are poor and less than one half of the children of families with poverty level income receive a free or reduced price lunch.

"In sum, current family food programs offer little assistance and fail to reach the great majority of the poor. 14 million of the poor consume food not meeting recommended dietary allowances and 8 million more are on diets with less than two-thirds of the recommended allowances for one or more essential nutrients. Nor are our welfare programs reaching them. Less than 9 million of the country's 25 million persons living in families with less than $3000 a year receive any form of welfare assistance. This situation compels the Committee's most immediate and thorough attention.

"What must be done? First, barriers to participation of the poor must be removed. Red tape, complicated certification procedure, inefficient administration, insufficient personnel, weak outreach efforts, inconvenient distribution points, all militate against those needing food getting food. I have brought for the Committee the long and cumbersome eligibility forms used in Los Angeles and the District of Columbia in order to show how difficult it is for the poor to take advantage of programs allegedly designed for them. It is not surprising that a Los Angeles witness before the McGovern Committee testified that only an average of 15 persons can be certified per day by a local food program employee with the cumbersome and detailed forms used. A District of Columbia witness stated that "only 33,000 out of 250,000 persons needing assistance are benefitting from food stamps in the District." Much blame must be placed on the bureaucratic and complicated procedures which should be immediately simplified by permitting recipients to fill out a simple declaration of eligibility. This would obviate much of the long wait, the cumbersome forms and the discouragement that must come from the slow grinding process which leaves the hungry in the lurch. People who need food should receive it without delay, not in a month or two months.

"2. More convenient distribution mechanism must be established to avoid the excessive time and expensive transportation burdens now imposed on the poor attempting to qualify for assistance. Stamps should be mailed, and in the direct distribution program, convenient distribution points established. Recipients should be able to obtain food on a weekly basis and not, as is now often the case, only once a month.

"3. Well trained and sufficient personnel should be provided to insure that the poor are aware of these programs and of how to take advantage of them.

"4. Sufficient bonuses should be given to permit every person to obtain a decent and fully nutritious diet. The economy plan of the USDA is inadequate and a more realistic goal would be to provide food for a family of four of $1,440 annually, the second lowest food plan recommended by USDA.

"5. Food stamp and commodity programs should be allowed to operate in the same county when the Secretary of Agriculture determines that this is necessary and federal funds should be available for administrative costs of dual program operation where local officials are unable or unwilling to bear the burden.

"6. Effective monitoring of local program operations is essential to insure that programs are operating as intended and reaching those most in need.

"7. Minimally free food stamps should be provided to families of four with incomes of $1200 a year or less.

"8. No food stamp recipient should be required to pay a larger percentage of his income to eat than the 17.4% paid by middle-class consumers. After all, his needs are greater in other essential areas as well.

"9. There should be inter-county and inter-state certification of food recipients in order to permit the migrant poor to participate.

"What will it cost to provide adequate food programs?

"To provide free food stamps to families of four earning less than $30 per month, $360 per year, as we understand the Administration proposes, would cost about $600 million annually (2 million people times $25 per person per month). Assuring that the other 14.5 million hard-core poor (families of four with less than $2200 per year income) will pay no more than 30% of their income for food stamps, will cost $2.58 billion per year. This would total $3.45 billion for these minimum reforms. If free food stamps were provided for those with incomes of $1000 annually for a family of four, the annual cost would be $1.65 billion (5.5 million people times $25 per person per month). The annual cost of assuring that the remainder of the hard-core poor in need pay no more than 30% of their income for food stamps would be $1.91 billion. Thus the total cost of this somewhat better program would be about $3.63 billion. However, if this Committee and the Congress decided realistically to attack hunger by providing free food stamps for families of four with incomes of less than $1200 a year and requiring that the purchase requirement for the remainder of the program recipients not exceed 17.7% (and assuring a total stamp allotment of $100 per month) the total program cost would be $4.439 billion. This would reach 22 million people. If we were to reach all families earning less than $4320 annually or 27 million people, this would cost $5.134 billion.

"While these figures may appear high, it is very cheap when compared to the cost of stunted human development and suffering resulting from denial of adequate food to all our citizens. We simply have to have as our first priority, the elimination of hunger and malnutrition in our children and in our men and women now. It is unthinkable to me and unconvincing to the poor that the richest nation in the world, with a highly developed food production and marketing system and with the capacity to provide more food than we can consume, cannot provide food for its neediest citizens. Hunger should never have existed in America and should not exist one minute more than is required for this Committee and this Congress to act."

(The attachments are as follows:)

FOOD STAMP PROGRAM—REFERRAL WORKSHEET

1.

2. Original ☐ Change ☐
3. Type of payment
BPR only ☐ Shelter and BPR ☐
4. Total number in household excluding roomers .....
Total number of roomers .....
5. Cooking facilities Yes ☐ No ☐
6. Type of household
PA ☐ Mixed ☐ NPA ☐

NOT ELIGIBLE FOR FOOD STAMP PROGRAM

7.* EO ☐ NC ☐ RB ☐ FHC ☐ Hospitalized—Partial requirements ☐

8. Income (gross)	Source	How verified
A. $	PA payment	PW-PA-4
B. $	WTOC training allowance	PW-WT-5
C. $		
D. $		
E. $		

9. Mandatory deductions
(A) Federal income tax withheld ..... $.....
(B) State tax withheld ..... $.....
(C) Union checkoff dues ..... $.....
(D) Social security ..... $.....
(E) Retirement ..... $.....
(F) Insurance ..... $.....
(G) Other—Explain ..... $.....
Total mandatory deductions ..... $.....

10. Shelter adjustments
Actual monthly rent charged $.....
Utilities included:
Heat: Yes ☐ No ☐
Utilities: Yes ☐ No ☐
Refrigeration: Yes ☐ No ☐

11. Hardship adjustment:
Transportation $..... Medical $.....
Housekeeping and homemaker service $.....
Child care $..... Other $.....

12. Explanation of hardship

Completed by ..... Date .....

*EO (eating out), NC (nursing care), RB (room and board), FHC (foster home care).

FOOD STAMP PROGRAM ELIGIBILITY WORKSHEET

Case name	Case No.

Number in household	Type of household	Cooking facilities
	PA ☐ Mixed ☐ NPA ☐	Yes ☐ No ☐

ASSETS DECLARED

Line No.	Type	Amount	Date verified	How verified

INCOME

Line No.	Source	Amount	Date verified	Method of verification

MANDATORY DEDUCTIONS FROM EARNINGS

Federal income tax withheld	$
State tax withheld	
Union check-off dues	
Social Security	
Retirement	
Insurance	
Other—Explain	
Total mandatory deductions	$

RESIDENCE AND SHELTER COST

Monthly rent charged	$
Heat	
Utilities	
Refrigeration	
Other—Explain	
Total shelter cost	$

Verification

HARDSHIP FACTORS

Transportation	$
Medical	
Homemaker	
Child care	
PA contingent	
Other—Explain	
Total hardship	$

Verification

Remarks (any information affecting eligibility)

FOOD STAMP HOUSEHOLD COMPOSITION

Case name | Case No.

Line No.	*Enter date and check (X) opposite the name of person included in the household. Name	Date of birth	Rel	*	*	*	*	*	*	*
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										

(Use additional sheet for continuation)

(Use additional sheet if necessary)

XPW-PA-37a
10-67
☐ OPEN
☐ CLOSE
☐ CHANGE

DEPARTMENT OF PUBLIC WELFARE FOOD STAMP PROGRAM

Certification—Record of Action

☐ MANUAL ISSUE
☐ REJECTION

Case Number	Program	Name of Recipient	Street Address	Section

Zone	Census Tract	Number in Household	Number of Children	Bank Number	Date of Approval	Closing Date	Reason for Closing	Race	Purchs Requre

Total Coupons	Recertification Due	Monthly or

I declare under penalty of FINE or PRISON TERM or BOTH that all information I have given is true and correct. I understand that any unauthorized use of Food Coupons may subject me to legal prosecution. I will notify you at once of any change in my household or financial condition. I hereby GIVE PERMISSION FOR YOU TO VERIFY ANY INFORMATION GIVEN.

SIGNATURE
Approving Official

Date

SIGNATURE
Head of Household or Authorized Agent

DATE

☐ ID Card

Date Initial

Proxy Designated:

State of California
Department of Social Welfare

FOOD STAMP PROGRAM—WORK SHEET AND CERTIFICATION

County of Los Angeles
Dept. of Public Social Services

Case Name	Address	State Number	County Number

1. Is this a nonpublic assistance household? ☐ Yes ☐ No
2. Are any members of the household receiving AFDC? ☐ Yes ☐ No
3. Are there more than two members of the household receiving OAS, AB, ATD, or GR? ☐ Yes ☐ No

If the answer to each of the above questions is No, complete parts I and IV only. If any of the answers are Yes, complete parts I, II, III, IV, and V.

PART I | Number in household [ ] | Type of assistance: 1. 2. | Current assistance eligibility and budget summary on: * * *

PART II—LIQUID ASSETS

1. Cash on hand $
2. Cash in bank $
3. Other (specify) $
Total liquid assets $

Note on verification and investigation

Members of household*	Date	Item**	Summary of verification

PART III—HARDSHIP ALLOWANCE
(NA Households and PA Households with outside income only)

A. Medical (Exempt vendor payment)
Average monthly medical payment for continuing medical care. $
B. Attendant and/or housekeeping services actual expense. $
C. Child care: Actual expense. $
D. Transportation (for employment)
Actual mileage _____ miles at 8 cents per mile or actual cost of carfare. $
Less standard mileage allowance $15.00
Net transportation cost $
E. Hardship arising from catastrophe
Total catastrophe hardship (explain) $
F. Court ordered payment for Alimony and Child Care. Actually paid $
G. Payments for Health Insurance made by household members for benefit of household members. $
H. Other allowable (PA member only)
Special Needs (identify)
_____ $
_____ $
Hardship items. Grand total (Enter on line P. Part V) $

PART IV—CERTIFICATION OF ELIGIBILITY

This household is: ☐ Eligible ☐ Ineligible
If ineligible, reason:

Frequency of purchase: ☐ Monthly ☐ Semimonthly
Certification period From Through

Amount of purchase	$
Value free coupons	$
Total value	$

Authorized representative

Proxy

Caseworker Date

76F640 PA 1011 (CMS 285B) 11-65-Cdb-4-68

Enter number preceding name from PA 1810 (CMS 285A).

State of California; Los Angeles
Department of Social Welfare

County of Los Angele
Department of Public Social Services

FOOD STAMP PROGRAM

WORK SHEET AND CERTIFICATION

Case name	Address	State number	County number

Head of food stamp household	Authorized representative	Authorized representative	Cross reference

Household is: Number in ☐ household ☐ Assistance ☐ Nonassistance ☐ Mixed

Type of aid (circle) OAS AD AFDC ATD GR Other____

Household is: ☐ Ineligible, reason: Code:

Household is: ☐ Eligible From Through

Total adjusted net income	Purchase requirement	Value of bonus stamps	Total value of stamps	Frequency of purchase ☐ Monthly ☐ Semimonthly

Liquid assets (need not be filled out for assistance household):
1. Cash on hand ..... $
2. Cash in bank ..... $
3. Other (specify) ..... $
Total liquid assets ..... $

Verification of liquid assets

Shelter cost:
Rent or payment ..... $
Taxes and insurance ..... $
Utilities ..... $
Others ..... $
Total shelter cost ..... $

Item		Documentation: Item, date and verification
Preliminary net income		
A. Gross earned income	$	
A1. Mandatory deductions (total)	$	
B. Net earned income ((A) minus (A1))	$	
C. Public Assistance Grant (less budgeted spec. needs—see food stamp regulations for exceptions).	$	
D. Social security and other pensions	$	
E. UIB, DIB and/or workman compensation	$	
F. Gross room and board	$	
G. 10 percent of room rent income	$	
H. Prorated liquid assets—college students	$	
I. Dividends, Interest	$	
J. Other gross income, including federally funded work and training grants (when applicable)	$	
K. Total (enter sum B through J)	$	
L. Gross income from property or business	$	
Costs of producing income:		
1. Taxes, assessments	$	
2. Insurance on property	$	
3. Upkeep-repair $4.17 plus 15 percent)	$	
4. Utilities provided	$	
5. Other (specify)	$	
6. Total (add items 1 through 5)	$	
M. Net income from property or business ((L) minus (6))	$	
N. Preliminary net income	$	
Hardship deduction		
O. Total shelter cost	$	
P. 30 percent of total preliminary net income	$	
Q. Excess housing ((O) minus (P))	$	
R. Monthly medical costs (includes insurance & transportation for medical needs)	$	
S. Attendant care	$	
T. Legal responsibility	$	
U. Child care	$	
V. Transportation for employment	$	
W. College expense allowed	$	
X. Other	$	
Y. Total hardship (add (Q) through (X))	$	
Z. Total adjusted net income ((N) minus (Y))	$	

Mandatory deductions:
Social security ..... $
Disability insurance ..... $
Withholding tax ..... $
Union ..... $
Other ..... $
Total ..... $

Transportation for employment:
Actual mileage _____ miles:
@ 8 cents per mile plus car payments ..... $
Less $15.00
Excess transportation cost (maximum of $30.00) ..... $

Caution: Items cannot appear as both preliminary net income and hardship deduction.

Signature of worker File # Date

Continue documentation on other side

76F645-PA 1811 (Rev. 10/68). Cdh 1.69

Part V

DETERMINATION OF NET INCOME

SEC. 1 HOUSING ALLOWANCE

A. Rent or (own home)
1. Total actual cost of housing. Are all utilities included?
☐ Yes ☐ No (If no) add
AFDC cost allowance for utilities ..... $.....
Utilities paid separately, Utilities, average $
Total housing cost ..... $.....

B. Are there cooking facilities in the home?
☐ Yes ☐ No

SEC. II INCOME

A. 1. Business enterprise	$.....		
2. Dividends, interest, investment	$.....		
3. Social security and pension	$.....		
4. DIB and UIB	$.....		
5. MDTA or EOA	$.....		
6. Other (specify)	$.....		
B. Subtotal income			$.....
C. Room and/or board		$.....	
D. 90 percent of room rental		$.....	
E. Net room rental (C minus D)			$.....
F. Rental income		$.....	
G. 1. 15 percent of gross plus $4.17 for upkeep, repair	$.....		
2. Taxes	$.....		
3. Insurance	$.....		
4. Interest on mortgage	$.....		
5. Any utilities provided	$.....		
H. Total rent deduction		$.....	
J. Net rental income (F minus H)			$.....
K. Wages ***		$.....	
L. 1. Social security	$.....		
2. Disability insurance	$.....		
3. Withholding tax	$.....		
4. Union dues	$.....		
5. Other (nonelective)	$.....		
M. Total mandatory deductions		$.....	
N. Total earning (K minus M)			$.....
O. Subgross income (add B, E, J and N)			$.....
P. Hardship allowance (from pt. III)			$.....
Q. Income less hardship allowance (O minus P)			$.....
R. Public assistance grant			$.....
S. Total gross income (Q plus R)			$.....
T. 1. MDTA grant deductible	$.....		
2. EOA income deductible	$.....		
3. Other	$.....		
U. Total additional deductions			$.....
V. Sun net income (S minus U)			$.....
W. Total actual cost of housing (from sec. I)		$.....	
X. 30 percent of sub net income (line V)	$.....		
Y. Excess shelter cost (W minus X)			$.....
Z. Grand net income (V minus Y)			$.....

Note on verification and investigation

Members of household [1]	Date	Item [2]	Summary of verification

[1] Enter number preceding name from PA 1810 (CMS 285A).
[2] HD for hardship allowance, HS for housing allowance; I for income, C for cooking facilities.

Mrs. HARRIS. Mr. Chairman and members of the committee, I certainly appreciate this opportunity to speak to you today. As you know, I am appearing on behalf of the Urban Coalition Action Council.

I want to make this statement because I feel that this is a national issue, and not affecting just one segment of our country. As you know, like yourself, gentlemen, I come from a rural State with a rural background. I come from a farm in the State of Oklahoma.

For years I have been working in my own State, in many different ways on the poverty program, concentrating most of all on rural poverty. I have seen first-hand and heard first-hand the problems of hunger and the poor in my own State.

As chairman of the National Women's Advisory Group to the war on poverty, I have had an opportunity to see it on a national level. Last year I was appointed by the President to serve on the National Indian Opportunities Council, and I chaired a meeting on the problems of urban Indians.

As chairman of the task force on health of the Urban Coalition, I have had hearings over the country, and in these hearings I have had an opportunity to hear and see people who come from Indian reservations, who come from rural farm areas of our country. They are unprepared and sometimes, in fact, most of the time live in poor economic conditions; they find themselves in very difficult circumstances.

I have heard witnesses testify what it is like to be hungry, what it is like to go without food at the end of the month for their children, how difficult sometimes it is to get food stamps. And when they get them, how they must sometimes go without other necessities, such as shoes for their children.

Because of what I have seen and I have heard and because I am a mother, and for so many other reasons, I appreciate the opportunity to make this statement.

The highlight of my formal statement is to bring these facts to everyone's attention, although I know you know this quite well, Mr. Chairman, because of your own particular activities in the hot lunch program, and other such programs you are responsible for. The problems have been pointed up by the President's Urban Affairs Council. For instance, they estimate that roughly one-half of all the babies from poor families in the United States are now suffering from undernourishment, and that no significant proportion of the poor do not suffer from some sort of malnutrition or undernourishment.

With only 380 of the 1,400 participating counties accepting 20 or more of the 22 food commodities, many poor people participating in Federal programs are being denied an adequate diet. According to findings, these commodities do not even provide an adequate diet.

The CHAIRMAN. That is the bulk food program you are talking about?

Mrs. HARRIS. Yes, sir.

The CHAIRMAN. Insofar as the food stamps which they buy, and make their own balanced diets if they so desire?

Mrs. HARRIS. Yes, but as I understand it—yes, you are right.

The CHAIRMAN. On the food stamps?

Mrs. HARRIS. This is on the foods themselves. Both the commodities and the food stamps fall far below the Department of Agriculture's own minimum requirements which calls for $25 per month or $1,200 per person for a family of four for the year. There are approximately 480 counties and independent cities that have no food programs whatsoever; and where there are food programs operating, only one-third of the poor are being reached.

Of course, as we know, that most important thing that poor people need is income, income for food and other things. Less than 1 million of the country's 25 million people who live in families with less than $3,000 a year income receive any welfare at all.

These are some of the recommendations I would like to present indicating what must be done.

First of all, to break down the barriers, to remove the barriers from the poor so that they may more easily participate, barriers such as redtape, complicated forms, ineffective administration, insufficient personnel. We need better outreach programs to reach the kinds of people that are not being reached now.

I have with my statement, on the back of my statement for the committee, the eligibility forms from the Los Angeles and the District of Columbia certification programs. You can see how difficult it is for people to fill these out.

I question my own ability to do so, particularly as to the Los Angeles one. This is a deterrent to many people. It is embarrassing if they cannot fill them out. They should be simplified.

In the McGovern committee hearings, testimony was presented from one of the witnesses in Los Angeles that only an average of 15 persons per day can be certified for the program, because of this long procedure, and

because of the cumbersome detail of these forms.

In the District of Columbia, one witness stated that only 33,000 out of 250,000 persons needing assistance were actually benefiting from the food program. Most of this was blamed on the difficult and cumbersome forms.

The CHAIRMAN. Have you a suggestion as to what the form ought to be?

Mrs. HARRIS. No specific suggestions. I think they would have to vary within communities, but to be specific, I think one thing that could be done is to allow applicants to say they are eligible.

The CHAIRMAN. I know, but you would have to conform to some rule or regulation.

Mrs. HARRIS. Yes, under the rules that they themselves—that their income fits. I mean, in signing it they are saying "I fit."

Senator CURTIS. You mean a self-declaration?

Mrs. HARRIS. Self-declaration, yes, sir; thank you.

The second recommendation I would like to present is that there is a need for more convenient delivery of food stamps. Perhaps mailing the stamps to the recipients would be more convenient. This would eliminate the problem of transportation involved in rural areas. Costs of transportation to distribution centers in urban areas are almost prohibitive.

The CHAIRMAN. We have had a lot of testimony on that.

Mrs. HARRIS. Good.

The CHAIRMAN. I think you are on the right track as far as the delivery of stamps is concerned.

Mrs. HARRIS. Very good. Applicants should be able to obtain food on a weekly basis rather than on a monthly basis because poor refrigeration, for instance, makes it difficult to keep some foods for any length of time.

The CHAIRMAN. That is one problem the committee will have to look into. It is my belief that we will finally have to come to a food stamp program rather than the bulk food, because of the facts as you just stated, the people do not have facilities to refrigerate. I have seen some families get as many as four pounds of butter.

Mrs. HARRIS. I have seen it.

The CHAIRMAN. And unless it is refrigerated——

Mrs. HARRIS. Yes, it is wasted, not that they intend it to be wasted, but they have no way to preserve it.

Number three, well trained and sufficient numbers of personnel are needed. A better outreach program is needed so that these people can be found. I have found over and over again, particularly in Indian communities and in large cities, that many people did not even know these programs were available. And so we have to make some attempt to reach these people.

The CHAIRMAN. Have you any suggestions as to how that could be done?

Mrs. HARRIS. Yes, OEO has some good outreach programs, and I think you could use some of their guidelines. Some are better than others.

The CHAIRMAN. Could we get their services, the OEO people to spread it out, or the VISTA people to spread it out? In other words, I think we would favor getting existing agencies instead of creating a separate one. Would you agree to that?

Mrs. HARRIS. I would agree with that. I would think VISTA would know where the poor were, as would OEO, generally.

The CHAIRMAN. Then your welfare programs carried on in your State?

Mrs. HARRIS. Right.

The CHAIRMAN. They could help also.

Mrs. HARRIS. A sufficient food bonus should be permitted so that every person can obtain a decent, full and nutritious diet. It should be made possible for food stamps and commodity programs to operate in the same county when the Secretary of Agriculture determines that this is necessary. Federal fund should be made available for administration costs.

The CHAIRMAN. You mean for both, food stamps——

Mrs. HARRIS. For both, if it was necessary.

The CHAIRMAN. If it was necessary? Don't you think there should be by all means, local participation?

Mrs. HARRIS. Yes.

The CHAIRMAN. At the local level, either the county or the city?

Mrs. HARRIS. I would assume that the Secretary would have to get that information some place and this would be by some form of local participation.

Recommendation six: to insure in some form, I have not any specific suggestion, but to insure in some form that the programs that are operating as intended are reaching those who are in need. Sometimes we are not reaching these people.

Recommendation seven: minimum free food stamps should be provided for families of four with incomes of $1,200 a year or less.

Recommendation eight: no food stamps recipient should be required to pay a larger percentage of his income to eat than the 17.4 percent paid by the middle-class consumer. The middle-class consumer only pays 17.4 percent of his income for food, whereas the food stamp recipient has to pay much more.

Recommendation nine: there should be an inter-county, interstate certification of food recipients in order to permit the migrant worker to participate in this program.

I would like to conclude by saying that we know, and we are very proud of the fact, that we are the richest and the most productive country in the world, and we are getting richer. I think that we must invest our moneys and our products in our fellow-Americans, and I think that we have a moral obligation to eliminate hunger in our country.

I thank you gentlemen very much for allowing me to make this statement.

The CHAIRMAN. Any questions?

Senator MILLER. Thank you, Mr. Chairman.

Mrs. Harris and Mr. Beck, we appreciate your being here very much and I want to compliment both of you, and particularly you, Mrs. Harris, for the work you are doing.

Mrs. HARRIS. Thank you.

Senator MILLER. In getting the food stamp program or food stamps distributed, we have had recommendations to have some of the local agencies, such as post offices, participate. Would it not be feasible to have the community action agencies bear a substantial portion of this task, certainly in the communities or community areas where you have the community agencies?

Mrs. HARRIS. Yes, as the community action now stands, as it now functions, that would be a possibility. It seems that receiving stamps through the mail would be the easiest and most systematic way that it could be done without requiring the recipient to go to a specific point. There is the transportation problem, and maybe even the humiliation of having to participate in such a program.

Senator MILLER. One reason for suggesting the community action agencies is because certainly those that I am familiar with have people, volunteers——

Mrs. HARRIS. Yes.

Senator MILLER (continuing). And some paid workers who are you might say from that poverty sector, and they have the rapport needed to get the program across to them.

Mrs. HARRIS. I agree. I am a little concerned now about the future of the community action program, sir.

Senator MILLER. Well, assuming it goes on, would this not be a logical area to take on some of the work in getting the stamps distributed and familiarizing the people with the guidelines?

Mrs. HARRIS. Yes, I think they would be more familiar with the problem.

Mr. BECK. There are many of them, so many community action agencies throughout the country.

Senator MILLER. That is right. You testified that you advocate both the food stamp program and the commodity distribution program to be put into a county, if the Secretary of Agriculture determines it is necessary. Necessary to do what? We are going to have to draft some guidelines in here, and I am wondering what determination would be made so that he could say it is necessary, and the people would say, well, he has made an intelligent and reasonable determination that it is necessary.

Mrs. HARRIS. Well, in some local communities we have to determine how the commodities are going to be distributed, and who is going to handle them. Some local communities cannot afford to do it properly. They do not have the know-how, do not know the circumstances and they cannot bear the burden. It is somebody's responsibility to see if this is happening. I am still not answering your point.

Senator MILLER. You put your finger on a problem there but if that problem existed why not give the Secretary the discretion to put the food stamp program in rather than commodity distribution program, because one thing I have been hearing about is that the commodity distribution program while it is better than nothing is not going to achieve the job of nutrition, whereas the food stamp program properly implemented will.

I detect a feeling in the committee that they would like to kind of phase out this commodity program and phase in the food stamp program, because of the desirable objective of getting a proper nutritional diet, which they won't get from the commodity distribution program.

Mrs. HARRIS. If I could Senator, I would like to think that out and later submit something to you, maybe even at the end of the day, something more specific.

Senator MILLER. If you care to furnish anything you would like for the record I am sure the chairman will be happy to have it.

The CHAIRMAN. You may do so and it will be put in the hearings at this point of your testimony, because we need a lot of guidance here, and with your experience I am sure that we ought to be able to get some valuable methods of distributing this food.

(The information is as follows:)

"SUPPLEMENT TO STATEMENT OF MRS. FRED R. HARRIS

"One of our recommendations in testimony before your committee on Thursday, May 22, 1969 was that 'food stamp and commodity programs should be allowed to operate in the same county when the Secretary of Agriculture determines that this is necessary and Federal funds should be available for administrative cost of dual program operation where local officials are unable or unwilling to bear the burden.'

"We favor this reform because (1) the current food stamp program fails to reach substantial numbers of the poor who suffer inadequate diets, hunger and malnutrition, because of the high cost scales for stamps, the lack of free food stamps and therefore the inability of many thousands of the poor to take advantage of food stamps; and (2) the large drop in participation that results when counties change from the commodity program to the food stamp program. A sample of such counties reflecting a severe drop in participation in food programs when food stamps replace commodities is listed below.

"For the many thousands who are unable to take advantage of the food stamp program where it is in operation, some supplementary food assistance should be provided. Thus, we have heard the demands for several years now for the Secretary of Agricul-

ture to use his existing authorities to institute an emergency commodity program in food stamp counties in order to reach the thousands of people excluded because of inadequate income from participating in the food stamp program.

"Until adequate reforms in the food stamp program are enacted to provide assistance to the poorest without charge and to scale down the purchase price of food stamps generally in all categories, the need for supplementary commodities seems clear. Moreover, other reforms such as permitting people to buy a portion of their stamps rather than the whole amount at one time and the lowering of the percentage required of families out of their total income for food are essential if full participation is to occur in the food stamp program. It is very difficult for people with incomes below the poverty line to spend more than 30% of their income to eat and it is very difficult for them to get the total amount of money required to purchase food stamps on a monthly basis out of limited incomes with other fixed expenses. Therefore, complementary operation of both programs is going to be necessary until the food stamp program is brought to the level of all those in need of an adequate diet.

"Secretary Hardin in his testimony before the Committee on May 22, 1969 stated that the Nixon Administration proposals 'will provide that the commodity distribution programs may operate simultaneously with the food stamp program under certain circumstances.' We are sure that this rationale stems at least in part from the reasons outlined above.

"COUNTIES WITH SIGNIFICANT DECREASE IN PARTICIPATION AFTER CHANGING FROM DIRECT COMMODITY DISTRIBUTION TO FOOD STAMPS

"County	January 1968, number of participants in commodity distribution program	January 1968, number of participants in food stamp program	Difference [1]	Date of change	1967 percent of households with incomes under $3,000 [2]	Number of recipients of public assistance payments February 1968 [3]
Crisp, Ga.	3,883	770	−3,113	Aug. 1, 1968	38.8	2,263
Pierce, Ga.	1,182	467	−715	Apr. 1, 1968	43.1	700
Spalding, Ga.	3,070	1,158	−1,921	Mar. 1, 1968	24.0	2,983
East Carroll, La.	5,155	2,038	−3,117	July 15, 1968	53.9	2,569
Madison, La.	5,207	2,077	−3,130	Aug. 8, 1968	52.3	2,144
Hinds, Miss.	24,865	12,493	−12,372	Apr. 1, 1968	25.4	15,509
Humphreys, Miss.	8,796	4,682	−4,114	Aug. 1, 1968	58.4	2,497
Jasper, Miss.	5,021	3,024	−1,997	Aug. 5, 1968	46.4	1,994
Montgomery, Miss.	4,944	2,304	−2,640	Aug. 1, 1968	51.2	1,974
Simpson, Miss.	3,952	1,563	−2,389	do.	42.9	1,846
Union, Miss.	3,046	1,999	−1,047	do.	42.3	1,874
Anson, N.C.	2,805	1,286	−1,519	do.	38.6	1,212
Warren, N.C.	4,421	2,832	−1,589	July 10, 1968	46.1	1,207
Blount, Tenn. [4]	3,011	1,825	−1,186	Apr. 1, 1968	26.9	2,010
Roane, Tenn.	2,807	1,921	−886	do.	25.1	1,775"

[1] In these 15 counties there was a total decrease of 41,726 participants. In each case the new food stamp program had been in operation at least 5 months so there is no reason to think that all families eligible to participate were not certified.
[2] From survey done by Sales Management, the Marketing Magazine.
[3] HEW Social and Rehabilitation Service.
[4] Tennessee also has some counties that increased participation after the change.

Mr. BECK. I think a point, too, Senator, is that the Secretary would be given discretion to make the determination one way or the other.

Senator MILLER. That is right. Well, the discretion as between the two?

Mr. BECK. Yes.

Senator MILLER. I am wondering why he should have the discretion to make a program which we get the impression is not going to achieve the objective.

The CHAIRMAN. I think that the Presidential message envisions that if there is a bulk food program in a county now existing, that it will be gradually faded out, but at the same time you put in the food stamp program.

Senator MILLER. That is right.

The CHAIRMAN. I do not think it is envisioned to have both.

Senator MILLER. That is right.

The CHAIRMAN. In other words, the food stamp program is to take the place of the bulk food program that may be in existence in a county.

Senator MILLER. I understand, Mr. Chairman. We have testimony from two or three witnesses now.

The CHAIRMAN. Yes.

Senator MILLER. Advocating both.

The CHAIRMAN. When the cost of administration is figured out, it will be seen that it is a lot, and the higher the costs of administration, the less opportunity we will have to get local people involved in carrying the load with the Federal Government.

Mrs. HARRIS. If I do have that permission then I will look into it and make more specific recommendations.

Senator MILLER. That would be fine. Thank you.

The CHAIRMAN. Any further questions?

Senator CURTIS. Not at this hour, thank you. I have no questions. I would appreciate it if the staff would insert in the record at this point the dollar amount of the appropriations for the food stamp plan in this fiscal year and the previous fiscal years.

The CHAIRMAN. I put that in the record yesterday, the whole picture of it was put in yesterday, Senator.

Senator CURTIS. All right.

Mrs. HARRIS. Thank you, gentleman.

The CHAIRMAN. I want to thank you very much. We enjoyed having you, and hope that you can furnish this information say within the next week or so.

Mrs. HARRIS. Yes, I think we can do that very easily.

Mr. BECK. Thank you very much.

The CHAIRMAN. The next and last witness is Mr. Charles Krause.

Will you step forward, Mr. Krause.

THE 99TH BIRTHDAY ANNIVERSARY OF GOVERNOR THATCHER

Mr. THURMOND. Mr. President, August 15 will be the birthday of a very distinguished former Member of Congress, who will be celebrating that anniversary with a special zest. I am referring to former Representative Maurice H. Thatcher.

Governor Thatcher's name is one that will be forever linked to the history of the Panama Canal. He is the sole surviving member of the Isthmian Canal Commission and functioned as Governor of the Canal Zone from 1910 to 1913. Later, he served with high distinction in the U.S. House of Representatives from the Louisville district of Kentucky from 1923 to 1933. I have already indicated that this will be a very special birthday for Governor Thatcher, because on August 15 he will be 99 years old.

At 99, Governor Thatcher is still actively engaged in his law practice and in many humanitarian and charitable causes. He is still seen on Capitol Hill working for legislation for the relief of pensioners who helped in the construction of the Canal, and actively promotes the affairs of the Gorgas Memorial Institute in Panama for research in tropical diseases. Within the past few weeks, he has secured land from the Panamanian Government for the purpose of erecting a library for the Institute there, and closely follows all developments pertaining to the Panama Canal.

I congratulate Governor Thatcher upon his 99th birthday anniversary and upon his remarkable career.

The career of Governor Thatcher is most interesting. Born on August 15, 1870, in Chicago, he grew up on a farm in Butler County, Ky. In 1901, young Thatcher was appointed as the assistant U.S. attorney for the western district of Kentucky, a position he held until 1906. From 1908 to 1910, he held the office of State inspector and examiner for Kentucky; and after establishing an outstanding record, he resigned that position to accept an appointment on April 10, 1910, by President Taft as a member of the Isthmian Canal Commission with assignment as head of the Department of Civil Administration. This was at the time when the construction of the Panama Canal was at its peak.

Civil administration in the Canal Zone, which included representation of the Commission in all its relations with Panama, was not spectacular like engineering or sanitation, but an indispensable prerequisite for all the other activities.

Governor Thatcher's service on the Isthmus was distinguished not only for achievements there, but also because it gave him invaluable experience that led to further and comparable accomplishments when a Member of the Congress and subsequently.

On retiring from his Canal post in the late summer of 1913, Governor Thatcher returned to his law practice in Louisville. Becoming a member of its board of public safety in 1918, he served until 1919, when he was appointed as department counsel for the city. He resigned this office in 1923 after being elected to the U.S. House of Representativse from the Louisville district.

Broadly experienced and having unusual capacity for work, Representative Thatcher was assigned as a member of the House Committee on Appropriations, on which he served throughout his congressional tenure. In addition to the regular work of this important committee in the processing of annual and supplemental appropriation bills, Representative Thatcher, in a statesmanlike manner, became a leader for much beneficial legislation, for his district, his State, the Canal Zone, the Isthmus of Panama, and the Nation. He was the author of legislation for the following:

First. A toll-free ferry across the Pacific Terminal of the Panama Canal and

a road on the west side of the Canal Zone connecting the ferry with the highway system of Panama, both officially named in his honor and forming links in the Pan American Highway.

Second. The establishment, maintenance and operation of the Gorgas Memorial Laboratory in Panama for research in tropical disases.

Third. The establishment of the Mammoth Cave National Park in Kentucky.

Fourth. The permanent improvement and maintenance of the Lincoln Birthplace Farm near Hodgenville, Ky.

Fifth. The construction of the George Rogers Clark Memorial Bridge across the Ohio River at Louisville under pioneer fiscal legislation, leading to a toll-free status ever since used as a model for financing and construction of other bridges under Federal law.

Sixth. Creation of the Zachary Taylor National Cemetery near Louisville for our military dead and the erection thereon of a handsome mausoleum for the remains of our 12th President and his wife.

He obtained appropriations for the following: Publication of braille books for the blind; conversion of Camp Knox into Fort Knox, a great permanent U.S. Army base which serves, in addition to other uses, for the storage and protection of the Nation's gold—a work accomplished in collaboration with General MacArthur, the Chief of Staff; much-needed Federal buildings and hospitals in Kentucky, a Coast Guard station at Louisville, and Ohio River improvements.

After retirement from the Congress in 1933, Governor Thatcher resumed the practice of law with offices in Washington, D.C.; performed effective services in behalf of our national parks and parkway systems; led the effort for the construction of a national parkway from the Great Smoky Mountains National Park via the Mammoth Cave National Park to the Natchez Trace Parkway near Nashville, Tenn., to which a survey has been made; and has long served as vice president and general counsel to the Gorgas Memorial Institute of Tropical and Preventive Medicine, which supervises the work of the Gorgas Memorial Laboratory in Panama. All of these services were rendered without compensation. For his many constructive contributions, he is recognized as an outstanding conservationist and humanitarian.

It was, therefore, historically fitting to a unique degree that the Congress in 1961, by unanimous action of both Houses, officially named the new $20 million toll-free bridge across the Pacific entrance of the Panama Canal in his honor as the Thatcher Ferry Bridge. This bridge was dedicated in October, 1962, with Governor Thatcher participating in the ceremonies.

Governor Thatcher has had a long career filled with many accomplishments. I am happy to take this occasion to wish him well on this notable anniversary.

THE LAS VEGAS AMBASSADORS

Mr. CANNON. Mr. President, I am proud to call to the attention of Senators the achievement of 18 outstanding young Nevadans, the Las Vegas Ambassadors, a singing group that recently traveled to Tokyo to represent Nevada at the 1969 Lions International Convention. These young singers, who range in age from 12 to 20, represent the best of our current generation of involved, committed, and responsible young adults.

As a tribute to the Las Vegas Ambassadors, I ask unanimous consent that two articles be printed in the RECORD.

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

[From the Las Vegas (Nev.) Review-Journal, July 11, 1969]

AMBASSADORS SCORE TOKYO SUCCESS

Success was the key word used by the Las Vegas Ambassadors who returned from Japan Thursday after performing at the Intertional Lion's Convention in Tokyo.

The singing 18 Las Vegas youths went to the convention to promote the 1971 Lions International Convention in Las Vegas.

Split into two groups at the convention, the youths gave an average of 15 ten-minute shows a day at the various hotels where the Lions were staying.

The Ambassadors said they were received very well by the delegates at the convention and by the Japanese people.

"We were liked so well that after singing, people would ask when and where we would be singing next so they could tell their friends," said Brenda Belmont of 1125 Campbell. "Many would call out requests and stop us between performances to ask us to sing," she said.

During each performance the group would introduce themselves and say they were from Las Vegas, there to promote the 1971 convention, according to Anne De Iorio of 812 Bonita. "After the performances, we would hand out the souvenirs given to us by the Las Vegas hotels and talk to the people about Las Vegas. Many said they are skipping Atlantic City so they can come to Las Vegas," she said.

Bill Clark of 833 De Met Drive said that many delegates who hadn't planned on attending the Las Vegas convention changed their minds after talking to the Ambassadors. "I think we did what we were supposed to and were a great success."

After the convention ended, the Ambassadors were free to see Tokyo. They took a bus trip to Mt. Fuji, saw a 40 foot Buddah, went shopping and visited a local discotheque.

On their way home they stopped in Honolulu where they were asked to sing at a luau they were attending. "They sang and promoted Las Vegas everywhere they went," said Mrs. R. D. Kohl of 6325 Hobart Ave., one of the chaperones.

The youths began planning and raising money for the trip three months in advance by giving concerts and selling bumper stickers. In addition to this, several of the local hotels donated money for the trip. Four days before the trip, they had raised enough money to send two of the group to Tokyo. A donation of $7,500 from the Convention Center at that time gave them enough for all to make the trip.

THE AMBASSADORS FROM NEVADA

At a time when the youths of today are targets of critics for their behavior and dress a group of youngsters—like a breath of fresh air—are representing Las Vegas on an intenational scale.

Tuesday the Las Vegas Ambassadors left for Tokyo, Japan to represent Nevada at the International Lion's Convention.

This is quite an honor for the singing group. The youths range in age from 12 to 20. The entertainers, under the direction of Nevada's Poet Laureate Norman Kaye, have already brought national publicity to Las Vegas, but representing the state in a foreign country is a dream come true for them.

The Ambassadors are so dedicated and happy over their chance to perform for the world that they have learned musical greetings in almost every language.

We should be proud of these youngsters. It is not only an honor for them, but one for our city and state. The Convention Authority donated some money to help the Ambassadors, and the rest of the money came from businessmen in the community.

It is all for a good cause. We wish the youngsters well, and we are sure they will be top "ambassadors" for Nevada.

WHOLESOME FISH AND FISHERY PRODUCTS

Mr. HART. Mr. President, earlier this year 21 Senators joined me in introducing the Wholesome Fish and Fishery Products Act of 1969—a bill which is designed to insure the wholesomeness and good quality of the fish and fishery products which are being sold to the American consumer. The bill would accomplish this objective by instituting a system of continuous inspection in the fish processing industry, which is comparable to the inspection programs which currently exist for our two other high protein foods, meat and poultry.

After our success in adopting strong legislation for the inspection of meat and poultry in the last Congress, I was disappointed when administration witnesses came before Senator Moss' Consumer Subcommittee last month to recommend the adoption of a much weaker inspection bill which would merely call for the spot checking of fish processing activities. They adopted this position in the face of statistics showing a significant increase over the past year in the number of adverse findings in fish plant inspections conducted by the Food and Drug Administration, and despite the known record of 16 deaths and 2,500 cases of serious illness which has resulted from the consumption of fishery products over the past 10 years. To obscure the weaknesses of their proposal, however, the administration labeled its program as "continuous surveillance inspection," and its spokesmen offered a series of contradictory comments and explanations to support it.

Last week Mr. Thomas J. Lloyd and Mr. Patrick E. Gorman, president and secretary-treasurer, respectively, of the Amalgamated Meat Cutters & Butcher Workmen of America, released a detailed criticism of the administration's testimony on the fish inspection legislation. These men have performed an extremely valuable public service in pointing out the statements upon which administration witnesses relied to justify their program. They apparently sought to obscure; the fact is they oppose continuous inspection. I commend the Amalgamated Meat Cutters & Butcher Workmen for taking the time to develop this detailed analysis, and since it may prove valuable to all of us in debating the need for a meaningful fish inspection program later this year, I ask unanimous consent that their statement be printed in the RECORD.

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

STATEMENT BY THOMAS J. LLOYD AND PATRICK E. GORMAN, PRESIDENT AND SECRETARY-TREASURER, RESPECTIVELY, CONCERNING FISH INSPECTION LEGISLATION

The Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) is shocked and dismayed by the Nixon Administration's position on fish inspection. In its testimony to the Subcommittee on July 14, 1969, the Administration opposed legislation to provide strong and effective consumer protection against the health hazards of eating adulterated and unwholesome fish. Instead, it proposed a weak and impotent inspection bill, whose main provision is the proposal previously made to the Subcommittee by the fish industry.

But the most shameful aspect is that the Administration used false labelling, misrepresentation and gimmickry in its effort to sell its weak brand of fish inspection. Tricky names, invalid cost figures, false charges about exemptions, false claims about imports and inaccurate statements about other inspection programs highlighted the Administration's presentation.

We fully realize the seriousness of our charges. We therefore present the following documented evidence:

THE TRICKY NAME

1. The Administration called its proposed inspection a "continuous surveillance system." Yet, it would not be continuous at all. On the contrary, the Administration clearly showed in its testimony that it contemplates periodic visits and other occasional checks by inspectors of most fish plants and their products.

Here is what the Administration's main witness, Mr. Charles C. Johnson, Administrator for Consumer Protection and Environmental Health Services in the Department of Health, Education, and Welfare, told the Subcommittee on this point:

". . . The Secretary would be authorized (in the Administration bill) to carry out continuous in-plant inspection where that is needed, once-a-day inspection where that is all that is required, and *less frequent inspections* for those plants whose equipment, personnel (including personnel specifically assigned to quality control), production practices and product performances would make the constant presence of a federal inspector unnecessary." (Emphasis Added.)

Why does the Administration call its proposal "continuous surveillance"—a government witness even named it "continuous effective surveillance"—when it would check most plants only periodically? One probable reason is to give its proposal the appearance of offering much greater consumer protection than it actually does. The other reason probably is that the Administration hopes Congress and consumers will confuse its weak plan with S. 1092's requirement for "continuous inspection."

S. 1092, a bill introduced by Sen. Philip A. Hart and 21 other Senators, provides a strong and effective system of consumer protection. Its most important feature—and its greatest difference with the Administration bill—is that it requires a government inspector to check a fish plant and its products at all times of processing (continuous or full-time inspection). The Administration—like the fish industry—opposes this degree of consumer protection, but it apparently hopes the trick name may prevent too many people from knowing about the difference.

THE COST JUGGLING

2. To make its weak inspection proposal look like a great money saver, the Administration has suddenly increased the projected cost of full-time or continuous fish inspection by 130 percent over previous estimates. When its witnesses were asked about the greatly expanded figure, they gave conflicting explanations.

At the Subcommittee's hearings last year, Dr. James L. Goddard, then Commissioner of Food and Drugs, provided specific and detailed plans to justify $30 million as "a cost estimate for fiscal year 1973" when a bill similar to S. 1092 providing full-time or continuous inspection would be completely implemented. His statement is too long to reproduce here, but it may be found on pages 30–31 of the printed record of the 1968 hearings on fish inspection by the Subcommittee.

This year, HEW's Mr. Johnson testified that the Nixon Administration's "continuous surveillance" proposal—which would provide only occasional inspection—would cost $26 million. Sen. Philip A. Hart then commented, "Last year, the Department indicated that a continuous inspection program would cost $30 million, a difference of $4 million." He declared that the saving was "rather small compared to the difference in the protection of the bill."

Mr. Johnson replied:

". . . The $30 million was based only on continuous inspection of 2000 interstate plants and not the 4200 total plants estimated to be in the system. As a matter of fact, I believe that if you were to compare this with total continuous inspection of all plants now considered to be in the system, it would be about $70 million."

Sen. Hart then asked whether "your assumption this year (to provide the esti[illegible]e of $26 million) is identical to the assumptions of the Department last year." Mr. Johnson answered, "Right."

In other words, the Administration considered only the cost of dealing with the 2000 interstate plants to come up with its $26 million figure. It used the "identical assumptions of the Department last year" and did not include the cost of inspecting intrastate plants. But then it confused the issue by suddenly bringing up an irrelevant $70 million figure, which according to Mr. Johnson's statement, included the cost of full-time inspection of both interstate and intrastate plants.

(It is also significant that the Administration in its testimony this year did not provide any breakdown of the inspection needs to justify its $26 million figure, as the previous Administration did for its $30 million amount last year.)

CONFLICTS IN TESTIMONY

As if this hocus-pocus was not bad enough, the Administration witnesses from the Interior Department told a completely different and conflicting story to account for the new $70 million figure. Harold E. Crowther, Director of the Bureau of Commercial Fisheries in the Interior Department, explained:

"Last year's bill called for continuous inspection, but it was defined as meaning the application of inspection by a full-time inspector, except in cases where geographic distribution of establishments makes it reasonable from the standpoint of carrying out the purposes of this Act for one (inspector) to be expected to inspect more than one establishment on a substantially continuous basis.

"The present bill, S. 1092, would require absolute continuous inspection in every plant, regardless of its location. This accounts, from our calculations, for the difference in the cost of $30 million to $70 million."

There are very real problems with this explanation. The elimination of the geographic exemption in S. 1092 would require, as Mr. Crowther suggested, some increase in the size of the inspection force. But if those plants located near one another are inspected on a totally "continuous basis," instead of a "substantially continuous basis," as last year's measure provided, the increase would not be large. Moreover, this potential increase in the size of the inspection force is more than offset by the provision for the periodic inspection of fish houses which was incorporated in S. 1092 this year. In fact, this latter change would probably result in a net reduction in the cost of the inspection program from what was proposed last year.

But the really significant point is that the two Administration witnesses cannot agree on the explanation for the newly-sprung $70 million cost for full-time inspection. The figure, which presumably is being used to prejudice Congress against full-time or continuous inspection, is therefore very suspect.

THE FISH HOUSE STORY

3. In a gimmicked effort to show that the Administration bill is "stronger" than S. 1092, its witnesses claimed that the latter measure would exempt fish houses—establishments icing, boxing and shipping, but not processing fish—while their bill would inspect these oprations. In actual fact, S. 1092 would provide the same type of occasional inspection for the fish houses, as the Administration bill would apply to the entire fish processing industry.

Charles H. Meacham, Commissioner of Fish and Wildlife Services in the Interior Department, told the Subcommittee:

"My second comment is that the Administration's bill does not exempt facilities known in the trade as 'fish houses.' We do not believe it prudent from a public health standpoint to exempt such facilities . . ."

Yet, new Section 411(d)(3) of the Federal Food, Drug and Cosmetic Act, as proposed by S. 1092, would only exempt these plants from full-time inspection and not from total inspection. And, most importantly, this exemption would be granted only at the discretion of the Secretary of HEW.

"The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment, known in the trade as a 'fish house' in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection or (ii) to a retail dealer described in paragraph (2) of this subsection."

THE IMPORT TALE

4. In still another effort to undercut S. 1092, Administration witnesses implied and stated incorrectly that the bill would provide a less stringent inspection for imported foreign fish products than for domestic ones. HEW's Mr. Johnson listed as one of the "advantages" of the Administration's "approach:"

"It makes no distinction between foreign and domestic producers."

And Interior's Mr. Meacham testified:

"In the bills before the Committee, there are also differences in the treatment of imported fish and fishery products. In some cases, the level of inspection for such products may be considerably less than required for domestic products."

The actual facts are that S. 1092 provides that the inspection of imported fish must be "at least equal" to the inspection of domestic fish. Since the domestic program would require full-time inspection under S. 1092, this measure actually would demand a higher standard from foreign processors than would the Administration bill.

Here is what S. 1092 specifically states in part of Section 410(i) of the proposed language for the Federal Food, Drug and Cosmetic Act:

"(1) no fish or fishery products shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the inspection, good manufacturing practice, and other pro-

visions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States: Provided, That whenever it shall be determined by the Secretary, in the case of any foreign country, that the system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with the country's inspection, good manufacturing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart."

AN ADMISSION

When Mr. Meacham and the accompanying Interior Department officials were challenged on their charge by Sen. Frank E. Moss, the following exchange ensued:

Senator Moss. ". . . So I don't see where this (S. 1092's provision) would be weak in any sense on importation. Importation would be subject to the same standards and the same requirements as domestic fish products are."

Mr. Crowther. "Yes, I think that is right. The fact that the foreign products are treated exactly the same as domestic products, I think, is a very desirable feature of the bill . . ."

Senator Moss. "So, theirs (the import provision of the Administration bill) would not be stronger than this (S. 1092's), would it?"

Mr. Crowther. "I don't think you can get anything stronger than S. 1092."

The treatment of imported fish is a very important and also a very emotion-charged subject. It is up to the Administration to enforce the fish inspection law equally between imported and domestic products. If the Administration does not believe it is capable of achieving this goal, it should admit that to the Subcommittee instead of misrepresenting S. 1092 in its prepared statements.

The Administration should ban from the United States any foreign fish or fish products which have not undergone an inspection as rigorous as have domestic fish. This action would be much more desirable than to attempt to weaken consumer protection on both and then to obscure this weakning amendment by deceptively claiming credit for treating all products equally.

THE TRUTH ABOUT PROCESSED MEAT

5. In still another effort to justify its weak fish inspection proposals, Administration officials tried to give the incorrect impression that processed meats were currently under a similar system. Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, declared:

". . . If the American public thinks they are getting continual inspection of the processing of meat, they are not."

After making this all-inclusive statement, she did explain that the non-continuous patrol system is used in "small establishments with limited volume" and she read some of the types of activities of these plants.

The fact is that the non-continuous inspection—called a patrol system—is limited to less than one-tenth of U.S. meat processing production and is not used in slaughter at all. As our Union showed in its earlier testimony—including the presentation of an explanatory letter by the Deputy Administrator of the Department of Agriculture's Consumer and Marketing Service—the patrol system is limited to small plants which perform by-product operations on already inspected meat. These operations include popping pork skins, slicing bacon and ham, boning and cutting meat and poultry and preparing cuts for hotels. All of the major meat processing operations, such as making sausage-type products, hams, bacon, etc. are under continuous or full-time inspection.

But even the meat and poultry patrol system is a stronger inspection operation than the Administration would provide for most of fish processing and canning. Under the patrol system, an inspector visits each plant at a minimum of once a day while it is processing and normally several times a day. Under the Administration bill, the inspector might visit the plant several times a year.

Most importantly, however, all meat and poultry is inspected at least once—at the time of slaughtering—to determine whether it is diseased or otherwise unwholesome. Under the Administration bill, a great deal of fish would never be examined by any government inspector for wholesomeness. Yet in the fish industry, the time of processing is the most logical place to introduce this check. The fish is in fewer hands than at any other time in the production process. And inspection at this stage can reveal whether the fish has been held so long or handled so poorly after it was caught, that spoilage, and possibly dangerous bacterial infection, has taken place.

THE COVER-UP

The instances above demonstrate the mislabelling, misrepresentation and gimmickry in the Administration's presentation. For some reason—probably pressure from the fish industry—the Administration decided upon a severe retreat in consumer protection concerning fish. It decided against providing consumers of fish safeguards equal to those provided in the Wholesome Meat Act and the Wholesome Poultry Act. It opted for a weak and ineffective inspection system. And it attempted, in some way or other, to make its unsatisfactory proposal look decent.

UNWITTING ARGUMENTS

There are other aspects of the Administration's testimony and legislation which need discussion. We should now like to turn to the evidence which Administration witnesses, themselves, presented on the need for full-time inspection.

While there are many issues under debate concerning the fish inspection legislation, the most important and the most controversial question is: what sort of inspection should be required? Our Union has made clear in its oral testimony that it believes a full-time inspection system, as is now used in meat, poultry and even the voluntary fish inspection program, is absolutely essential. We consider the occasional inspection, as proposed by the fish industry and the Administration, to be a device which would lull the public into believing it is being protected when it really is not.

The following points, taken from the Administration's own testimony, demonstrates the necessity for a full-time fish inspection system and show the problems caused by a generally occasional inspection.

GREATER NEED FOR FULL-TIME INSPECTION

1. The Administration indicated that the health hazards and other consumer problems in the fish industry have sharply increased recently. The very limited checks of the Food and Drug Administration—using the inadequate authority of the Federal Food, Drug and Cosmetic Act—showed a large rise in violations in fiscal year 1968, as compared with the previous year.

HEW's Mr. Johnson told the Subcommittee:

"During fiscal year 1968, FDA conducted approximately 1,500 inspections of fish and fishery products establishments and examined 3,500 samples of fish products. FDA inspectors continue to observe many deficiencies in fish handling and sanitary practices in a number of plants and vessels inspected. The incidence of adverse findings during their inspections was 18.6 percent (of plants), and 24.5 percent of the samples examined showed a variety of adverse findings."

Compare this testimony with the statements during the 1968 hearings by Dr. Goddard, then Commissioner of Food and Drugs:

"On domestic fish and shellfish, for fiscal year 1967, we carried out 775 inspections, different units covered . . . The incidence of adverse findings in the project units inspection—these are the plants—10.7 per cent. Official sampling examinations, 18.8 percent."

In other words, plant violations increased from 10.7 percent to 18.6 percent; violations in samples rose from 18.6 percent to 24.5 percent between fys 1967 and 1968. Even though FDA used an inadequate inspection law, it found nearly one out of every five fish plants and one out of every four fish samples failed to comply with the Federal Food, Drug and Cosmetic Act and its regulations.

And yet the Administration retreated from the government endorsement of full-time inspection last year and argues that it is no longer necessary!

THE EXEMPLARY CASE OF SHELLFISH INSPECTION

2. The Administration argued that HEW's "surveillance program" of the shellfish industry is "a notable example" of "this philosophy of industry-government cooperation and exercise of responsibility" which motivated it to propose its legislation. (The quotes are from Mr. Johnson's testimony.) We certainly agree that the analogy between the weak—and often failing—shellfish program and the Administration's proposals is proper.

Mr. Johnson of HEW extolled the shellfish program. He declared:

". . . Over the past 44 years, the American public has enjoyed relative freedom from disease due to these products. This statement is largely possible because of the surveillance program entered into and cooperatively supported by the Department of Health, Education and Welfare, State health departments and the shellfish industry."

Yet a letter of May 14, 1968 to the Subcommittee by Dr. Philip R. Lee, then Assistant Secretary for Health and Scientific Affairs in HEW, told quite a different story. He listed six outbreaks of hepatitis, which had been definitely traced to eating shellfish since March, 1961. These incidents caused illness among at least 598 persons.

STATE FAILURES

The letter also detailed a sorry story of states failing to maintain all aspects of their voluntary shellfish programs above the minimum approved quality level. Even worse, the communication demonstrated that when a state fell below the permissible program quality level, its shellfish could still be marketed, for no action was normally taken by anyone to remove that state from the certification list. (Dr. Lee's letter is too long to quote here, but the communication may be found on pages 186–190 of the printed record of the Subcommittee's 1968 hearings on fish inspection.)

Mr. Johnson, himself, indicated problems with shellfish. As previously stated, he reported that 1500 FDA inspections had found nearly one out of every five fish plants and one out of every four fish samples failed to comply with the Federal Food, Drug and Cosmetic Act in fy 1968. Under questioning by Sen. Moss on these findings, he declared, "About half of these (inspections) are in the shellfish industry."

This industry with its "exemplary" program—upon which the Administration wants to pattern its "surveillance" plan—has had numerous enforcement problems and has provided half of the inspections which resulted in one out of every four samples being found in violation!

CONTINUATION OF THE MAD CHASE

3. The Administration's proposal for a generally occasional inspection, appears to be a somewhat improved and better financed version of the type of "surveillance" FDA now carriers on throughout the food and drug

industries. The inadequacy of this system has been shown in numerous Congressional hearings concerning serious enforcement problems in both foods and drugs. These hearings have shown that an inadequate inspection system, limited funds and legislative authority, and some other problems have too often prevented FDA from truly protecting the public.

Yet, the Administration would simply carry these problems over into the new fish inspection program. For example, because the Administration bill would saddle FDA with an occasional inspection system, the agency would continue to have to chase all over the nation after deleterious and possibly dangerous products.

HEW's Dr. Lee frankly described the problem to the Subcommittee last year:

"When violative conditions are found, the food in question has ordinarily been shipped to many distribution points, making it necessary to initiate a number of seizure actions to remove it from the market. Too often, some or all of the violative products have been consumed before effective action can be taken."

If an inspector were in the plant at all times of processing, this current problem of FDA and future problems of fish inspection could not occur. The inspector could stop the deleterious or even suspicious product in the plant.

THE FUND STARVATION

Another current FDA problem which would be continued in fish inspection is that industry—or those parts which opposed inspection—would be at liberty to try to starve the agency for inspection funds. With an occasional inspection, industry has no problems whatsoever to *lobby against* adequate funding. With full-time inspection, industry must *lobby for* adequate funding since no plant could operate without an inspector being present. The latter situation has been the experience in the meat and poultry industries, where full-time inspection is in force.

Yet the Administration believes the present FDA system is good and it opposes full-time inspection!

LACK OF LABEL INTEGRITY

4. The Administration would have the federal government specifically and visibly back a particular can or package of fish products with an "official mark"—even though inspectors may check that plant and its product only a few times a year. The mark, which essentially indicates government approval of the product, would be placed on each can or package even though the inspector did not check this batch of fish for wholesomeness.

The Administration bill states in its proposed Section 410(e) for the Federal Food, Drug and Cosmetic Act:

"Use of official mark—When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended certificate of registration and are placed or packed in any container or wrapper, the person processing such product shall, at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be required by the Secretary by regulation."

This is a new departure in federal inspection. In the past, the integrity of the inspection mark—and the government's word that the product had been inspected and found clean and wholesome—was preserved by permitting its use only when there was full-time inspection. Now, the Administration will permit the company to put the federal mark on the package no matter whether the product was checked or not.

The result is not only that the government will be untruthful with the consumer, but also the federal inspection labels in all full-time programs will sooner or later come under question in the public's mind. Yet, despite this serious potential problem in consumer confidence, the Administration opposes full-time inspection for fish!

The fact is that full-time inspection is needed every bit as much in the fish industry as in meat and poultry. The Administration's own testimony—although arguing against full-time inspection—provides telling points for this great need.

NEED FOR S. 1092'S ENACTMENT

It is regrettable that the Administration in its first major decision on consumer protection has beaten a sharp retreat to satisfy those parts of the fish industry which oppose an effective inspection system. It is even more regrettable that the Administration undertook devious tactics in an effort to sell its weak approach to fish inspection.

The issue is hardly an academic one. Involved is:

An industry which produces 2.2 billion pounds of fish annually for human consumption in the U.S.—about 11 pounds per person.

Health hazards which caused at least 28 outbreaks with 16 deaths and 1500 cases of illness in the last 10 years, according to the U.S. Interior Department, and undoubtedly many more unreported cases of illness and even death.

Consumer problems which are so serious that FDA's limited inspections found one out of every five fish plants checked and one out of every four fish sampled failed to comply with the existing provisions and regulations of the Food, Drug and Cosmetic Act in Fy 1968, according to the Administration.

A strong, effective inspection system is obviously needed in the fish industry. That system must be more than a mere extension of the FDA's current periodic checks. It must provide a means for stopping deleterious and dangerous products at the source—in the plants or the vessel.

Full-time inspection is an absolute essential of strong and effective fish inspection. S. 1092 would provide it, as well as other important safeguards. We therefore again urge the enactment of S. 1092.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, the House of Representatives has now passed and sent to the Senate the Tax Reform Act of 1969, a measure designed to insure greater tax justice. I shall support this wide-ranging tax reform to achieve the legitimate objective of providing a more equitable distribution of our tax burden.

Unfortunately, however, the House-passed bill contains three sections which, if enacted, will adversely affect the ability of State and local governments to meet their capital requirements. One would impose a minimum tax on individuals by a "limitation on tax preferences," including among such preferences interest on State and local securities. The second would require that individuals allocate their deductions between taxable and tax-exempt income, including interest on municipal bonds. The third would permit States or local governments to issue, at their option, taxable bonds, a portion of the interest on which would be paid by the Federal Government.

As I have stated previously, I believe that the immunity of State and local governments in the exercise of their legitimate functions from Federal taxation is necessary for the preservation of our constitutionally delineated dual sovereignty form of government. I also believe that the centralizing trends in this country have gone quite far enough. I prefer to be a "pragmatic decentralist" who believes that our Nation needs a new federalism that will encourage the placing of more power and responsibility with the people at the local levels rather than with administratively appointed officials in Washington.

In attempting to insure a more even-handed distribution of the cost of supporting our Government, we must, of course, consider not only the distribution of our Federal income tax burden but must also consider the fair distribution of the total tax burden—Federal, State, and local.

It is apparent that the limit on tax references and the allocation of deductions provision will, if adopted as passed by the House, raise interest rates to levels close to those of corporate bonds of comparable rates. Once the tax exemption is breached on outstanding securities, it is clear that investors would have little confidence that the advantages to them of holding tax-exempt securities would not be whittled away further. To compensate them for the higher risk in purchasing these securities, they would demand higher interest rates.

If this in fact occurs, then the cost of borrowing to State and local governments will increase. If the cost of borrowing increases, State and local taxes, primarily property and sales taxes, will inevitably rise. And, as we all know, the burden of these regressive taxes falls disproportionately on those in the low- and middle-income groups.

Therefore, Mr. President, if the objective is to provide for a more equitable distribution of the total tax burden, as I believe it is and should be, then this Congress should not revoke or alter this tax exemption in such a way as to increase the cost of borrowing to State and local governments.

I would like to make one additional point. A considerable amount of the sentiment for tax reform stems from the testimony given by former Secretary of the Treasury Joseph Barr concerning 154 individuals who in the year 1967 had adjusted gross incomes in excess of $200,000 yet paid no Federal income taxes. Unfortunately, the impression was allowed to form that this was accomplished to a large measure through municipal bond ownership. It should be pointed out that this data submitted by former Secretary Barr did not include interest on State and local securities among the tax reducing factors utilized by the 154 individuals. Interest on State and local securities is not included within gross income and consequently does not appear on the income tax return. By far the major tax reducing factors used by the oft-cited 154 individuals in the $200,000 and over bracket were charitable contributions and interest deductions.

For these reasons it is my intention to continue to oppose all encroachments upon this tax exemption that has been essential to local communities in the financing of their much-needed public fa-

cilities. Therefore, I shall at the appropriate time either introduce or enthusiastically support an amendment to the Tax Reform Act designed to delete those provisions adversely affecting the functioning of State and local governments.

APPOINTMENT OF J. FRED BUZHARDT, JR., McCORMICK, S.C.

Mr. THURMOND. Mr. President, a number of outstanding men and women have been appointed to high positions in the Nixon administration and the recent appointment of J. Fred Buzhardt, Jr., of McCormick, S.C., is another example in which this Nation can take pride.

Mr. Buzhardt has been named staff director of a special commission to study the organization and operations of the Department of Defense. In this capacity he will render an important service to Secretary of Defense Melvin Laird and the country as we have seen that past administrations have operated at less than full potential in the critical areas of national defense.

In the mid-1960's, Mr. Buzhardt served as my administrative assistant here in the Senate and rendered a distinct service in that capacity. He is one of the most brilliant young men it has ever been my pleasure to know, and yet he combines that brilliance and keen intellect with an ability to go straight to the heart of a problem or issue and solve it. A graduate of West Point and first honor graduate from the University of South Carolina Law School, he brings a great talent to this new position.

In addition to these qualities Mr. Buzhardt is a man of the highest character. He is a God-fearing man and from the same mold that produced the leaders which have made this country great. I am sure he came to Washington at a personal and financial sacrifice. He descended from a truly outstanding man and able lawyer, the late J. Fred Buzhardt, Sr. His father was my former law partner and had been appointed to the circuit court of South Carolina just prior to his death.

America came to what it means today not through the efforts of self-serving people but through the contributions of citizens like this young man now serving in the Department of Defense. More of his kind are needed if our country is to meet the challenges of the 1970's.

Mr. President, an editorial entitled "Buzhardt's Appointment" was written by Editor Sam Cothran and appeared in the July 8, 1969, issue of the Aiken Standard & Review newspaper in Aiken, S.C. I ask unanimous consent this editorial be printed in the RECORD.

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

BUZHARDT'S APPOINTMENT

Fresh evidence of the important roles South Carolinians are playing in the Nixon administration came this week with the announcement that J. Fred Buzhardt Jr. of McCormick will be staff director of the special commission assigned to study the Defense Department.

Buzhardt's appointment came hard on the heels of the promotion of Harry S. Dent of Columbia and St. Matthews to be White House legal counsel and top political advisor to the President. Only last week, it should be noted, Dent was credited with a major role in the peaceful settlement of Charleston's prolonged Medical College Hospital strike.

By no coincidence whatsoever, both Dent and Buzhardt came to their new posts after service on the staff of Sen. Strom Thurmond. Dent early was named deputy legal counsel to the President. Buzhardt, after liberal objections blocked his appointment as Pentagon general counsel, wound up as special assistant to Defense Secretary Melvin R. Laird.

Political considerations aside, Buzhardt's selection to head the study commission staff was an excellent choice. A West Pointer, Buzhardt acquired the reputation of an expert on defense matters during his years on Thurmond's staff. That vast and detailed knowledge should now be put to good use in devising ways to correct whatever it is that ails the vast and unwieldy defense establishment.

That considerable room for improvement exists has been made manifest by recent revelations of huge waste, fraud and slipshod methods in the Pentagon's procurement practices.

The new commission will, however, go far beyond procurement in its year-long study. Recommendations are expected on organization and management, research and development, and the role of systems analysis that was the special forte and legacy of Robert McNamara.

Out of all this, we hope, will come reductions in the huge burden of defense spending and enhanced effectiveness. With Buzhardt calling the shots, we do not regard these expectations as incompatible.

ATTORNEY GENERAL MITCHELL'S SPLENDID PROGRESS

Mr. HRUSKA. Mr. President, the August 18, 1969, issue of the U.S. News & World Report contains an interview with Attorney Gen. John Mitchell, in which Mr. Mitchell discusses crime fighting in our Nation today. Coincidentally, another very informative article, written by Milton Viorst, appeared in the August 10, 1969, magazine section of the New York Times concerning Mr. Mitchell.

General Mitchell and his fine staff are the persons to whom credit can be given for the general improvement in morale among law-enforcement officers at all levels in the city, in the State, and in the Nation.

As the chief law-enforcement officer, he has initiated and supported programs designed to reverse the trend toward lawless behavior on the streets. He is attempting to restrict the distribution of drugs and prosecute those responsible for this distribution. He has undertaken to strike a meaningful blow at the crime czars who control the Mafia and all their illegal activities by establishing permanent field offices in major metropolitan areas.

While serving as a diligent and conscientious prosecutor, he has not neglected other areas essential to the fair and impartial administration of justice.

He has presented to the Congress a comprehensive court reorganization plan for the District of Columbia. He has suggested a revision of the customs court. He has taken steps to insure that our Federal judges are lawyers who possess a judicial temperament and legal insight.

I commend Mr. Mitchell for his efforts. I ask unanimous consent that these two very informative articles be printed in the RECORD.

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

[From the U.S. News & World Report, Aug. 18, 1969]

FIGHTING CRIME IN AMERICA

(Exclusive interview with Attorney General John N. Mitchell)

Q. Mr. Attorney General, from a law-enforcement standpoint, what do you regard as the biggest problem in the country.

A. The biggest problem in the country is crime in the streets—and how to get at it.

Basically, as you know, street crime is outside the jurisdiction of the Federal Government. Yet this is the area of the greatest concern with the American public. And what we can do in the Federal Government we're going to try to do.

Q. What is the Federal Government doing?

A. We, of course, are using the Law Enforcement Assistance Administration that was provided in the Safe Streets Act of 1968, which provides for funding of local programs to upgrade law-enforcement activities—and judicial administration and prison reform.

It goes all the way through the whole spectrum of law enforcement, from the time of apprehension of the suspect to the time of his trial and incarceration in prison, and ultimate parole and probation.

The funds that are available to the Law Enforcement Assistance Administration are provided by way of capital grants, after the planning-draft stage for the upgrading of these various activities.

Within the Law Enforcement Assistance Administration, they also have funds to be used for studies of new programs, new methods, even new hardware.

Also, of course, the Federal Government, through its law-enforcement agencies—from the FBI through the Justice Department, the judicial center that deals with the courts, and the prison systems that we have—is trying to lead the way to better facilities and better programs.

Q. Is federal money being used for direct operations of police, or only to help police improve techniques?

A. In both areas.

Q. Will there be more policemen as a result of these funds?

A. I think there will probably be more policemen, but they almost certainly will be much better policemen. I think that is the basis of it.

Primarily, of course, the costs of local law-enforcement agencies—police on the beat, and so forth—are paid from funds that are raised through State and local taxation. But the educational process has been slow, and these funds of the Federal Government will provide for the educational process, the training and the equipment that are necessary to upgrade the local law-enforcement agencies.

Q. Do you think there should be federal legislation to give the Federal Government a more active role in the enforcement of local anticrime laws?

A. I don't believe that is proper or necessary. I don't believe the Federal Government, for instance, should have a national police force. We have federal investigating services, and I think that's where we should stop.

The local police forces should be capable of handling this. It's a matter of funding and it's a matter of training. And I believe that it properly should be left with the States and municipalities.

Q. When you say we have federal investigating services, do you mean the Federal Bureau of Investigation?

A. The FBI, plus the Secret Service and various agencies in the Treasury.

Q. Are their services available to local police?

A. They are, through co-operative efforts. But there's very little that the federal establishment can do or should do with respect to the type of crime in the streets we're talking about—that is, muggings and burglaries and things like that. That's a local-officer problem. When you get into the area of narcotics and gambling and some of the other areas, why, then the federal investigative forces do co-operate with the local people, as they should. And we are trying to formalize this to the extent that we can.

This is illustrated by the combined task force that we have in New York which involves not only our Department of Justice but other agencies. We've brought in the State of New York, the district attorneys of Manhattan and the Bronx, and also, of course, the police commissioner of New York City. So we are working there in a co-operative way, so that when we do have intelligence information—evidence—it will be available for a local prosecutor as well as federal prosecution where federal crimes are committed.

Q. What is this task force supposed to do, specifically?

A. There are two task forces, actually. The first one we created, that I just outlined, is one that is going to deal primarily with organized crime.

The second one is operating in the narcotics area. It is our hope that this trial format that we're using will work, and we can go on and use it in combination with State and local law-enforcement officers in other metropolitan areas of the country.

Q. Speaking of organized crime, do you feel that you have the federal tools you need to combat it?

A. There is legislation now in Congress which we're supporting, which will be very helpful in the organized-crime field. But basically, the attack on organized crime is undertaken with personnel and money. And we have applications in our appropriations bill for fiscal year 1970 [year ending June 30, 1970] that will allow us to tool up to a greater extent—put more strike forces into the field.

Q. Will more strike forces mean more manpower?

A. Yes—strike forces composed of manpower headed by an attorney designated by the Department of Justice, one of the lawyers in our organized-crime section of the Criminal Division. Working with him will be not only the FBI, but also Internal Revenue Service agents, alcoholic and tax investigators, the Secret Service, the Securities and Exchange Commission, people out of the Labor Department's enforcement area, Customs, and the Bureau of Narcotics—all down the line.

With this personnel we can go into a metropolitan area of operation—sometimes a federal judicial district, such as the southern district of New York, or the district of New Jersey, where we also have a task force—and make a total investigation of the activities of organized crime.

This can lead to prosecutions of any federal crimes we find, including, of course, income tax evasion. You can make much greater use of your manpower by conducting your investigations in this way.

Q. Are these New York and New Jersey task forces pilot projects, or do you have others around the country?

A. There are strike forces in a number of other districts around the country. Our plan is to build up the ones that we have and expand them to other metropolitan areas. It is necessary, of course, to get additional personnel to do so. So not only our Justice Department but other departments with investigative agencies, such as Treasury and Customs, have increased their requests for appropriation of money to provide the manpower and requisites to make these strike forces effective.

Q. Have these combined operations resulted in increased prosecutions or convictions?

A. Yes, there's no question about it.

And I would hasten to point out that the strike-force concept was not developed by this Administration. It existed prior to our coming into office and it has, in my opinion, proved effective in two ways, both by the number of convictions and prosecutions, but also in the deterrent effect that it has.

Some information that we have, primarily from informants, is that, as these strike forces are increased in manpower and numbers, and with the use of wiretapping, they have deterred organized crime from undertaking certain activities that it might otherwise be engaged in.

Q. It is often said that organized crime cannot operate without the co-operation of police and political officals. Is this true?

A. Well, there are many of their activities that could not be carried out without such co-operation or, at least, without somebody closing his eyes. This has been demonstrated in any number of areas, and we have legislation before the Congress which will direct itself to that—where the Federal Government will be able to get at, more directly, the public officials, State and local, who are dealing with or protecting organized crime.

Q. What do you mean by organized crime? Is that the same thing we used to call "syndicate crime"?

A. Basically, yes. It's just another term. It means a combination of people put together to carry out a common effort—a sort of joint venture where you have an organization or an organizational structure that carries out these activities.

Q. Is organized crime a more serious problem than unorganized crime?

A. It depends. I think the fellow who's mugged on the street feels that local crime is more important to him.

But I think it's pretty well recognized that organized crime takes out of our economy upward of 50 billion dollars a year, and that this money goes into loan-sharking activity, it goes into the financing of narcotic transactions—sometimes it goes into so-called legitimate businesses, which they use their criminal profits to obtain control over. And, of course, when they do get control, they resort to their old criminal activities by pushing prices up, or whatever may be the particular nature of the activity through which they can make more money.

So crime in the street may be a more personal problem, but the result of the organized crime that exists in this country is something that we should not and just cannot ignore.

Q. Does organized crime contribute to the increase of private crime that is concerning the American people?

A. Well, let's take a specific example which may illustrate that:

There's no question that organized crime deals in narcotics. People who get hooked with narcotics have to feed their habit. Those who have no other source of income turn to the commission of crimes in the street. And there has been a tendency in recent years, because of the large number of addicts, to get away from the burglaries and shoplifting and so forth that they used to do previously, because the fences are being overrun with merchandise to the point where the market for stolen goods is down. Now these people who are on the narcotics habit go directly to the crimes of violence, such as robbery, in order to obtain quick money to buy their narcotics to satisfy the habit.

Q. Do you think that recent Supreme Court decisions enlarging the rights of criminal suspects are a contributing factor to the rise in crime?

A. I believe that if they are—and I don't believe that anybody has made a direct study on the subject matter—it would be relatively a small effect.

There's no question that the Court has expanded the rights of the individual, and there's no question that, in the expansion of those rights, there has been an effect upon society.

One of the detrimental aspects of it, I think, has been the psychological effect on the police. They feel that they've been handcuffed by some of these Court decisions. But, here again, if a particular police department had adequate instruction and training, I believe that some of the results of these decisions could be reasonably overcome. So that, while Court decisions have hampered the police, perhaps they have not hampered them as much as we have been led to believe.

By this I don't condone the decisions, but I'm answering your question as to the possible effect of them.

Q. This great crime wave seems to be a phenomenon of the last several years—or decade, anyway. Has America, all of a sudden, turned into a lawless nation?

A. I don't believe that America is a lawless nation. That would be taking it too far.

I believe that there are numbers of reasons for the crime rise. As you know, the age of the criminal that's incarcerated in the State and federal penal institutions has been going down and down and down. I think that the greatest part of the rise comes from the fact that youth is in rebellion and disturbance for any number of reasons. Not being a sociologist, I can't tell you all of them. But I believe that it's just a part of the times.

Here you get back to the narcotics question. People start experimenting with one type of narcotic, and they go on to the harder narcotics. All of a sudden, they're involved in a process that they require funds to support.

Some of our social problems also are factors that have caused the crime rate to rise. This is equally true, I believe, with some of the minority groups who have turned to crime as an expression of contempt for our society—rightly or wrongly, depending upon what their individual situations might be, and what their standards of living or their local control might be, either parentally or otherwise.

Q. You mentioned youth in rebellion. What should be the role of the Federal Government in dealing with campus riots and demonstrations?

A. The role of the Federal Government, I think, should be that provided in the existing statutes. I believe the Federal Government should look to the hard-core nihilists who intend to destroy our educational institutions and who have so demonstrated by moving among the institutions across State lines to carry out these intended functions.

Q. Do you mean the same individuals show up in one campus rebellion after another?

A. This is correct.

As for the areas of reasonable dissent on the campus—of course, that's outside of what we are talking about. With respect to somebody who violates the law by creating a disturbance of trespass or destruction of property, this is an area where local prosecution should handle any criminal activities—and, of course, the primary responsibility rests with the administrators of the institutions.

Q. Have charges been brought against any of these people who cross State lines to foment trouble on the campuses?

A. There have not been any indictments as yet. There are a number of investigations under way.

Q. Are you investigating the activities of these itinerant troublemakers on the campuses?

A. Yes, sir, and we have been for some time.

Q. Do you expect indictments?

A. I would say, as of this moment, that there would be indictments.

Q. Have you been able to identify organizations that you regard as being lawless or subversive?

A. I think it's the acts of the individuals that you identify. The "organizations" that operate in this particular area are purposely—by design and with good legal advice—not very tightly structured. They operate in a loose, confederate sort of manner, so that they do not come within some of the statutes under which we might be able to get at them. But by their very habits and by their activities and by the results, you know that this is not an individual undertaking—that there is work in concert. The results have shown that.

Q. Is accumulating good, hard evidence on a thing like that very difficult?

A. It is quite difficult, because you have to show an intent on the part of the individual in moving across State lines to another State, as well as proving that he did participate in or cause a riot.

Q. Are you "bugging" any of these people—listening in on them by electronic devices?

A. No, we're not "bugging" any of them.

Q. Could you use information as evidence if you got it by "bugging" or wiretapping a group discussing a plot?

A. If the evidence was obtained from legal wiretapping, it could be used as evidence to show the intent of the parties involved.

WHEN TO USE WIRETAPPING

Q. What are the plans of the Justice Department on the use of wiretapping and "bugging" to obtain evidence?

A. Our plans, of course, are to use it wherever it is legally available. And, of course, in the area we're talking about now—away from national security—we use it in connection with organized crime and as the statute permits, but the occasions don't very often occur in connection with major crimes.

We have found it to be quite effective in the area of organized crime—in fact, probably one of the most effective tools that we have. I don't think there's any question but that wiretapping, particularly in the area of organized crime, is the most important factor that we have going for us.

Q. Will courts accept evidence obtained by wiretapping?

A. Yes, they will accept it if the surveillance was legal to begin with.

Q. How is that established? Do you have to get authority from a court to make the surveillance?

A. In this area, we do. The statute authorizing this, which was part of this Omnibus Crime bill last fall, provides a specific procedure as to how you obtain court orders under which wiretapping may be used. To obtain that court order, you have to show the judge that there is reasonable probability that a crime is being committed, and that the wiretapping is going to be used in connection with that.

Q. Does showing have to be made in open court?

A. No, it does not. It's made by affidavit of the knowledgeable parties, whether it be an FBI agent or Secret Service agent, or whoever it may be. These affidavits are filed in the court. And they are not disclosed until the statute requires it, which is sometime after the event takes place.

Q. So that a suspect can't go to a court clerk's office and look up the record to see whether you're "bugging" him—

A. No. But at a later date he is advised of the fact that he has been "bugged."

Q. Do the Supreme Court decisions up to this point give you assurance that this type of evidence will be accepted when appeals are made to the Supreme Court?

A. We have no absolute assurance. But we feel that on the basis of cases that have been decided, with the express authorization of Congress, and with the procedure provided for in the statute—where it is court-monitored—they should uphold it. We feel they will.

Q. How much of a problem in the total crime picture is the repeater—the criminal with a past record?

A. Roughly 40 per cent. In other words, about 40 per cent of the people who have been incarcerated in penal institutions for crimes land back in prison.

If we can get at this problem of recidivism through better training of prisoners under more modern conditions, we will be able to make a big hole in the total crime figures.

Q. What about preventive detention—jailing a suspect without bond while he awaits trial? Can you do this and protect society without jeopardizing the individual's rights?

A. We feel that the legislation we have proposed to Congress does just that. We believe that the bill does protect the individual by restricting its application to certain types of crime and by requiring hearings in court. At the same time, of course, it does what it's designed to—and that is to help protect society.

Q. What are the most important things that have to be done to make our system of criminal justice function better?

A. Starting at the bottom of the ladder, we must upgrade the police forces, both in their efficiency and also in their relationship to the community. One of the problems that have existed in the law-enforcement area is that police in many, many areas have not had a good relationship with the community. Some people—particularly in the minority groups—look upon the police as an invading army when a squad car comes through. So this is an area in which work can be done.

Secondly, we should provide speedier trials, so that we don't have to worry about preventive detention to keep a fellow from committing additional crimes while out on bail. This, of course, means an upgrading of our courts, both by their processes and by their numbers of judges and facilities. But, more importantly, it means making sure that we have enough prosecutors, so they can present their cases when the judges are able to hear them, and that they are competent to conduct the trial in an appropriate way.

Also, it means providing an adequate supply of defense counsel. In many areas of this country, we're grossly undermanned to take care of the rights of the defendants. Also, you often get private lawyers assigned to cases who are not qualified to try a criminal-law case. This is one of the reasons that I feel strongly that we need a good public-defender system: not only to protect the rights of the accused, but also to help us to expedite our trials.

Beyond that, we need to improve our penal institutions, which are way behind the times. If we have better penal institutions—with better training and better programs—that will permit earlier release of prisoners, and their release under conditions where there is less likelihood that they will go back to crime.

WHAT'S WRONG IN PRISONS

Q. What is basically wrong with our penal system?

A. Too many people have looked upon prisons as a place to put somebody and leave him for a period of time, and then dump him back out on the streets without proper programs for rehabilitation.

These programs should go all the way from vocational education and training through psychiatric treatment to many other things that can be helpful to the individual.

There is much too little concern about these penal institutions and what goes on in them. I think that this is quite natural, because those in the legislative bodies who have to appropriate money for public purposes find it less appetizing to appropriate monies for a prison than they do for a hospital or a school or a parkway. There are only so many tax dollars around. And, unfortunately, the penal institutions are very low on the list of priorities.

But if we're going to do this job properly, we have to upgrade the penal institutions—not only the federal ones, which are better than most States', but particularly the State institutions.

The basic aim should be to rehabilitate a prisoner. If his term in the institution is just a time to learn better his trade as a criminal, then when he gets out he's going to return to his criminal ways.

Q. Can a criminal actually be rehabilitated? Or is there such a thing as the "criminal mind," a warped personality that simply can't be rehabilitated?

A. Well, I would possibly subscribe to the fact that there are some habitual criminals that it's very, very difficult to get at. But I don't think anybody has proved that there is a "criminal mind." I think it's a situation that develops because of environment and circumstances.

I think that most penologists would subscribe to the thought that you can convert almost anybody if you have the means, the time and the other requirements to do it. And this is particularly true in this day and age, when so many of our criminals who are incarcerated are so young. The average age in the federal institutions is in the 20s. They are much more susceptible to change and correction than are the old-liners who have been through the mill.

Q. How long do you think it might take you and your program to turn the crime rise around and start bringing the nation's crime rate down?

A. I don't know whether I could even make a good guess on that. It's a monumental undertaking that needs complete co-operation of the State and local governments. And when I say "co-operation," I mean that they have to look at their own house, look at their own financial requirements, and provide what's necessary in these areas that we've been discussing. Unless this is done by the State and local governments, what we can do at the federal level is not going to make a very great dent in it.

Q. What about Washington, D.C., the nation's capital, which is under federal jurisdiction? Do you think you are going to be able to make a dent in the crime problem here?

A. This is the place where the Federal Government has, in co-operation with the city government, jurisdiction over crime in the streets. And we believe that the program that we have put together here can be a model for use throughout the country.

Bear in mind that most of our programs for Washington have not been authorized yet by Congress. But once we get our authorizations and our appropriations from the Congress, I think that we can turn this crime problem around quite directly in the District of Columbia. I think we will make quite a dent in crime here.

Q. Are you encountering acceptance or opposition in the program that you've proposed for the District of Columbia?

A. I think there's been basic acceptance of it. Parts of it, of course, have fallen into the controversial area. But I would believe that we will get our legislation through. And I believe we will get our appropriations through.

Q. Do you think the Federal Government should have task forces to deal with big-city riots?

A. I think the Federal Government's activities and powers in this area are appropriate as they now exist. Civil disturbances are primarily the responsibility of the State and, of course, the local police forces.

The Federal Government does have plans and programs for these areas. We have our community-relations service in the Department of Justice. When there are indications

of trouble, we put their personnel into the field to work with the local group—whether they be minority groups or whatever—and the local law-enforcement agencies to try to cool the situation so that you do not have major riots or disturbances. We do this, of course, with the help of our U.S. attorneys and our Civil Rights Division, and all of the other facets that we can bring to bear on it.

Now, with respect to the suppression of civil disturbances and riots, here again I think that the Governor, with his local police forces and his National Guard, is the appropriate one to handle the situation. However, we do have plans that we can put into operation directly, where federal troops are required. But federal troops have to be requested by either the State legislature if it's in session, or the Governor if the legislature is not in session.

Q. Are federal troops better trained and equipped to cope with racial riots today than they were several years ago?

A. Yes, both by training and experience. They have, within the federal military establishment, programs directed toward this necessity if it arises.

Q. Many people have expressed wonder as to why previous Administrations have not attempted to prosecute some people on charges of inciting to riot. Do you expect to be any more active in this field than previous Administrations?

A. I think the indictments that we brought against the police and the rioters in Chicago would demonstrate that. Our position is that if there have been violations of the federal statutes, we have an obligation to prosecute them, and we'll do so as soon as we can produce the evidence that is necessary to obtain an indictment.

Q. Are you investigating actions of certain individuals to see if they are in fact inciting to riot?

A. Yes, we are. One of the problem areas that I found when I got to the Department of Justice was the lack of intelligence in this area. So we are putting together more of an intelligence apparatus than has existed.

Q. Isn't the FBI supposed to be your intelligence agency?

A. It's an investigating agency. It doesn't express opinions about the evaluation of the information it obtains.

PROTECTING CIVIL RIGHTS

Q. Is it the responsibility of the Justice Department to enforce all of the civil-rights laws relating to desegregation or the elimination of racial discrimination?

A. Some of the laws initially, or primarily, should be enforced by the departments that are carrying on the federal programs. But, with respect to the ones that are more commonly known, yes, the Department of Justice does have the leading role in the enforcement of civil rights.

Q. Do you enforce the school-desegregation guidelines, for example?

A. The Department of Health, Education and Welfare set up those guidelines and is obligated to monitor the guidelines. It is HEW that determines whether or not federal funds are to continue to be provided to a school district if the guidelines are not complied with.

We in the Justice Department, of course, have an obligation to provide for the enforcement of an individual's rights in the desegregation of the schools. Upon complaint of individuals, we may go into the federal courts to compel the desegregation of the schools.

As you may recall, on July 3 the Department of HEW and the Justice Department got together and announced a program whereby the educators of HEW and the lawyers of the Justice Department can work in concert to more properly administer the federal enforcement programs—both under the federal statutes and the Constitution.

Q. Does that new program put the total enforcement burden on the Justice Department?

A. No. We do not have the total compliance burden, because the Department of HEW still has its statutory powers and obligations with respect to the termination of federal aid if there is not compliance by the school district.

Q. Isn't it a part of that new policy to make greater use of court actions to compel school desegregation than has been done in the past?

A. That is correct.

Q. What is the purpose of this change?

A. There are a number of purposes. Primarily, the one that is most important, in our opinion, is that, by going into court against a school district that has had its federal aid terminated, we make it possible for federal aid to be restored so that the ones who need it are going to get the federal aid.

It's rather nonproductive to have a school district that is not in compliance and is not getting federal aid. The ones who are hurt by this are the pupils that the Act is supposed to help. They begin to lose their school-lunch money, their Negro teachers are not paid—and all of the penalties fall upon the ones who are supposed to be benefited.

But when we go into court, we can have the federal funds restored and, of course, the court will order the school district to integrate.

Q. When are funds restored to that school—the moment you file the suit?

A. Hopefully so, under an appropriate court order. HEW restores the funds when they feel that the court has properly acted in the particular circumstances.

Q. Does this system of court suits produce desegregation faster than relying on cutting off federal funds?

A. Well, when we came into office, we found that there were a great number of school districts where the funds were cut off and nothing ever happened. They were still running their segregated schools.

Q. Is a court suit one way to get at a district which has decided that it would rather do without federal funds than desegregate?

A. It's the only way we have to get at them.

Whether it's fast or slow, we feel that it's going to accomplish a great deal more than what had been happening before. We've found—and I'm sure you know from your readings—that there has been a tremendous amount of resistance in the South, where they litigate everything as far as they can take it.

Now, the new system that we have worked out would have a desegregation plan for a district designed by HEW educators and the local educators in concert. And then, of course, when the plan is confirmed by the order of the court, it becomes an obligation of the school district to carry it out.

We believe—and I think that our experiences to date have proven it—that by bringing in educators out of HEW to sit down with the school-district educators under a court order, they're going to agree on a desegregation plan in a substantial number of the cases.

We don't expect everybody to get into agreement. The courts are going to have to order some of them to do so, or order a desegregation plan. But we feel that there is going to be much more co-operation under an educationally designed plan than in the past, where there has been nothing but adversary court proceedings, where the court directed a desegregation plan.

Q. What do you use as standards to determine whether a school district is discriminating illegally on the basis of race?

A. It's a matter of degree, and each school district has to be considered separately. And, of course, it depends upon which area of the country you're dealing in.

As you know, in the South, when the *Brown* case was decided in 1954, there were dual school systems, a black school system and a white school system, set up by law. That is *de jure* discrimination—and, of course, unconstitutional segregation.

In the North, you have housing patterns which produce a *de facto* segregation.

Q. Is *de facto* segregation unconstitutional?

A. No. There has been no court decision, to my knowledge, that you have to break up a *de facto* school district. But if you have a clear black school system and a clear white school system, you know that there is discrimination, and that those have to be brought into a unitary school system.

Now, as to the number of people—blacks and whites—who have to be in a particular school, or the facilities that you provide for them, or the other facets involved in order to eliminate discrimination and segregation—that is a matter of fact to be considered with respect to each individual district.

Q. Suppose you have a huge city area, such as Harlem in New York, that is almost totally black, so that its neighborhood schools are totally black: Should anything be done about that, to get a racial mix in those schools?

A. You can't say that New York City is discriminating as you can in some Southern city that has—or had—a dual system.

What you have in Harlem is a *de facto* situation that results from housing patterns, and we do not believe that it is practical to upset such a picture at this time.

We do think—as we've expressed with respect to Chicago—that you can certainly change your faculty around so that you do get a racial mixture. And long-range plans in areas like this should be to locate your physical plants of the schools to, hopefully, break into this *de facto* segregation.

But the concept of busing children from Harlem to the Bronx or from Bedford-Stuyvesant to Queens has been tried and it hasn't been very successful—to the point where, I believe, they've totally abandoned it.

Q. Unsuccessful in what regard?

A. It was unsuccessful to the point that the educational process was hampered and the parents rebelled—parents of both races.

ONE APPROACH ON SCHOOLS

Q. If *de facto* segregation is not illegal what can the Government do about it?

A. As I say, there are degrees in each school district that you have to look at to see how desegregation should be brought about—*if* it should be brought about.

Q. In your joint statement with HEW on July 3, you said: "We will start a substantial program in those districts where school discrimination exists because of racial patterns in housing." What did you mean by that?

A. One thing you can do, of course, is to go after desegregation of the faculty. Faculty does not necessarily relate to housing patterns.

Q. In trying to integrate faculties, do you see a problem in the fact that, by virtue of seniority or union contracts, many teachers have been given the right to choose where they are going to teach?

A. This is a problem. But you may find, as this procedure develops, that contracts written by school boards will be different.

Q. Is there danger that many teachers may quit if ordered to teach in black slum schools?

A. This could possibly be an effect in some cases, but hopefully not. Hopefully, the teachers will recognize that this is the law of the land imposed on the school board, and that they will respect it and honor it.

Q. Aren't some Northern school districts being compelled to break up de facto segregation?

A. It is being done in some cases where the physical facilities permit it and other circumstances warrant it.

Q. Must local school authorities, in planning future schools and in hiring faculty, arrange their programs in such a way as to minimize de facto segregation? Or are they permitted to plan so as, in effect, to perpetuate it?

A. They are not permitted to perpetuate it where the circumstances are involved in a particular court proceeding. There have been court orders directing the closing of certain schools to bring about integration. Hopefully, that won't be necessary in the future. We hope to get the kind of co-operation that will not require such drastic measures as closing schools, and hence putting bigger burdens on some classrooms.

Q. These court orders you mentioned—are they orders of federal courts or State courts?

A. These are federal-court orders.

Q. Does that mean that federal courts are, in effect, requiring the breakup of de facto segregation?

A. Not necessarily. They could be breaking what is really a de jure situation. We have cases in some places where school districts have been drawn so as almost to create an all-black system and an all-white system. This is not necessarily limited to the South. It is taking place in the North, also.

Q. You recently proposed that, instead of extending the 1965 Voting Rights Act which suspends literacy tests in some Southern States, a new law should be passed suspending literacy tests in all the States. That proposal seems to have run into strong opposition. What is the argument against it?

A. The basic argument, as I understand it, against my voting-rights plan is that it may prevent the passage of any voting-rights legislation between now and Aug. 6, 1970, when the 1965 Act, or some of its provisions, expire. In my mind, that is not a valid objection until such time as they take the matter to the committees and the floor and get their reading on its chances for passage. They haven't convinced me that a new bill cannot be passed before the old law expires.

There is also objection—mistaken, in my opinion—to our proposed change in the method by which the Justice Department deals with new State or local voting regulations.

Section 5 of the 1965 Voting Rights Act has a provision that, if a State legislature or a local legislative body passes legislation that might impinge upon an individual's voting rights, this legislation or ordinance must be submitted to the Attorney General, and he makes a determination as to whether it does impinge upon these rights.

Our bill provides that the Attorney General, instead of reviewing this legislation, would have powers to go into the district where the act was passed with a three-judge court with powers to obtain restraining orders and injunctions to stop local officials from impinging upon the voting rights of the individual. This would apply everywhere in the country, not just in the South. We also, of course, would continue the Act's powers to use federal registrars and examiners, which have proved so successful.

Now, the controversy comes about as to whether or not our bill is stronger than the existing bill. We have found that when people, in the seven States that are now covered by the '65 Act, decided that they were going to try to impinge upon the voting rights of individuals, their legislation or their ordinances were not submitted to the Justice Department for a review. They just went ahead and impinged on the rights of the voters. Then the Justice Department had to go to a one-judge, local federal court without the powers that we seek in the new measure, and litigate that matter all the way through the Circuit Court of Appeals, on up to the Supreme Court.

Our measure provides a three-judge district court, from which we would have a direct appeal to the United States Supreme Court.

So it's a matter of opinion as to which is the most effective.

We not only think that our proposal is very effective, but we have also found that it is practically impossible for somebody to sit in the Justice Department and take a piece of cold legislation by a board of supervisors of some county down South, and make a judgment as to whether this was done with an intent to impinge upon the voting rights of some individual.

Q. Would this new proposed legislation on voting strengthen the Federal Government's hand in prosecuting election frauds?

A. Not this particular legislation. However, we do have in our proposed bill a recommendation that there be appointed a presidential advisory committee that would recommend legislation in that area, as well as a review of this total matter of voting, particularly with respect to minority groups.

Q. If a person's vote is invalidated, in effect, by a vote fraud, isn't that a denial of his voting rights?

A. There is no question about it, and this is exactly what we said in our testimony before a congressional committee.

We think that the results of the '68 election that are under intensive consideration will provide information that this advisory commission can use to recommend legislation.

Our bill contains another very important provision, and that is with respect to residency requirements. There were 5.5 million people denied the right to vote in the 1968 presidential election because they had moved within a particular period of time out of one election district into another. Our bill would get at that. In presidential elections, those individuals who move would either vote in their new area of residency or by absentee ballot in the place from which they had moved.

Q. Do you think you will succeed in getting your voting measure passed by Congress?

A. I don't know if I can count noses up there, but I would be surprised if we did not have a good opportunity to win.

GUIDELINES FOR MERGERS

Q. Turning to another subject: Is your Department out to break up these new "conglomerate" companies?

A. We do not file suits against conglomerates as such. We bring suits against mergers that, in our opinion, violate the antitrust laws, whether or not they involve the expansion of a conglomerate-type corporation.

Q. Are there any guidelines that a business executive can follow to know whether a merger he is contemplating will be attacked?

A. Some guidelines were issued during the Johnson Administration dealing, in part, with mergers, including conglomerate mergers. They have no legal effect, but do spell out the policies that are followed in general by the Department, subject to variations depending on the circumstances of any particular case. In a general way, these guidelines are still applicable.

In addition, we have adopted a more direct approach to the job of keeping the businessman informed. We have opened our doors to the point that we will sit down and talk with anyone about a prospective merger or acquisition. We do not require any formal submission of a plan or formal request for ruling.

Q. But is there some change in the Government's attitude toward the conglomerate mergers?

A. Yes. In the light of the legislative history of the Celler-Kefauver Amendment of the Clayton Antitrust Act in 1950, and the decisions that have been handed down by the courts, we feel that the law gives us some tools for dealing with the conglomerate mergers that the previous Administration apparently did not feel existed.

Q. Is that why you have filed suit against some mergers that took shape before you came into office, and that had not been attacked by the Democrats?

A. I think it would be correct to say that the Johnson Administration did not feel that the law provided the means of attacking some of these mergers. Now, we feel that these conglomerate mergers have to be considered on an individual basis. At the same time, Mr. McLaren [Richard W. McLaren, Assistant Attorney General in charge of the Antitrust Division] and I have made it clear that we believe that there is a great probability that very large corporations will be violating the antitrust laws when they engage in mergers or acquisitions. But these activities do have to be considered on a case-by-case basis.

We recently decided not to oppose the merger of Amerada Petroleum and Hess Oil Corporation, two very big companies, because it appeared that competition would be increased and not diminished by the merger. There are other mergers which we are considering right now which we will probably not oppose for the same reason.

Q. Is it fair to say that a very large company—whether it is a conglomerate or not—will probably draw fire from the Justice Department if it takes over a company that is one of the leaders in an industry?

A. Yes, because the facts are almost certain to indicate an actual or potential weakening of competition, in violation of the antitrust laws. That is the basis on which we have to decide whether to file suit.

Q. Suppose a company buys out a principal competitor in its own line of business—

A. If their combined share of the market after the acquisition is as little as 5 percent of total sales, there are Supreme Court decisions that hold the acquisition to be illegal.

Q. Are you planning to propose any new legislation to deal with mergers?

A. A number of committees of Congress are studying the current wave of mergers. We have no objection to new legislation. In the meantime, we will proceed to apply the laws we now have. I might point out that there is a task force, composed of officials from various Government departments and agencies, already studying mergers—their causes, impact on the economy, on business and on the national interest, balance-of-payments impact, and so on.

Q. Turning to racial discrimination in employment: Many civil-rights leaders now are complaining that the federal Equal Employment Opportunities Commission (EEOC) does not have enough power to act against employers who discriminate. Are you planning to seek new legislation to give EEOC the power to issue a direct order to an employer that they "cease and desist" discrimination?

A. This question is under intensive consideration by the whole Administration. There has been a series of meetings to find out what legislation would be best. The problem is to make sure that cease-and-desist orders are subject to appropriate review, so that the parties to the controversy have adequate redress above the branch of Government that has this power.

Q. What power does the Justice Department have to act against discriminating employers?

A. Under the present setup, we are limited to suits when there is a general pattern or practice of discrimination. Where an individual's job rights are involved, I think there ought to be some administrative procedure by which the issue can be resolved quickly.

AS NEW POLICIES TAKE HOLD

Q. You've been in office now for six months. What do you think are the significant changes, if any, in the policy and atti-

tude of the Justice Department as compared with the previous Administration?

A. We have discussed the difference of concept in the Antitrust Division. I think this stands out quite markedly as a distinction.

I think the approach to our civil-rights problems is different in concept of execution, perhaps, as distinguished from the ultimate goals that we're looking for. I think the Civil Rights Division as it existed prior to the time we came in had the same goals, but I think that they went about it as more of an adversary-proceeding operation than we have. We've tried, particularly in school desegregation, to get compliance out of voluntary procedures.

In the law-enforcement area, I think there's a great deal of difference. And I get this reaction by talking to the police chiefs around the country, the Federal Bureau of Investigation, and people in the Criminal Division of the Justice Department. I think that we have restored a morale that was somewhat lacking because of the failure to prosecute in certain areas. I think that the law-enforcement agencies around the country have been rejuvenated so far as the Justice Department is concerned. That's what they tell me. I think that our use of wiretapping in appropriate areas has been a shot in the arm to our Criminal Division, and also to the investigating agencies within the Government.

These basically are the three areas in which there are discernible differences in approach.

Q. Do you think people generally feel that the head of the Justice Department today is a little more "hard nosed" about enforcing the law?

A. I think that might be. It's probably more a concept than a reality but, nevertheless, I think it exists.

Q. Mr. Mitchell, your name is frequently mentioned in connection with vacancies on the Supreme Court. Have you ever discussed that with the President?

A. On numerous occasions.

Q. And what did you say?

A. I think what I said to the President shouldn't be repeated. But I would generally state my stance is that I have no interest or desire to go on to the Supreme Court.

Q. Didn't you express a similar attitude toward becoming Attorney General?

A. I did decline this post repeatedly—about 26 times, I think. I was finally persuaded to come down to the Justice Department and take the job that I am now carrying out at the request of the President—and, hopefully, in help of the President. I don't believe that any such circumstances exist with respect to a seat on the Supreme Court.

ATTORNEY GENERAL MITCHELL'S PHILOSOPHY IS "THE JUSTICE DEPARTMENT IS AN INSTITUTION FOR LAW ENFORCEMENT, NOT SOCIAL IMPROVEMENT"

(By Milton Viorst, a Washington-based freelance, wrote "Fall From Grace: The Republican Party and the Puritan Ethic")

WASHINGTON.—An old professional at the Justice Department, a talented lawyer who has seen administrations come and go, remembers with a certain chagrin his first meeting with his latest chief, Attorney General John N. Mitchell.

"The receptionist met me at the door of the office and, as she always had in the past, offered me a cup of coffee," he said. "With Ramsey [Ramsey Clark, the Attorney General from 1967 to 1969], I'd sometimes finish the coffee just waiting for him. Or, after he called me in, we'd sit across a table sipping coffee together, discussing the case I came to see him about, reviewing its practical and philosophical implications.

"When Mitchell summoned me, my coffee still hadn't cooled. I walked in with my papers in one hand, the cup and saucer in the other. Mitchell lifted his head from the desk and asked me what I wanted. I told him and he answered promptly. Then, with a nod, he dismissed me and returned to the papers on his desk. I was left standing there, the steaming coffee still in my hand, and I wasn't even certain how to escape."

John Mitchell is like that, a man stingy with his time, guarded with his amenities, quick and firm with his decisions.

He's every bit the successful Wall Street lawyer, whose day—whose mind, whose life—is structured to bring the greatest possible yield. He's every bit the puritan, whose mission is his work, whose work is too serious for a frivolous chat or a cup of coffee.

Mitchell is not so much a political partisan as a professional advocate who, finding himself in combat for a client, focuses his skill rather than his passion on preparing the best brief he can.

Until a year or so ago, his advocacy brought him wealth, a plethora of clients and, in a small but select circle, a reputation for excellence. Today, his monetary reward is modest. His clients are reduced to one: the President of the United States. Meanwhile, his reputation has spread spectacularly and he has become increasingly controversial.

It's not surprising, of course, that Mitchell is controversial, given the central theme of Richard Nixon's election campaign. As far back as his acceptance speech in Miami, Nixon declared: "If we are to restore order and respect for law in this country, there's one place we're going to begin. We're going to have a new Attorney General of the United States." The President's decision to give Mitchell the job is a tribute to his confidence in the man, for Nixon obviously has a great deal invested in it.

With characteristic economy of words, Mitchell sums up his conception—and Richard Nixon's—of the Department of Justice. "There's a difference between my philosophy and Ramsey Clark's," he says. "I think this is an institution for law enforcement, not social improvement." It is in translating this conception to practice that Mitchell has been generating debate.

He has significantly loosened the restrictions under which the F.B.I. and other Federal law-enforcement agencies may tap wires. Although he denies being arbitrary and says he has authorized fewer taps than earlier Attorneys General, he has certainly broken new legal ground by bringing to court the argument that the Government can tap the wires of domestic political organizations if it deems their objectives to be subversive.

Under his direction, the Justice Department has recommended a court-reform statute for the District of Columbia which contains a provision for the pretrial detention of those considered likely to commit further crime if freed on bond. Though the proposal is more limited than originally anticipated, it has evoked the strenuous opposition of the District of Columbia government and of most civil-liberties organizations. If passed by Congress and held constitutional by the courts, the plan is regarded as certain to become a model for other jurisdictions.

Against the advice of most of the career lawyers in the department, Mitchell approved the prosecution of eight leaders of the anti-war demonstrations—as well as eight policemen—at the Democratic National Convention in Chicago last summer. In his public statements, he has taken a hard line against student demonstrators, saying in one interview, "When you get nihilists on campus, the thing to do is to get them into court."

Mitchell has directed the F.B.I. to keep certain militant black organizations, particularly the Panthers, "under surveillance." According to Will Wilson, his assistant for the criminal division, "We put the problem to the F.B.I., telling them to watch carefully for violations. The F.B.I. takes it from there." As the record has been compiled, the F.B.I.'s "surveillance," many say, looks more like a campaign of pure harassment.

It is Mitchell, furthermore, who is considered the architect of the Administration's voting-rights bill, which liberals have denounced for provisions that weaken the protection given black suffrage throughout the South.

But whatever apprehensions some Americans may feel about the trends the Justice Department seems to be setting, President Nixon is clearly impressed with John Mitchell's work. In the power struggle that invariably rages about a President, Mitchell has emerged as a strong man of the Cabinet.

Some interpret the struggle as pitting the liberals against the conservatives in the Nixon entourage—with the liberals steadily losing ground. Mitchell vigorously rejects such an analysis.

"It's tommyrot that we are moving to the right," he says, mentioning as an example the controversy over the decision not to name Dr. John Knowles Assistant Secretary of Health, Education and Welfare and the choice instead of Dr. Roger O. Egeberg. "The Knowles appointment was no move to the right. Look at the guy who was actually appointed. He's more liberal than Knowles, according to his track record. And take the school-desegregation guidelines. These are procedures only to accomplish what wasn't being accomplished. As for the voting-rights bill, I think it is more liberal than the one we are trying to replace, because we are trying to assure the vote for all minorities, North and South.

"And if these people just take the preventive-detention title and run with the A.C.L.U., they'll say it's to the right. But if they read the whole bill, they'll see it's for the community's good.

"Of course, if you think the ABM or the surtax is going to the right, okay. But I don't see it that way."

If Mitchell denies that he's at the right end of the Nixon Cabinet, he is nonetheless hard-pressed to conceal his disdain for Robert Finch, the Secretary of Health, Education and Welfare, who is generally thought to be at the left end. In private conversation, Mitchell's been known to refer to him as "Secretary Fink." He dismisses as pure fantasy the story, published by Theodore H. White in "The Making of the President 1968," that Nixon invited Finch to be his Vice Presidential candidate. He considers the Knowles episode a "political abomination," which Finch could have avoided by acting decisively in the early spring. Mitchell is among those in the Administration who speak of "Finch's crowd" at H.E.W. with a hint of a sneer in their voices.

It is John Mitchell's observation that he is the Cabinet member to whom President Nixon pays the most heed—a contention that the men closest to the President rather readily confirm. Over the entire spectrum of foreign and domestic policy, he reveals, the President consults with him often, and he adds, with a sense of self-assurance, that he dispenses his counsel freely.

"Of course, you don't talk about your confidences with the President," he remarks, "any more than you do about your confidences with your wife.

"But I do work closely with the National Security Council, which is not a normal assignment for the Attorney General. And I have been working with the national intelligence apparatus, which extends over the whole lot. And I'm a member of the Urban Affairs Council, which considers most matters of domestic policy. So I think you can come to your own conclusions about the range of advice I give the President.

"I guess I see him once a day or more, when I go over to the White House. And during the course of the day we usually talk on the phone several more times. In the evening, he frequently calls me at home; I have a direct line from the White House switch-

board. I think he hears my views on most important questions, and I think he values my judgment."

On the face of it, there is something curious about the esteem in which Richard Nixon holds the word of John Mitchell. Nixon, after all, went through 20 years in politics—during which he came to know every major figure in American public life—before he even met Mitchell. As campaigner he had his pick of Republicans, and as President he can persuade virtually any American to come to his assistance. Yet he has chosen as his chief counselor Mitchell, who, until a year ago, had no experience in partisan politics, no recognized expertise in foreign affairs, a limited exposure to national economic problems and, what's more, not a shred of apparent interest in public questions. As a Wall Street lawyer, Mitchell was not even a member of the bar association in New York City. He belonged to none of the important clubs. He was not well enough known to be included in "Who's Who." From all appearances, John Newton Mitchell was an insignificant man.

But appearances, of course, can mislead.

Mitchell, born in Detroit in 1913, was raised by moderately wealthy, middle-class parents in suburban Long Island. He attended public schools in Blue Point and Patchogue and was graduated from Jamaica High in 1931, when the Depression was at its worst. Harvard was a possibility, he says, but "I wanted to be a lawyer and I was persuaded by a friend of my father's that it was more practical to go to law school in New York—easier to get a clerkship and pass the bar, greater exposure to professors who practiced New York law, easier to establish associations that would be useful later." Though a Protestant, he enrolled in Catholic Fordham, largely because it had an accelerated law program. After two years as an undergraduate he went directly into the law school, choosing the night over the day sessions because, he says, "I could work during the day and use my time better that way." His classmates remember him as a serious young man—but all young men were serious in those difficult days. He was independent-minded, nonpolitical and very intelligent, but not the No. 1 man in the class. He liked to have an occasional beer with his classmates, though they recall no particularly close friendship he made. In 1938, Mitchell received his law degree and shortly afterward was admitted to the New York bar.

The pattern of Mitchell's career was set in his second year at law school, when he obtained a clerk's job at the firm of Caldwell & Raymond on Wall Street. Old "Judge" James H. Caldwell had established a specialty as a bonding attorney, dating back to the railroad issues of the last century. Shortly after Mitchell graduated and became a junior member of the firm, Caldwell asked him to look into Syracuse's proposal to issue bonds for a public housing project, which the Judge designated a "dam fool New Deal idea." Mitchell did his research so well that he was called upon for opinions on an increasing number of similar proposals made by other municipalities. "Soon I began getting a percentage of the fees on this specialty," Mitchell said, "and was making more money than the partners. So just before I went into the service, they made me a partner." Before he was 30, Mitchell's name was added to the title of Judge Caldwell's firm. After three years in the Navy—during which he was commander of the PT squadron in which Lieut. John F. Kennedy served—he returned to the firm and to municipal bonding. Since those days, the profession has grown twentyfold or more, and with it grew not only the demands on Mitchell's legal services but also his prosperity.

Technical though municipal-bond law may be, it is a far less narrow specialty than it may appear at first glance. It required Mitchell to travel widely to meet with politicians who needed his advance to borrow for public purposes. It exposed him to the constitutional peculiarities of almost all the states, as well as to the political problems of his clients. It gave him a familiarity with the ways of city councils and state assemblies, and he learned to find his way through the thickets of bureaucracy. He acquired a facility for sorting out the complexities in dealings between Federal, state and local governments. And he came to know the major figures in the bond market, in financial underwriting and in investment banking. In short, he was a catalyst between major political and financial forces and, if he had no statutory power of his own, his advice was so highly regarded that he became a man of considerable personal authority.

Jerris Leonard, who directed Wisconsin's borrowing agency before becoming Assistant Attorney General for civil rights, calls Mitchell the architect of his state's borrowing program. In the nineteen-fifties, he says, Mitchell drafted the legislation setting up a semiautonomous agency through which the state government could evade its constitutional debt limitation. Later, he said, Mitchell drew up a constitutional amendment which abolished that limitation entirely and put the state on a full-faith-and-credit basis. "Coming from the Midwest, we were awed by New York and Wall Street, where we had to go for our money," says Leonard, "but we had confidence in Mitchell. He analyzed the alternatives carefully and when he gave us his judgment, we accepted it. We borrowed $100-million a year under the program he set up for us—and, of course, he received a percentage of all of that as his fee."

Mitchell's former law partners credit him with devising the scheme called "lease-financing," under which a municipality whose borrowing powers are restricted sets up a quasi-public corporation to build facilities, then lease them back for public use. They also credit him with being the financial wizard behind such New York undertakings as Co-op City, the huge apartment complex in the northeast Bronx; the Transit Authority's purchase of new air-conditioned subway cars, and the establishment of the Educational Construction Fund to reduce the cost of new schools by making them part of apartment buildings.

Mitchell's old associates also maintain that they recall no instance in which he discussed his political convictions. "I could never discern any political leaning from a conversation I had with Mitchell, and I had a thousand of them," says a former partner. "In talking about various bond problems, he never showed a preference for a conservative or a liberal position, for left, right or center." Since Mitchell had to deal with politicians of every kind, it was surely good business for him to reveal no ideological preferences. But his neutrality seemed to go deeper than that. Even John Mitchell II, now 27 and a Wall Street lawyer himself, cannot remember his father's ever having expressed strong political beliefs at home. Says the ex-partner, "I think his bond with Nixon was personal, not political. He seemed to look at Nixon as a client for whom he was compelled to do his best professional work."

Richard Nixon first encountered Mitchell a year or two after migrating to New York from California, where he had been defeated for the governorship. Nixon became the senior partner in the hoary firm known "on the street" as Mudge, Stern (later Nixon, Mudge). Mitchell was the key man in the more specialized firm of Caldwell, Trimble & Mitchell. Their first meetings were as cooperating attorneys, Nixon normally representing the underwriters of bonds, Mitchell the issuers. The two found each other congenial and each respected the other's legal abilities. On a number of occasions, they journeyed to Washington for joint appearances before one Federal regulatory agency or another. Largely out of the relationship between Nixon and Mitchell grew the idea for a merger of the two firms.

In the merger, Nixon, Mudge obtained a group of highly specialized, well-regarded collaboraters who brought with them clients of great potential, while Mitchell got the good name of a rather respected general law firm with the multitude of services it could provide. The partnership took the title of Nixon, Mudge, Rose, Guthrie, Alexander & Mitchell, and on Jan. 1, 1967, John Mitchell moved over to his new office, adjacent to Richard Nixon's, at 20 Broad Street. For all practical purposes, the leadership of the firm had passed into the hands of Nixon and Mitchell.

After the merger, relations between the two men ripened. They met almost daily for business discussions, usually lunched together and frequently shared accommodations on their trips. They played golf together, though Mitchell is of tournament caliber and Nixon just a duffer; they were both avid readers of the sports pages. The Mitchells visited the Nixons at their Fifth Avenue apartment, and the Nixons drove out to see the Mitchells in their roomy frame house in Westchester County. When Nixon began thinking again of running for President, it was natural enough that he should turn for advice to his partner and friend, whatever Mitchell's inexperience in the Presidential stakes.

Mitchell undertook his first real assignment for Nixon by going out to Wisconsin to organize the state. Waiting for him out there was Jerris Leonard, who was planning to run for the Senate, as well as a host of other Republicans he knew. Mitchell was untroubled by the shift from detached professional to committed partisan. "I went out there as a friend, to put together a Nixon team for the national convention," he says. "I knew how to deal with politicians. I had a lot of personal relationships I could count on. I never had a client in my life I didn't call by his first name." Mitchell rounded up his contacts in Wisconsin, put together his organization and left. He repeated the process in about a dozen states, all of which were nailed down—and stayed nailed down—for Nixon by convention time in August.

Meanwhile, Nixon was having trouble with the over-all direction of his campaign for the nomination. For various reasons, three chairmen—Gaylord Parkinson of California, Henry Bellmon of Oklahoma and Robert Ellsworth of Kansas—withdrew in quick succession. All the time, Mitchell was there at Nixon's side in New York, clearly not jockeying for position but ready to take on whatever tasks had to be done. Without fanfare, Mitchell seemed to handle any assignment that came his way confidently and skillfully; almost by default, power seemed to flow to him. Gradually, Mitchell was conceded the actual supervision of the campaign, though he was not announced as manager until mid-May. After the smooth success of the Miami operation, Nixon simply kept Mitchell on as manager for the election campaign itself.

But, despite his authority, it is surely not true that Mitchell—as has often been alleged—devised the so-called "Southern strategy" of the Nixon campaign. The strategy was established more by consensus than by any one man's genius. Nixon and his advisers, from top to bottom, analyzed the elements in the race and agreed that victory would lie in a coalition of Southern and Western states. Mitchell's chief contribution, after the polls promised that the strategy would succeed, was to stand firm against any departure, however great the momentary temptation. As one top Nixon aide put it, "Our formula was to hug the ball, fall down and watch the clock." Mitchell was the flawless administrator, not the originator of ideas, in Nixon's victorious campaign.

If Mitchell contributed anything fresh at all, it was the professionalization of the campaign organization. In most campaigns, whether Democratic or Republican, it is considered essential that every major faction of the party have a hand in running the show. As a result, most campaigns wind up overstaffed, with the personnel often distracted by unproductive, sectarian debate. Mitchell, however, declined to pay tribute to factionalism and kept the staff lean and on its toes. Some of Nelson Rockefeller's supporters recall that Mitchell received them one day, listened to their complaints and summarily dismissed them, as if to say, one of them reported, "Boys, we're going to run this election without your help, thanks." Once converted to "the plan," Mitchell became its chief partisan, and what didn't contribute to advancing it didn't interest him at all.

Of course, some Republicans who had never heard of Mitchell did not share the Presidential candidate's confidence in his man. One day, a group of Republican Congressmen invited Mitchell to meet with them on Capitol Hill. As the story has passed into Washington lore, Congressman Clark MacGregor of Minnesota asked Mitchell what qualifications he had to run the campaign. "I'm the only man who can say 'no' to Richard Nixon," was the reply. Mitchell himself tells the story a bit more elaborately. He says he told MacGregor, "I've made more money in the practice of law than Nixon, brought more clients into the firm, can hold my own in argument with him and, as far as I'm concerned, I can deal with him as an equal." Whether or not the answer satisfied the Congressmen, the smooth operation of the Nixon campaign tended to still any criticism of Mitchell's appointment.

One of the insiders at the Nixon headquarters notes that Mitchell's lack of ideology had disadvantages, as well as advantages, in the course of the race. He said Mitchell seemed to think he could buy almost anything—including New York State—and relied too heavily on money. He hired a former network executive as a press aide on the ground that he would know how to intimidate the television correspondents. "I never heard Mitchell say, 'this is right' or 'this is wrong,'" said the former campaigner. "Expressions like that are not part of his vocabulary. What he says is 'it works' or 'it's feasible.'" Whatever guidance Mitchell offered on the issues of the campaign, said the ex-insider, depended on what the polls showed.

"Anyone who's honest," says Mitchell himself, "will admit you never know what you did right or wrong in a campaign. But this one was relatively easy. The factors were clear. We just set a course and stuck by it. And when you win, why then you look good."

Over and over again, during the course of the campaign, Mitchell was asked whether he would accept a high Federal appointment if Nixon were elected. He was invariably emphatic in his answer. The Daily Bond Buyer, the organ of his legal specialty, recorded the following interview shortly after the Miami convention:

Q. "When do you intend to return to your law practice?"

A. "Nov. 6, the day after the election."

Q. "Do you mean to say, sir, that you are totally invulnerable to a bit of Presidential arm-twisting, that you wouldn't be tempted by a strong request to become Attorney General or Secretary of the Navy?"

A. "Absolutely not. I am invulnerable. I will never accept a Cabinet post. You know all of our banker friends say I'll accept some plum, and I offer all of them 10 to 1 that I won't. You could do them all a favor by reporting that I mean what I say."

Mitchell is not embarrassed by such early disclaimers. He says he agreed to become Attorney General only because President Nixon insisted on it: "I'd like to return to a quieter life of practicing law and playing golf. I hope they're keeping my seat warm for me at the firm, but I'll stay as long as the President wants me." Meanwhile, he says, he's trying to get the Justice Department "to work."

For Mitchell, getting the department "to work" means arriving at the office at 8 A.M. in a chauffeured limousine, one of the perquisites of Cabinet rank, from his comfortable apartment at the stylish Watergate, where he lives with his wife and 8-year-old daughter, both of whom are named Martha. (Mitchell has a son—the Wall Street lawyer—and a grown daughter by an earlier marriage, which ended in divorce in the nineteen-fifties.)

His day is carefully divided into half-hour segments, of which his subordinates rarely get more than one at a time. Normally, he sees visitors—from both inside and outside the department—from 9 A.M. to 6 P.M. His lunches each week average three at his desk, one with the staff and one on Capitol Hill or at the White House. He usually leaves for home about 7, sometimes a little later.

Mitchell takes personal responsibility for all his speeches. Normally, he outlines them himself in longhand in considerable detail, then turns them over to various divisions of the department for elaboration and checking. Occasionally, he asks Jack Landau, his director of public information, to prepare a first draft. "Make it a big speech," he told Landau, a liberal former newspaperman, when preparations began for his castigation of student radicals last May. When a speech is finished, Mitchell goes over every word of it, "down to the last decimal," Landau says.

The Attorney General is obviously much more comfortable with his job now than he was at first, when word kept filtering out of the department that he was cold, distant and irascible. He is essentially a good-humored man who prefers easy relations to hard discipline, though one would never call him casual in his dealings with people. In company, he is never without his pipe, which he lights and relights. His long-time associates insist it is a device he uses to keep calm, but he maintains that he is not particularly nervous, and if his hands tend to tremble it is the result of a shrapnel wound suffered during the war. Even during the toughest moments of the campaign, Mitchell apparently never lost his self-possession or his temper. As Attorney General, he still does not trust himself to deliver impromptu speeches, but he has developed considerable skill at give-and-take with the press, and even some non-Mitchell men in the Justice Department confess to having acquired a certain fondness for him.

Mitchell himself displays a quiet, ironic humor about his role at Justice. "I get here in the morning," he says, "they wind me up, hand me a schedule and off I go." He obviously is not enthusiastic about the social side of his work, and only reluctantly attends even a minimum of parties at embassies, the White House and the homes of prominent figures in Government or journalism. "I've got long hours and almost no weekends," he says. "I generally get home in time to put on my black tie or an old shirt. Then I start with a Scotch on the rocks and, after dinner, move on to the paper work."

Dealing with the Fortas episode, Mitchell says, was his most painful assignment as Attorney General. As he saw it, the case involved a potential constitutional crisis as well as a confrontation between political parties and top personalities. Mitchell wanted to handle the matter as discreetly as possible, in a manner befitting colleagues in the legal profession. He chose to pay a quiet call on the Chief Justice to pass along all the information he had on the case. To this day, the Justice Department refuses to disclose what Mitchell told Chief Justice Earl Warren, but a few days after the meeting Justice Abe Fortas resigned from the Supreme Court. After news of his visit to Warren became public, Mitchell was shocked at the criticism leveled at him for somehow abusing the prerogatives of his office.

But the Attorney General's labor is only one ingredient in getting the Justice Department "to work," and there are some who argue that if John Mitchell were sincere he would not have picked a group of frustrated politicians as his principal assistants. Robert Kennedy, these critics say, established the precedent of hiring the best lawyers available to head the divisions of the department. Among Mitchell's appointments, Richard G. Kleindienst, the Deputy Attorney General, was defeated for Governor of Arizona in 1964. Jerris Leonard, head of the civil-rights division, was beaten for the Senate last year, as was William D. Ruckelshaus, head of the civil division. Will R. Wilson, head of the criminal division, ran for the Senate against John Tower in Texas in 1961, before changing over to the Republican party. The critics suggest that such appointees create the impression, justified or not, that the department functions with an eye on politics. Such an impression, they argue, drives away the best lawyers. They add that personnel is more important than policy in making sure that the department "works."

John Mitchell becomes impatient at the implication that his assistants are political appointees. "There were no political considerations in the choice of any of these people," he says. "Dick Kleindienst worked with me throughout the campaign, and he was made for the job. I've known Jerry Leonard for 10 years, and he's extremely capable. Ruckelshaus couldn't be more qualified. Wilson was the Attorney General and a Supreme Court judge in Texas. They are all my personal selections, and I had a specific reason for picking each one. They all had a certain expertise and I fitted them into the slots where I thought they would go best."

Mitchell has also been said to lack feeling for the current black revolution and to owe political obligations to the South, chiefly in the person of Senator Strom Thurmond of South Carolina, who delivered the bulk of the South's delegates to Richard Nixon at the Republican convention. Mitchell denies both allegations. He cites the reputation he acquired as a bond lawyer in the field of public housing as proof of his liberal credentials. As for a debt to the South, he says, "If the President has an obligation to Thurmond, I don't know of it and I never heard him talk of it. And I've got no political debt to anyone."

Jerris Leonard, who once told a visitor that he spends much of his time dodging arrows fired at him by Senator Thurmond, is a little more illuminating on the attitude the Justice Department brings to the problem of civil rights. "Both John Mitchell and I," he says, "are pragmatic, 1969 conservatives. We face up to the facts of life as they are. We know civil rights are something that the times require." If John Mitchell still uses the word "colored" in his conversation, he nonetheless recognizes the need to press desegregation suits in the courts. If he tried to render homage to the South—whatever the assertions about Senator Thurmond—by modifying one provision of the voting-rights act, he acknowledged that he would have to compensate for it by strengthening another.

"He knows the job has to be done," says Leonard. "He's interested in what works—and I agree that's different from a philosophical commitment to the civil-rights movement. We don't get involved in the emotion of it all, but we understand how important it is to get results."

Clearly, however, the results in which Mitchell is most interested lie not in the area of civil rights, but in the area of law and

order, for it is here that President Nixon has made his greatest political investment. It is in this area that Mitchell must succeed if the President is to make good on his campaign promises. It is to strengthen the department here that Mitchell has become a partisan of wire taps, preventive detention, the prosecution of peace demonstrators and the "surveillance" of Black Panthers. It is in this area, more than any other, that Mitchell wants the department "to work," and it is law and order with which the department is largely preoccupied.

Even when one talks to Richard McLaren, the Assistant Attorney General for antitrust work, the discussion gradually shifts from the subject of conglomerate mergers, on which he's been rather aggressive, to the use of the antitrust laws for fighting organized crime to which he is giving increased attention. "The very basis of organized crime," he says, "is anticompetitive practices, the allocation of territories, unfair concentration. My predecessors began this work, but we're expanding it to see if we can't find criminal violations in these predatory practices."

"The former Attorney General, whom I like and admire," says Deputy Attorney General Kleindienst, once a strong Goldwater supporter, "was not willing to make use of adequate enforcement personnel from the beginning in the case of civil disturbances, for fear of appearing repressive. As a result the disorders escalated and got out of hand. This Administration is prepared and willing and ready to act immediately. As soon as we're notified of danger, we'll have the National Guard in the armory and the Army on two, four or six-hour alert. . . .

"Our interest is in better-trained, more sensitive police officers. We'd like to encourage the recruitment of more black policemen. But I don't conceive it to be a function of the Department of Justice to be a policeman of policemen. . . .

"We're going to enforce the law against draft-evaders, against radical students, against deserters, against civil disorders, against organized crime, and against street crime. We have several draft-evader cases in the process of being filed. If we find that any of these radical, revolutionary, anarchistic kids violate the law, we'll prosecute. In the last Administration, the Democrats' political debt to Negroes was so great that they were deprived of the capacity to act forcefully. We can't let any segment of society have the privilege of conducting itself lawlessly or the entire fabric of society breaks down."

"I obtained this job," says Will Wilson, Assistant Attorney General for the criminal division, "after I told Senator Tower that I was interested in rackets and organized crime. As a D.A., I was known as an aggressive prosecutor. I don't believe in permissive law enforcement. Tower suggested me to Nixon and Nixon to Mitchell."

Shortly after he was appointed, Wilson instructed Nathaniel E. Kossack, his first assistant, to rout out the "left-wingers" in the department. Kossack, a respected career official who first served under Attorney General William Rogers, promptly announced his resignation. Mitchell got him a post of equivalent rank in another Federal department.

Wilson also proposed reopening the department's case to ban the movie "I Am Curious (Yellow)," but Mitchell overruled him on the ground that the courts would never sustain the action.

"Nixon's interest in crime will make it a public issue," says Wilson. "It will make it an issue at the local level, through the police chiefs and the men on the beat. We're getting substantial increases next year for the F.B.I. and other anticrime personnel. We're getting improved civil-service ratings, which will improve hiring and morale.

"We're also mounting two new strike forces, one in Boston and one in New York. Ramsey Clark had the first conception of the strike force, to put prosecutorial and investigative people on a single team. It's a head-hunting team, and it's worked well against organized crime. We're expanding the concept to include financial analysis of local police.

"Looking for statistics is premature, but there's surely been an upsurge in enthusiams for fighting crime. I'm sure we're getting results.

Clark's trouble was that he was philosophically concerned with the rights of the individual. Our concern is more an orderly society through law enforcement. Clark put too many restraints on the law-enforcement agencies. He was like a football coach warning his players not to violate the rules, when he should have been telling them to go in there and win. I'm not opposed to civil liberties, but I think they come from good law enforcement."

Some people, of course, think that good law enforcement comes from attention to civil liberties. One of them, Lawrence Speiser, the Washington representative of the American Civil Liberties Union, says it is customary for an A.C.L.U. delegation to pay a courtesy call on a new Attorney General. It took six months, through letters and phone calls, Speiser says, to arrange a meeting with Mitchell. But the Attorney General does not seem concerned about any charges the A.C.L.U. or his other critics may level at him. He says:

"I've got a tough enough hide. I love the fact that all the liberals are jumping over me now for wire-tapping, when it was all done by our liberal friends Kennedy, Katzenbach and Ramsey Clark. But I don't much care what the press or anyone else says about me. I didn't ask for this job. I've got no political ambitions, so it doesn't matter. I've never had time to sit around drinking whiskey and discussing philosophy. I just try to get things done."

THE CONVENTION ON POLITICAL RIGHTS OF WOMEN EXCLUDES COMPULSORY MILITARY SERVICE FOR WOMEN

Mr. PROXMIRE. Mr. President, for the last several weeks, the Senate has been considering a vitally important item—the military procurement authorization. For the last 9 months, I have been urging the Senate to consider what I believe to be another important issue—ratification of the Human Rights Conventions. I continue to call your attention to the Convention on the Political Rights of Women.

Article 3 of the Convention states:

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

Questions have arisen over the meaning of the terms "public office" and "public functions" used in this article. Former Secretary of State Dean Rusk, in his letter submitting the Convention to President Kennedy, explained:

The phrases "public office" and "public functions" in article 3 have been interpreted to include a wide variety of appointive as well as elective offices. However, during the discussions in the General Assembly and in the Third Committee there was general agreement that the provisions of article 3 do not apply to military service.

In voting approval of the Convention, Eleanor Roosevelt, who represented the United States on the Human Rights Committee, stipulated that the U.S. Government understood that the term "public office" did no include military service and that the terms "public office" and "public functions" were coterminous. This understanding has been generally accepted by the committee during the development of the Convention.

It is clear that we can ratify this Convention with the explicit understanding that women need not be compelled to serve in the Armed Forces. Without weakening the Convention, we can state our interpretation of the treaty before adding our name to the growing list of signatories. In any event, there is no reason why this should pose an obstacle to our ratification of the Convention on Political Rights of Women.

I urge the Senate to ratify this Convention without further delay.

THE ABM

Mr. HART. Mr. President, last Tuesday, the day before this body voted on several amendments concerning the anti-ballistic-missile system, the distinguished Senator from Alaska (Mr. GRAVEL) delivered his maiden speech. He chose as his topic an analysis of the ABM question. The following day, the New York Times published an editorial on the ABM and in so doing quoted Senator GRAVEL's address. I would like, at this time, to introduce that editorial into the RECORD as a tribute to the success and influence of my colleague's maiden speech. That his thoughtful, strong counsel will be in the service of the Senate in the years ahead is reason for all of us to thank the electorate of Alaska.

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

[From the New York Times, Aug. 6, 1969]

DELUSIVE SAFEGUARD

The central issue that confronts the Senate when it votes today on the Safeguard antiballistic missile system (ABM) is the necessity for halting an expensive and dangerous new round in the nuclear missile race with the Soviet Union.

Much more is at stake than the specific Administration measure on the floor, which involves ABM deployment initially at two sites to protect Minuteman silos. The possibility of stopping the twelve-site, second-phase city defense system will be much diminished if the first-phase system is approved now. A race with the Soviet Union to develop new offensive missiles and thus overwhelm the new defenses will be the almost inevitable consequence.

By contrast, a Senate vote to postpone Phase I Safeguard deployment would have enormous psychological impact. It would increase the chances of heading off any further American escalation of the offensive or defensive missile race until the strategic arms limitation talks (SALT) reveal whether Moscow is prepared to freeze the nuclear balance at the present level.

The chief argument of the pro-ABM forces in the Senate is that a vote for Safeguard deployment would strengthen the Administration's hand in the SALT talks. The White House has indicated that it might be willing to forego ABM protection of Minuteman sites if the Soviet Union halted further deployment of its offensive SS–9 intercontinental ballistic missiles, a possible threat to Minuteman.

But the White House fact sheet on Safeguard states that "those parts of the Safe-

guard program designed for defense against China (the twelve-site, city defense Phase II system) . . . would not be affected by arms control agreements with the Soviet Union, nor do we expect the Soviet Union to forego deployments designed for similar purposes." Phase II deployment of almost 1,000 anti-missile missiles would give the United States a system more than ten times the size of the Moscow system which the Soviet Union until recently was deploying.

Senator Mike Gravel of Alaska posed the right question in this regard yesterday when he asked: "What will happen when the Soviet Union insists in the arms discussions on the right to build a missile defense equally large? His answer, which exposed the crucial issue at stake, was:

"Then we shall surely insist on maintaining our MIRV multiple warheads (for offensive missiles) to be able to penetrate that defense. Then they will insist on maintaining their MIRV warheads to match us. Then we shall fear that their MIRV warheads can destroy Minuteman. Then this debate will continue. And on and on and on. Each new weapons system triggers development and deployment of another . . . We don't want to be constantly responding to the responses we've ourselves induced."

There are other valid arguments against Safeguard deployment. The vast sums that would go into a futile new arms race are desperately needed to solve urgent domestic problems. There are serious doubts about the effectiveness of the system and a real possibility of catastrophic failure should it ever have to be used. All five of the Science Advisers to Presidents Eisenhower, Kennedy and Johnson have criticized the plan.

Moreover, the Administration has failed to make a case for the urgency of the Safeguard decision. If any of the other options for Minuteman defense were selected—superhardening of silos, more Minuteman, more Polaris submarines, more bombers—there would be no need for a decision for another year or two.

If the Senate votes "no" today, it will not be foreclosing the possibility of defending Minuteman by later action. But if it votes "yes," it may well doom the nation to another huge escalation of costs and forces in an extension of the suicidal arms race.

THE ST. LAWRENCE SEAWAY: MILITARY CARGO TEST PROGRAM IS JUST A FIRST STEP

Mr. PROXMIRE. Mr. President, several months ago, the Department of Defense instituted a test program for shipping military cargo. The program is designed to show—and is showing—that it is most favorable to ship military cargo which is manufactured in the Midwest via the Great Lakes and the St. Lawrence Seaway, rather than hauling the cargo overland by rail to the east coast before loading it aboard oceangoing vessels.

This program represents a very significant step in the right direction. But as Senators have pointed out, it is just a beginning. The Senator from Michigan (Mr. GRIFFIN), has been in the forefront of the long struggle to see that the Great Lakes-Seaway waterway system gets the full share of cargo which it rightly deserves. Senator GRIFFIN has recently written a letter to Defense Secretary Laird suggesting various ways of redressing this imbalance in cargo shipments—among them, possible modification of the Nation's cargo preference laws.

The Senator from Michigan deserves a world of credit for his vigorous and forthright efforts to further the economic growth of America's heartland. I ask unanimous consent that the July 30, 1969 letter from Senator GRIFFIN to Secretary Laird be printed in the RECORD, so that Senators will have an opportunity to consider the worthwhile suggestions contained in the letter.

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

U.S. SENATE,
Washington, D.C., July 30, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Recent press reports have come to my attention indicating that the Senior Senator from Maryland and several others from tidewater States on the Atlantic seaboard have written to you urging the discontinuance of the current American-flag shipping service provided some Great Lakes ports by the Military Sea Transportation Service. Such reports have disturbed me greatly and I wish to convey to you my personal and most vigorous opposition to any proposed discontinuance of such service at this time.

As you well know from personal experience, it is important to the economic development of the area that adequate Great Lakes-St. Lawrence Seaway transportation be available at reasonable cost. Yet this is being effectively thwarted by a host of discriminatory transportation rates and practices applicable to both inland and water carriage.

The Special Subcommittee on the Study of Transportation on the Great Lakes-St. Lawrence Seaway of our Senate Committee on Commerce, in a report dated September 13, 1965, reported:

"There should be a program to utilize American ships for seaway trade.

"A transportation axiom, 'Ships will go where the cargo is,' appears to be untrue on the seaway. After 6 years of operation and a history of increasing cargo each year, the seaway has proven itself as a rich and stable source of traffic and trade. However, there is an obvious scarcity of American ships at Great Lakes ports. It must be recognized that the development of inland cargo is not the only answer to the development of American shipping on the Great Lakes. Artificial barriers must be removed. Foremost among these are necessary changes in the administration of the cargo preference laws. The Great Lakes ports should not be combined with the North Atlantic coast ports to determine availability of American bottoms for Government and foreign aid shipments. This is not logical in terms of geography or economy. It has encouraged the shipowners to rely on the railroads to grant section 22 rates for transportation of cargo to North Atlantic ports, which in turn enables the shipowners to obtain their cargoes at the coastal ports rather than at the Great Lakes ports.

"When traffic has become sufficiently developed, a separate essential trade route should be established to provide direct service between Great Lakes ports and ports in specific overseas foreign areas."

Pursuant to Section 211 of the Merchant Marine Act of 1936, as amended, (46 U.S.C. 1121) the last paragraph of the above quoted recommendation has been implemented. The Maritime Administration has determined that direct service between Great Lakes ports and specific overseas foreign areas is essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States and to the national defense.

As a matter of fact, in 1960 the former Federal Maritime Board observed that "Section 211 of the Act clearly indicates that the Act contemplates contracts covering American-flag service on routes and lines which may not be profitable." (Grace Line Inc.—Contract Modification Route 33, FMB Docket No. S–113; decided, July 14, 1960.) Subsequently, the successor organization, the Maritime Subsidy Board, noted the following:

"The past U.S.-flag service, which has carried only military cargoes, has not afforded the opportunity to develop commercial carryings that are potentially available. The establishment of a regular service should generate additional cargo, which will be enhanced by recently improving terminal and loading facilities of the Great Lakes ports." (American Export Lines, Inc.—U.S. Great Lakes/Mediterranean Freight Service, MSB Docket No. S–135; decided, October 16, 1963).

Unfortunately, notwithstanding these findings, what little subsidized American-flag shipping service which has been provided to the Great Lakes has been allowed to be withdrawn.

Under the present statutory scheme applicable to government-generated cargoes, the only effective relief presently available to Great Lakes ports is that now provided for by the Military Sea Transportation Service. This was pointed out quite succinctly by the Comptroller General of the United States in a letter to your office dated December 23, 1968 (Comp. Gen. B–165421) which noted in part the following:

"In view of the foregoing considerations, we are obliged to conclude that the present policy change proposal, which would result in the transfer of military shipments from American ships at tidewater ports to foreign ships at Great Lakes ports, would be illegal. There are some alternative changes, however, which might permit the use of Great Lakes ports and not result in violations of the 1904 act because foreign ships would not be used.

"If military supplies are being purchased in any great volume from plants located in the Great Lakes basin, *it might be advantageous, from a cost standpoint,* to arrange for the carrriage of such supplies from Great Lakes ports in vessels controlled by or owned by the Military Sea Transportation Service (MSTS). The use of such vessels would not seem to deprive privately owned American ships of cargo because, in effect, the MSTS vessels would be merely diverted from present cargo carrying operations to future operations, as needed, from Great Lakes ports." (emphasis added)

While it is a helpful step, needless to say, the limited relief now afforded falls far short. I would urge you to use your good offices to amend or repeal the present cargo preference laws so as to permit adequate shipping services to the Great Lakes region and facilitate its potential economic growth. Such laws have proven to be unduly burdensome upon the development of Great Lakes ports of the several States.

When speaking on the occasion of the 10th Anniversary of the St. Lawrence Seaway on June 27th, President Nixon observed:

This Seaway, *which opened the heartland of Canada and the heartland of America,* this Seaway which was conceived by men who dreamed of great things and was put into being by men who were able to produce them, the practical engineers, . . . is an indication of what can happen when nations can work together, when they can be at peace with each other."

It would be unfortunate indeed if that "opening" should, in effect, be closed and those "dreams" should be thwarted by discriminatory interests.

With best wishes and warm personal regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS ENDORSES S. 15

Mr. PEARSON. Mr. President, the National Federation of Independent Business recently polled its 267,643 members to ask if they would favor or oppose the enactment of the Rural Job Development Act of 1969—S. 15—which the distinguished Senator from Oklahoma (Mr. HARRIS) and I introduced on January 15. The federation has just notified me that the poll showed 65 percent in favor of S. 15, 29 percent opposed, and 6 percent undecided.

These results are, of course, very gratifying to me personally and I was particularly pleased to see that 76 percent of the independent businessmen in Kansas are in favor of this bill. But beyond this, I think these results are of major significance for they show that a very substantial majority of our independent businessmen recognize the necessity of expanding economic opportunities in our smaller towns and cities and believe that tax incentives would be an effective means of attracting new job-creating industries into these smaller communities. Indeed, I would suggest that a majority of all Americans agree with this view.

The Rural Job Development Act has been endorsed by a large number of groups and individuals and I consider the endorsement by the National Federation of Independent Business to be one of the most important and valuable. I ask unanimous consent that the federation's press release announcing the result of their poll on S. 15 be printed in the RECORD.

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

THE BRIEF FACTS

Overcrowding of the nation's cities has compounded many serious problems, while the basic problem of rural small-town America—lack of economic growth and job opportunity—continues to drive more people into metropolitan areas. The proposed Rural Job Development Act, S. 15, by Senators James Pearson of Kansas and Fred Harris of Oklahoma, is designed to stimulate the rural economy. It would provide four tax incentives for businessmen to locate new enterprises in areas designated by the Secretary of Agriculture. The bill is favored by 65 percent of the independent businessmen and opposed by 29 percent, with 6 percent undecided, the National Federation of Independent Business finds.

"Promises, promises!" This refrain is not only being popularized on Broadway, but expresses the mood of many businessmen looking to Washington for the politicians to make good on last year's pledges.

While the Administration has been pushing for repeal of the 7-percent investment credit, the nation's independent business owners want to remind the Administration that the 1968 Republican Platform endorsed this same tax incentive principle as a means of spurring economic development of rural areas.

As an anti-inflation move, President Nixon has sought repeal of the existing investment tax credit, which has helped large and small businesses modernize. This permits businesses to subtract from their Federal income tax bill 7-percent of the cost of new machinery and equipment.

Not only is repeal unpopular in a tight-money period, but a majority of the independent businessmen want the tax credit principle enlarged to stimulate the economy of "small-town America", says the National Federation of Independent Business.

A Federation poll shows 65 percent of the business owners favor passage of the Rural Job Development Act, proposed by Senator James Pearson of Kansas and Senator Fred Harris of Oklahoma. When introduced, 35 Senators signed as cosponsors. It embodies the principle of legislation first proposed four years ago by Representative Joe L. Evins of Tennessee.

For new businesses established in designated rural areas providing at least 10 new jobs, the bill would give a 14-percent tax credit on machinery and equipment purchases, a 7-percent credit on land and building investment, accelerated depreciation of improvements and a tax incentive for on-the-job training of workers recruited from the immediate area.

The areas would be designated by the Secretary of Agriculture on the basis of employment decline, low incomes or the closing of Defense Department installations.

Senators Harris and Pearson, and almost two-thirds of the independents, believe this incentive package would solve several related problems, principally the economic stagnation of many rural communities, and the continuing migration of job-seekers from these areas into congested cities, where many find only further despair and unemployment doles. The legislation may also contribute to relief of welfare, slum and other city problems.

Senator Pearson says incentives of this type are needed "to overcome some of the factors which otherwise discourage expansion into these areas", chiefly higher transportation costs and shortages of trained labor. He contends that tax policy can influence business investment toward constructive social and economic ends.

In its poll, the Federation found only 29 percent of the businessmen opposed to the Pearson-Harris bill, and 6 percent undecided. The Federation points out that substantial support was registered even though few independents could undertake new enterprises large enough to qualify for the benefits. However, many would indirectly benefit from corporate expansions into their communities.

Businessmen in (name of state) ____ responded with ____ percent supporting the bill, ____ percent opposed and "no vote" by ____ percent.

The Rural Job Development Act is more liberal in benefits than the original Evins bill, which has gained bi-partisan support in the House Small Business Committee. The Evins bill requires 20 new jobs to qualify and provides one 7-percent credit and rapid amortization of costs.

The new Senate proposal is more restrictive, however, as to where the benefits will be allowed. The bill provides that the Secretary of Agriculture would designate "rural job development areas"—counties in which employment has decreased at least 5 percent in the past five years, or 15 percent of the residents have "poverty" incomes of $3,000 a year or less. No county with a city of 50,000 population could be designated, as the bill is now written.

One businessman in Montana expressed the problem well: "I live in a slightly declining or perhaps level area with very little new activity. Although I am able to show a business growth, it is at the expense of my competitors. New business is not here. Right now we are unable to attract young men and new money into our community. Our tax base is declining each year, but inflation is constantly raising costs. Without immediate help, this community and many similar communities are going to be in serious trouble . . ."

Two-thirds of the independent business owners believe this tax-incentive measure could end the gross economic imbalance between metropolitan and rural areas which has concentrated some 90 percent of U.S. population onto little more than one (1) percent of the land.

State tabulations attached.

STATE BREAKDWON FIGURES—PROVIDE 7-PERCENT TAX CREDIT TO BUSINESS TO ENCOURAGE DEVELOPMENT OF RURAL AREAS

State	Percent in favor	Percent against	Percent undecided
Alabama	69	26	5
Alaska	64	32	4
Arizona	66	28	6
Arkansas	62	31	7
California	61	32	7
Colorado	65	29	6
Connecticut	57	34	9
Delaware	64	31	5
Florida	56	37	7
Georgia	72	23	5
Hawaii	57	43	----------
Idaho	66	29	5
Illinois	61	32	7
Indiana	63	31	6
Iowa	65	29	6
Kansas	76	20	4
Kentucky	57	41	6
Louisiana	66	28	9
Maine	63	32	5
Maryland	59	34	7
Massachusetts	65	29	6
Michigan	61	33	2
Minnesota	69	25	6
Mississippi	73	23	4
Missouri	68	26	6
Montana	64	27	9
Nebraska	72	24	4
Nevada	61	31	8
New Hampshire	57	35	8
New Jersey	60	33	7
New Mexico	67	27	6
New York	62	31	7
North Carolina	60	34	6
North Dakota	72	21	7
Ohio	58	36	6
Oklahoma	71	23	6
Oregon	59	31	10
Pennsylvania	65	30	5
Rhode Island	64	33	3
South Carolina	67	26	7
South Dakota	75	21	4
Tennessee	69	25	6
Texas	67	28	5
Utah	60	32	8
Vermont	70	26	4
Virginia	65	28	7
Washington	63	30	7
Washington, D.C.	50	42	8
West Virginia	61	33	6
Wisconsin	64	31	5
Wyoming	65	28	7

CHAIRMAN MARTIN REPORTS ON MONETARY POLICY

Mr. PROXMIRE. Mr. President, last year, in the 90th Congress, while I was chairman of the Joint Economic Committee, we persuaded the Board of Governors of the Federal Reserve System to initiate the practice of reporting quarterly to the committee concerning the System's execution of monetary policy and developments in money and credit markets during the immediately preceding quarter. The Honorable William McChesney Martin, Jr., Chairman of the Board of Governors, has just transmitted the Board's report for the second quarter of 1969 containing a most useful review of recent developments which I think will be of great value to Members of the Congress.

This report reveals that the total reserves of the banking system rose only 1.2 percent per year during the second quarter as Federal Reserve open market operations remained restrictive. With pressure maintained on bank reserve positions, total member bank deposits subject to reserve requirements continued

to fall, experiencing an annual rate of decline of almost 2 percent during the second quarter.

The money stock increased during the second quarter at an annual rate of 4.5 percent compared to 2.7 percent in the first quarter and more than 6 percent during the second half of last year. I am pleased that the Federal Reserve Board has taken action to bring the growth in the money supply within the 2- to 6-percent guidelines of the Joint Economic Committee. I am sure that the third and fourth quarter increase in 1968 of more than 6 percent contributed to the inflation which we are now experiencing. I would hope that the increase in the supply of money from the first to the second quarter does not represent a trend. The recent constraints on the banks due to a slow increase in the money supply this year has led them to stiffen lending terms during the quarter, evidenced by the rise in the prime rate to 8½ percent in early June.

Bank loans expanded at a little less than the first quarter pace, and this, in turn, was below the second half of last year—in fact, banks were compelled to sell some loans outright in order to accommodate new loan demands.

Throughout this report are evidences of the growing impact of a restrictive monetary policy beginning to produce a slowing in the growth in the use of credit but with its sharpest impacts still ahead, particularly in the residential mortgage field. This is a most important financial review, and to make it generally available, I ask unanimous consent that it be printed in the RECORD.

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

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., August 11, 1969.

Hon. WRIGHT PATMAN,
Chairman, Joint Economic Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the arrangements previously made with your committee, I am transmitting herewith a staff report on financial developments in the second quarter of 1969.

Sincerely yours,

WM. MCC. MARTIN, Jr.

FINANCIAL DEVELOPMENTS IN THE SECOND QUARTER OF 1969

[Illustrations not printed in RECORD]

The reserves of the banking system rose only slightly during the second quarter as Federal Reserve open market operations remained restrictive. Additional pressure was exerted on bank reserve positions through increases in reserve requirements and in the Federal Reserve discount rate. Total member bank deposits contracted, while the money stock increased at an annual rate of 4.5 per cent between March and June.

Under the circumstances, banks turned increasingly to nondeposit sources of funds. In particular, borrowing in the Euro-dollar market rose sharply, but banks also increased their borrowing at Federal Reserve discount windows and demands for Federal funds became more intense. Moreover, a growing number of banks turned to other means of obtaining funds—such as selling loans subject to repurchase agreements to nonbank sources and issuing commercial paper through holding companies or subsidiaries.

With the supply of bank credit quite limited, banks liquidated holdings of securities and sold loans outright. Loan expansion was slightly below the sharply reduced rate of the first quarter, and loan terms and conditions were tightened further. Inflows of funds to nonbank savings institutions also were reduced during the second quarter, and new mortgage commitment activity was curtailed as mortgage interest rates rose further. Market interest rates in general increased considerably further during the quarter.

The Board of Governors of the Federal Reserve System also proposed several amendments to its regulations designed to correct situations that had arisen with respect to borrowing in the Euro-dollar and Federal funds markets. On May 29 it proposed an amendment to Regulation D (reserves of member banks) designed to ensure that checks resulting from transfers involving foreign branches are not used to effect a reduction in required reserves. And on June 26 it proposed a 10 per cent reserve requirement on borrowing of U.S. banks from their foreign branches—to the extent that these borrowings exceed the daily-average amounts outstanding in the 4 weeks ending May 28, 1969—in order to moderate the flow of Euro-dollars between U.S. banks and their foreign branches, as well as between U.S. and foreign banks. The next day, the Board proposed that liabilities of member banks on certain so-called "Federal funds" transactions with customers other than banks be brought within the coverage of Regulations D (reserves of member banks) and Q (payment of interest on deposits).

BANKS RESERVES

Total reserves of member banks rose slightly, on balance, during the second quarter—at an annual rate of about 1 per cent—following a smaller increase, in the first quarter. But nonborrowed reserves—those provided through Federal Reserve open market operations—showed a marked contraction, as had also been the case in the first quarter. Moreover, reserve requirements on demand deposits in excess of $5 million were increased by one-half of a percentage point in April.

NET CHANGE IN RESERVES

[Percentage annual rates of change, seasonally adjusted]

	1968			1969	
	II	III	IV	I	II
Total reserves	1.0	10.4	8.6	0.1	1.2
Nonborrowed reserves	1.7	13.9	4.3	−2.9	−4.7

As nonborrowed reserves declined, member banks relied increasingly on borrowings from Federal Reserve banks as a supplemental source of funds, even though the discount rate was raised from 5½ to 6 per cent in early April. In May and June member bank borrowings at the discount window reached an average level of more than $1.3 billion, up markedly from $850 million in March and from $600 million in December of 1968. Indicative of the pressure on bank reserve positions, the Federal funds rate—the interest rate banks charge for overnight lending of reserve funds to other banks, and consequently the rate most immediately affected by reserve pressures—rose to around 9.20 per cent by early June, as compared with a high of about 6.85 per cent in March.

FLOWS OF DEPOSITS AND MONEY

With pressure maintained on bank reserve positions, total member bank deposits subject to reserve requirements—the bank credit proxy—continued to decline, falling at an annual rate of more than 2 per cent in the second quarter. In view of these losses of deposits, banks increased their utilization of other sources of funds. For example, banks with foreign branches borrowed heavily in the Euro-dollar market. More banks also began to tap other nondeposit sources of funds by issuing commercial paper through holding companies or subsidiaries, by making repurchase agreements against securities and loans, and by borrowing Euro-dollars directly or through brokers.

SELECTED DEPOSIT FLOWS

[Percentage annual rates of change, seasonally adjusted]

	1968			1969	
	II	III	IV	I	II
Money stock	8.7	4.5	7.6	2.7	4.5
Time and savings deposits at all commercial banks	3.2	17.9	15.7	−6.5	−3.6
Total member bank deposits [1]	1.2	13.1	12.2	−4.8	−2.2
Memo: Total member bank deposits plus Eurodollar borrowings [2]	3.5	14.0	11.7	−1.8	1.8

[1] Bank credit proxy.
[2] Bank credit proxy adjusted to include domestic bank liabilities to foreign branches.

Note: Net demand deposit data for the first half of 1969—which are reflected in the money supply and in total member bank deposits—have been revised on the basis of newly obtained figures that help eliminate a downward bias stemming from an increasing volume of "cash items" that were not associated with deposit transfers.

The decline in bank deposits during the second quarter resulted mainly from a further reduction in time and savings deposits; a small decline in U.S. Government demand deposits was nearly offset by an increase in private demand deposits. The contraction in time and savings deposits reflected for the most part continued heavy attrition in large certificates of deposit (CD's) as further increases in money market rates induced additional shifts from CD's to higher-yielding short-term market instruments. Outstanding CD's at large banks fell by an additional $3.5 billion during the second quarter. This brought the total decline to nearly $9 billion since early December 1968, when the current run-off began.

As in the first quarter, the attrition in CD's for the second quarter as a whole was concentrated at major money market banks, where depositors are typically more interest sensitive. Large banks in New York and Chicago—which held about 30 per cent of outstanding CD's at the end of March—accounted for 55 per cent of the decline in CD's during the second quarter. Toward the end of the quarter, however, banks outside New York and Chicago began to account for an increasing share of the attrition.

In view of these large losses of deposits, banks with foreign branches increased their borrowings in the Euro-dollar market. By the end of June, bank liabilities to foreign branches had risen to a level of around $13 billion, an increase of $3.3 billion over the level at the end of March. With this heavy demand, rates on Euro-dollars rose sharply further. Yields on 3-month maturities, for example, reached 12.5 per cent in mid-June as compared with a high of 8.6 per cent in March.

Consumer-type time and savings deposits also were affected by the further increases in market rates of interest. At large banks these deposits declined somewhat, on balance, during the second quarter, following

substantially reduced growth during the preceding quarter. This reduction represented in part outflows of regular savings deposits, most of which took place in early April following quarterly interest crediting. And even though large banks continued to experience inflows of consumer-type time deposits—time certificates and open accounts—these inflows were markedly less than those in the first quarter. Country banks also sustained sizable savings deposits outflows—again mostly in April—although expansion in time deposits more than offset these declines; as a result there was moderate growth in total time and deposits at these banks over the quarter.

The continued constraint on bank reserve positions and the further increase in interest rates appear to have held the rate of growth in the money stock during the second quarter below that in the latter half of 1968. The money stock—as currently measured—rose at an annual rate of 4.5 per cent, compared with about 2.7 per cent in the first quarter and more than 6 per cent during the second half of 1968. These money stock figures for the first half of 1969 have been revised on the basis of certain preliminary, newly collected data. These data have helped eliminate a downward bias that had stemmed from an increasing volume of "cash items"—a deduction item in measuring the money stock—that was generated in part by overnight Euro-dollar transactions and to a great extent were not associated with deposit transfers.

BANKS' USE OF FUNDS

With lendable funds under constraint, banks continued to make substantial adjustments in their portfolios. Acquisitions of longer-term securities were brought virtually to a standstill, loans were sold, and holdings of shorter-term liquid assets were drawn down further. Consequently, the liquidity positions of banks, particularly large banks, fell to extremely low levels by midyear.

Banks reduced their holdings of U.S. Government securities by an additional $1.5 billion in the second quarter of 1969—reflecting largely the run-off of Treasury bills and short-term notes and bonds. This reduction was only about one-third of that in the first quarter, which suggests that bank holdings of U.S. Government securities were approaching minimum working levels. Holdings of other securities were also reduced, following a sharp cutback in bank acquisitions of these securities during the first quarter. The reduction totaled about $500 million for the second quarter and represented mainly the liquidation of both short- and long-term municipal issues.

The constraints on banks led them to stiffen lending terms further during the quarter, featured by a full percentage point rise in the prime rate to 8½ per cent in early June. Bank loans expanded at a little less than the first-quarter pace, which was well below that in the second half of 1968. Banks were forced to sell some existing loans outright in order to accommodate new loan demands.

Business loans, after having risen rapidly since the fall of 1968, grew at a somewhat reduced rate during the second quarter. Growth in real estate loans slowed markedly as bank lending capacity was constrained and as housing starts declined. Consumer loans continued to expand at about the reduced pace of the first quarter—reflecting the moderate growth of consumer credit generally. Outstanding loans in all other major loan categories remained relatively unchanged or increased only slightly.

NONBANK INTERMEDIARIES AND MORTGAGE MARKETS

Inflows of funds to nonbank intermediaries were sharply reduced in the second quarter. During the April reinvestment period savings and loan associations and mutual savings banks experienced outflows of deposits in response to larger tax payments and the pull of yields on market instruments; later in the quarter savings inflows were below average. However, these institutions acquired an increased volume of mortgages even though growth in savings flows slowed. In order to do this, savings and loan associations increased their borrowing from the Federal home loan banks, and mutual savings banks reduced their acquisitions of securities. Moreover, such acquisitions as they did make represented mainly takedowns of mortgage commitments made earlier. New-commitment activity slowed during the quarter, and the backlog of outstanding mortgage commitments, while still relatively high, began to decline.

NET CHANGE IN MORTGAGE DEBT OUTSTANDING

[In billions of dollars, seasonally adjusted]

	1968			1969	
	II	III	IV	I	II[1]
Total	6.5	6.4	7.8	7.6	6.8
Residential	4.5	4.4	5.4	5.3	4.8
Other[2]	2.0	2.0	2.4	2.3	2.0

[1] Estimated.
[2] Includes farm properties.

At life insurance companies, substantial increases in policy loans restrained the volume of funds available for other investments, including mortgages. When combined with the constraint on commercial bank lending activity, and the consequent seasonally adjusted reduction in mortgage acquisitions by banks, total net mortgage debt formation declined from the exceptionally high rate in the first quarter. But the drop in residential mortgage lending was limited by the Federal National Mortgage Association's continued sizable support to the Federally insured sector of the market.

FUNDS RAISED IN SECURITIES MARKETS

Corporate borrowing in capital markets increased further in the second quarter, probably reflecting the higher cost and reduced availability of alternative sources of funds. Total offerings of corporate securities attained a new quarterly peak as bond issues rose significantly from the first-quarter pace. Common and preferred stock offerings were maintained at the relatively high level of the previous quarter and were more than double the total for the second quarter of last year. This volume of equity issues—as well as a considerable volume of equity-oriented convertible bond offerings—was floated without the inducement of an ebullient stock market; average stock prices leveled off and then declined steadily after mid-May.

OFFERINGS OF NEW SECURITY ISSUES

[Monthly averages in billions of dollars not seasonally adjusted]

	1968			1969	
	II	III	IV	I	II[1]
Corporate securities (total)	1.9	1.7	2.0	2.1	2.4
Bonds	1.6	1.3	1.5	1.4	1.7
Stocks	.3	.4	.5	.7	.7
State and local government bonds	1.3	1.5	1.5	.9	1.2

[1] Estimated.

New security offerings by State and local governmental units rose from the depressed pace in the first quarter, although they remained below the rate of a year earlier. This increased volume of offerings was accounted for largely by a surge in bond issues during April when interest rates were declining. While financing of many units continued to be restricted by below-market rate ceilings, the decline in market rates early in the quarter permitted some previously deferred issues to be sold, and other borrowers were induced to take advantage of the more favorable market. Demand for credit in the short-term note market was particularly strong by borrowers who had the authority to enter this market.

The Federal Government repaid debt in volume during the second quarter as the budgetary position swung to substantial surplus. This improved position stemmed principally from a year-over-year revenue gain of more than $10 billion, a gain that reflected both higher tax rates—resulting from the surcharge—and higher incomes. But in addition, outlays were below those a year earlier; in all other recent quarters expenditures had been above their counterparts of the previous year.

On the other hand, Federal agency financing was quite large in the second quarter. Offerings of such issues to raise new money aggregated $3 billion, more than double the volume of a year earlier. The Federal home loan banks accounted for more than one-third of this volume as they sought funds to maintain their liquidity positions at a time of increased borrowing demands by member savings and loan associations.

FEDERAL GOVERNMENT BORROWING AND CASH BALANCE

[Quarterly totals in billions of dollars not seasonally adjusted]

	1968			1969	
	II	III	IV	I	II[1]
Budget surplus or deficit	2.9	—3.2	—7.1	—2.0	15.3
Net cash borrowing (+) or repayment (—)	—2.6	[2]7.7	[2]3.4	.2	—12.5
Other means of financing[3]	—.4	—1.1	—.2	1.9	—1.7
Change in cash balance	—.1	3.3	—3.9	.1	1.1

[1] Excludes effect on agency debt outstanding of transfers of certain agencies to private ownership.
[2] Checks issued less checks paid, and other accrued items.
[3] Estimated.

INTEREST RATES

Continued heavy demands for funds from private sectors and Federal agencies during the second quarter, in conjunction with constraint on bank reserves, was reflected in further increases in virtually all market rates of interest. Banks, for example, bid up interest rates on Euro-dollars and Federal funds, as they sought additional funds in these markets. Moreover, sales of Treasury bills by banks contributed to the increase in yields on these instruments; during the second quarter, the yield on 3-month Treasury bills rose by about 65 basis points to a high of around 6.80 per cent in June. In addition, banks raised the interest rate on loans to prime customers to 8½ per cent in early June. And with the reduced availability of bank credit, corporate borrowers continued to rely heavily on the commercial paper market. As a result, rates on 4- to 6-month commercial paper rose to more than 8.50 per cent

by the end of June, as compared with a high of around 6.90 per cent in March.

Upward pressures of interest rates also spilled over into capital markets, owing in part to the absence of purchases of long-term securities by banks. Most long-term rates rose further, on balance, during the second quarter, even though they had declined somewhat in April. By the end of June the yield on municipal bonds had risen 50 basis points above the March high to a level of 5.82 per cent. Rates on corporate Aaa new issues (with 5-year call protection), and on Federal Housing Administration mortgages in the secondary market rose by about 20 basis points to levels of 7.76 and 8.40 per cent, respectively. Yields on long-term Government bonds, however, remained relatively unchanged, on balance, at about 6.25 per cent.

ALDRIN RESIDUE ON TABLE GRAPES

Mr. MURPHY. Mr. President, I think it is important that the RECORD show, and the American people be aware of, what seems to be a shocking attempt to mislead the public by the presentation of false evidence to the Subcommittee on Migratory Labor.

On August 1, 1969, Jerry Cohen, general counsel for the United Farm Workers Organizing Committee—UFWOC—appeared before that subcommittee and testified that two bunches of Thompson seedless grapes contained quantities of the chemical Aldrin which were 180 times the established tolerance level for human beings. Mr. Cohen submitted a laboratory report from the C. W. England Laboratory, of Washington, D.C., showing an Aldrin content of 18 parts per million compared with the legal tolerance level of .01 parts per million.

The England Laboratory, in later comments to the news media, said that the grapes they tested had been presented to them by a representative of the UFWOC and were not purchased or obtained from any market directly by the laboratory.

After this testimony the Food and Drug Administration, at the request of subcommittee Chairman MONDALE, has conducted tests of table grapes in markets across the country. It obtained 60 samples, including 48 from retail outlets in New York, Chicago, Los Angeles, and the Washington-Baltimore area. It also sampled 12 carlots in the San Francisco market.

The Food and Drug Administration report shows there was no Aldrin residue on any grapes. It also shows there was no chemical residue of any nature on any grape sample that approached the human tolerance level. I ask unanimous consent that the report of the Food and Drug Administration be printed in the RECORD.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE,
Washington, D.C., August 12, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: As a result of material presented at the August 1, 1969, hearing before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, the Consumer Protection and Environmental Health Service through the Food and Drug Administration instituted a survey of pesticides on table grapes. The results of that survey and other relevant materials are attached.

Please be assured of our continuing concern in all aspects of this important public health problem.

Sincerely yours,

CHARLES C. JOHNSON, Jr.,
Assistant Surgeon General, Administrator.

[Memorandum from the Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service, Food and Drug Administration, August 8, 1969]

To: Mr. C. C. Johnson, Jr., Administrator, CPE.

From: J. K. Kirk, Associate Commissioner for Compliance.

Subject: Results of Table Grape Survey—August 1969.

A total of 60 samples of various types of table grapes; i.e., Thompson Seedless, Ribier, Cardinal and Red Malaga, were collected and analyzed for pesticide residues. The analytical procedure used for obtaining these results was multi-residue methods for organic chloride compounds (aldrin, dieldrin, DDT, etc.) and organophosphate compounds (parathion, ethion, etc.), using gas liquid chromatography.

Forty-eight (48) of these samples were from retail stores (Washington-Baltimore; Los Angeles, California; New York, N.Y.; Chicago, Illinois), including the Safeway store, 1730 Hamlin Street, N.E., Washington, D.C., and Giant Food Store, 4900 Annapolis Road, Bladensburg, Maryland.

Summary of Results.—None of the samples contained pesticide residues above tolerance, and all residues were substantially below tolerance. No residues of aldrin were found. Pesticide residues found:

Pesticide	Range	Tolerance
Kelthane	0 to 1.4 p.m	5.0 p.p.m.
DDT	0 to 0.29 p.p.m	7.0 p.p.m.
DDE	0 to 0.01 p.p.m	None (metabolite of DDT).
Dieldrin	0 to trace [1]	0.1 p.p.m.
Diazinon	0 to trace [1]	0.75 p.p.m.
Ethion	0 to 0.29 p.p.m	2.0 p.p.m.

[1] Trace indicates less than 0.01 p.p.m.

Twelve (12) samples were obtained from packers located in the San Francisco, California, area.

Summary of Results.—None of these samples contained pesticide residues above tolerance, and all residues were substantially below tolerance. No residues of aldrin were found. Pesticide residues found:

Pesticide	Range	Tolerance
Kelthane	0 to 0.43 p.p.m	5.0 p.p.m
DDT	0 to 0.04 p.p.m	7.0 p.p.m.
DDE	0 to 0.02 p.p.m	None (metabolite of DDT).
Diazinon	0 to 0.02 p.p.m	0.75 p.p.m.
Ethion	0 to 0.28 p.p.m	2.0 p.p.m.
Tedion	0 to 1.7 p.p.m	5.0 p.p.m.

Attached is a listing of samples, grower, and individual results of analysis. Also attached are the results of our pesticide analysis on grapes (total) and California grapes for FY 1967, FY 1968 and July 1, 1968 to March 30, 1969.

A survey of pesticide residues on table grapes grown in Southern California and Arizona was conducted during July 1969 and these results are also attached. None of the samples from this survey contained pesticides above tolerance level. Pesticide residues found:

Pesticide	Range	Tolerance
DDT	Trace [1] to 0.06 p.p.m.	7.0 p.p.m.
DDE	0 to 0.03 p.p.m	None (metabolite of DDT).
Carbaryl	0 to 0.4 p.p.m	10.0 p.p.m.

[1] Trace indicates less than 0.01 p.p.m.

TABLE GRAPE SURVEY

Retail level Sample No.	Grower or packer	Parts per million: Kelthane	DDT	DDE	Dieldrin	Diazinon	Ethion	Tedion
	TOLERANCE, p.p.m	5.0	7.0	None	0.1	0.75	2.0	5.0
118-093C	El Rancho Farm, Arvin, Calif	0.86						
118-094C	do	0.17						
118-164C	Guimarra Vineyards Corp., Bakersfield, Calif	T						
118-165C	do	T						
118-095C	do		T	T				
118-096C	do	0.31						
116-470C	El Rancho Farms, Arvin, Calif	T						
117-216C	Unknown	0.11	T	T				
116-471C	El Rancho Farms, Arvin, Calif	T	T	T				
117-217C	Table of Grapes, Table of Grapes, Calif	T			T	T	0.08	
117-950C	El Rancho Farms, Arvin, Calif	0.66						
117-949C	do	0.17						
222-182C	John J. Kovacevich, Inc., Arvin, Calif	0.09						
196-570C	do	0.0						
222-183C	Guimarra Vineyards Corp., Bakersfield, Calif	0.08						
222-184C	do	0.05						
222-185C	do	0.19						
222-186C	do	0.07						
222-187C	Guimarra Vineyards Corp., Bakersfield, Calif.	0.03						
222-188C	do	0.17						
222-189C	do	0.04						
222-190C	do	0.12						
222-191C	do	0.04						
196-569C	The William Mosesian Corp., Lamont, Calif	0.15						
165-728C	Leo Gagosian, Bakersfield, Calif							
165-729C	Guedera Farms, Bakersfield, Calif		T					
165-730C	Guimarra Vineyards Corp., Bakersfield, Calif	0.52						
166-761C	The William Mosesian Corp., Lamont, Calif	0.78	0.02				0.13	
166-762C	Sabovich Bros., Bakersfield, Calif	0.89						
166-763C	I.T.D. Packing Co., Reedley Calif							
166-764C	Leo Gagosian, Bakersfield, Calif	0.74	T					
166-765C	Guimarra Vineyards Corp., Bakersfield, Calif	0.26						
166-766C	V. W. Heldcarn, Parlier, Calif	0.11	0.03					

Footnotes at end of table.

TABLE GRAPE SURVEY—Continued

Retail level Sample No.	Grower or packer	Parts per million: Kelthane	DDT	DDE	Dieldrin	Diazinon	Ethion	Tedion
160-767C	Demesio C. Carranza, Thermal, Calif.							
168-027C	Muzinch Farms, Wheeler Ridge, Calif.	1.4	0.29					
168-028C	Elmo Vineyards, Inc., Visalia, Calif.						0.23	
095-798C	Bianco Fruit Corp., Fresno, Calif.	0.46	T	0.01				
095-796C	do	0.24		T				
095-797C	David Freedman & Co., Inc., Thermal, Calif.		T	T				
095-080C	Bianco Fruit Corp., Fresno, Calif.	0.35	T	T				
095-992C	Heggblade, Margulers Co., San Francisco, Calif.	1.33					0.29	
095-990C	James Macchiaroli Fruit Co., Higley, Ariz.							
095-799C	David Freedman & Co., Inc., Thermal, Calif.		T	T				
095-991C	The William Mosesian Corp., Lamont, Calif.	0.20	T	T				
095-989C	James Macchiaroli Fruit Co., Higley, Ariz.		T	T				
095-122C	do		T	0.01				
095-123C	do		T	T				
095-121C	The William Mosesian Corp., Lamont, Calif.	0.61					0.08	
	Packer level							
211-644C	Russo Brothers, Arvin, Calif.	0.13						
211-645C	Logrecco & Sons, Bakersfield, Calif.	0.40	0.03	0.01				0.18
211-646C	Marko Zaninovich, Earlimart, Calif.							
211-647C	do	0.17						
211-648C	Pagliarulo Fruit Co., Delano, Calif.	0.02						
211-649C	do	0.01						0.01
211-650C	A. Caratan & Sons, Delano, Calif.						0.08	0.44
211-651C	do						0.28	1.7
211-652C	Agri-Business Investment Co., Ducor, Calif.							0.02
211-653C	do	0.15						
211-654C	United Packing Co., Parlier, Calif.							
211-655C	L. R. Hamilton, Reedley, Calif.	0.43	0.04	0.02		0.02		

[1] Safeway Store, 1730 Hamlin St. NE., Washington, D.C.
[2] Giant Food Store, 4900 Annapolis Rd., Bladensburg, Md.

Note: T—Trace, indicates less than 0.01 p.p.m.

PESTICIDE RESIDUES IN GRAPES

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Number of samples	208	61	65	334
Number with residues	138	35	22	195
DDT—Tolerance 7 p.p.m.:[1]				
Percent incidence	31.3	31.1	12.3	27.5
Average p.p.m.	0.05	0.08	0.01	0.05
Range p.p.m.	T-3.18	T-3.19	T-0.21	
DDE—Tolerance (none);				
Percent incidence	37.0	32.8	15.4	32.0
Average p.p.m.	T	T	T	T
Range p.p.m.	T-0.37	T-0.05	T-0.08	
TDE—Tolerance 7 p.p.m.:				
Percent incidence	3.8	9.8	9.2	5.4
Average	T	T	T	T
Range p.p.m.	T-0.05	T-0.07	T-0.01	
Dieldrin—Tolerance 0.1 p.p.m.:				
Percent incidence	2.4			1.5
Average p.p.m.	T			T
Range p.p.m.	T-0.48			
Carbaryl—Tolerance 10 p.p.m.:				
Percent incidence	2.4	1.6	2.1	2.4
Average p.p.m.	T	0.01	T	T
Range p.p.m.	0.01-0.05	0.80	T	
Kelthane—Tolerance 5 p.p.m.:				
Percent incidence	4.3	8.2	7.7	5.7
Average p.p.m.	0.01	0.04	0.05	0.02
Range p.p.m.	T-1.01	0.07-0.92	T-1.34	
Parathion—Tolerance 1 p.p.m.:				
Percent incidence	6.3	3.3	1.5	4.8
Average p.p.m.	T	T	T	T
Range p.p.m.	T-0.21	T-0.02	0.02	
Ethion—Tolerance 2 p.p.m.:				
Percent incidence	4.3	6.6	6.2	5.1
Average p.p.m.	0.01	0.01	0.01	0.01
Range p.p.m.	0.03-0.84	0.03-0.08	0.02-0.28	
Tedion—Tolerance 5 p.p.m.:				
Percent incidence	8.2	6.6	1.5	6.6
Average p.p.m.	0.02	T	T	0.02
Range p.p.m.	T-0.69	0.07-0.39	0.11	
Aldrin—Tolerance 0.1 p.p.m:				
Percent incidence	3.4	4.9		3.0
Average p.p.m.	T	T		T
Range p.p.m.	T-0.01	0.01-0.03		
Chlorbenside—Tolerance (none):				
Percent incidence		1.6		0.3
Average p.p.m.		T		T
Range p.p.m.		0.10		
Endosulfan—Tolerance 2 p.p.m.:				
Percent incidence	1.0			0.6
Average p.p.m.	T			T
Range p.p.m.	T-0.09			
Methoxychlor—Tolerance 14 p.p.m.:				
Percent incidence	1.0			0.6
Average p.p.m.	0.01			T
Range p.p.m.	0.24-0.96			
Diazinon—Tolerance 0.75 p.p.m.:				
Percent incidence	0.5	1.6		0.6
Average p.p.m.	T	T		T
Range, p.p.m.	0.11	0.01		

[1] P.p.m.—parts per million

PESTICIDE RESIDUES IN CALIFORNIA GRAPES

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Number of samples	94	50	58	202
Number with residues	49	27	18	94
DDT—Tolerance 7 p.p.m.:[1]				
Percent incidence	17.0	26.0	8.6	16.8
Average p.p.m.	0.01	0.07	T	0.02
Range p.p.m.	T-0.15	T-3.19	T-0.11	
DDE—Tolerance (none):				
Percent incidence	11.7	32.0	13.8	17.3
Average p.p.m.	T	T	T	T
Range p.p.m.	T-0.09	T-0.05	T-0.08	
TDE—Tolerance 7 p.p.m.:				
Percent incidence	3.2	10.0	6.9	5.9
Average p.p.m.	T	T	T	T
Range p.p.m.	T-0.05	T-0.07	T-0.01	
Dieldrin—Tolerance 0.1 p.p.m.:				
Percent incidence	1.0			0.5
Advance p.p.m.	T			T
Range p.p.m.	T			
Carbaryl—Tolerance 10 p.p.m.:				
Percent incidence		2.0	3.4	1.5
Average p.p.m.		0.02	T	T
Range p.p.m.		0.80	T	
Kelthane—Tolerance 5 p.p.m.:				
Percent incidence	8.5	10.0	8.6	8.9
Average p.p.m.	0.03	0.05	0.05	0.04
Range p.p.m.	T-1.01	0.07-0.92	T-1.34	
Parathion—Tolerance 1 p.p.m.:				
Percent incidence	1.0			0.5
Average p.p.m.	T			T
Range p.p.m.	T			
Ethion—Tolerance 2 p.p.m.:				
Percent incidence	9.6	8.0	6.9	8.4
Average p.p.m.	0.02	0.01	0.01	0.01
Range p.p.m.	0.03-0.48	0.03-0.18	0.02-0.28	

Footnotes at end of table.

PESTICIDE RESIDUES IN CALIFORNIA GRAPES—Continued

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Tedion—Tolerance 5 p.p.m.:				
Percent incidence	17.0	8.0	1.7	10.4
Average p.p.m	0.04	0.02	T	0.02
Range p.p.m	T–0.69	0.07–0.39	0.11	
Aldrin—Tolerance 0.1 p.p.m.:				
Percent incidence	6.4	6.0		4.5
Average p.p.m	T	T		T
Range p.p.m	T–0.01	0.01–0.03		
Chlorbenside—Tolerance (none):				
Percent incidence		2.0		0.5
Average p.p.m		T		T
Range p.p.m		0.10		

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Endosulfan—Tolerance 2 p.p.m.:				
Percent incidence	2.1			1.0
Average p.p.m	T			T
Range p.p.m	T–0.09			
Methoxychlor—Tolerance 14 p.p.m.:				
Percent incidence	2.1			1.0
Average p.p.m	0.01			0.01
Range p.p.m	0.24–0.96			
Diazinon—Tolerance 0.75 p.p.m.:				
Percent incidence	1.0			0.7
Average p.p.m	T			5
Range p.p.m	0.11			

¹P.p.m.—parts per million.

SURVEY OF PESTICIDE RESIDUES ON TABLE GRAPES GROWN IN SOUTHERN CALIFORNIA AND ARIZONA

BACKGROUND

The FY 1970 FDA Pesticide Residue Surveillance Program calls for sampling and examination of raw agricultural products on an individual commodity basis. This involves a series of samples of a given food product representative of a geographic area, a growing area, or any other meaningful subdivision. Each District determines what foods shall be so covered based on their knowledge of the local situation.

Los Angeles District undertook a survey of table grapes grown in the District area. This survey was to serve as an information base concerning the local grape industry and to investigate recent highly publicized allegations regarding misuse of pesticides by grape growers.

The Los Angeles District area includes Southern California, the southern tip of Nevada, and the State of Arizona. We have three principal grape growing regions within our boundaries. Two are in Southern California and one in Arizona. These are:

1. *Coachella Valley* (Calif.) This includes the towns of Coachella, Macca, Thermal and Indio. The growing season runs from May through July and nearly all fields are in table grapes. USDA figures indicate an annual production of about 9,500 tons.

Investigation indicated growers generally use DDT and Carbaryl (Sevin) for insect control. Parathion was reported used by one grower to control a thrip (small sucking insect) problem. No Aldrin or Simazine have been used in the Coachella area.

We collected and examined a total of 15 samples of table grapes representing 14 principal growers in the Coachella Valley. (One grower produced two varieties—both were sampled.)

2. *San Bernardino Area* (Calif.) This includes San Bernardino, Mira Loma and Cucamonga. There is light production of grapes during June and August, but the main growing season is in September and October. The grapes grown are principally used in wine manufacture as opposed to table consumption.

No samples were taken at this time.

3. *Phoenix Area* (Ariz.). This generally encompasses the Phoenix, Higley and Litchfield regions. The growing season is mid-June through July with an annual production of table grapes only slightly less than the Coachella Valley area. The Phoenix area produces about 75 percent of the total grapes grown in Arizona.

The most common pesticide used is Carbaryl. There is presently a statewide moratorium on the use of DDT on any agricultural product. The largest firm commercially applying pesticides to grapes in this area stated than no Aldrin has been used in the past five years and that Simazine has not been used for the past year.

A total of 12 samples were collected and examined representing eight principal growers (as above, different samples from the same grower represented different grape varieties).

ANALYTICAL FINDINGS

Each sample consisted of 22 lbs. of grapes. The entire sample was composited and chopped, and a representative portion taken for analysis.

The analytical system used would detect chlorinated pesticides (i.e. DDT, Aldrin, etc.) at levels as low as 0.003 ppm. We only quantitate, however, those residues which equal or exceed 0.01 ppm. Any residue which is less than 0.01 ppm but is identifiable is reported as a "trace." Organophosphate pesticides (i.e., Parathion, etc.) are also detected and may be quantitated at the 0.01 ppm level. All samples were also examined for Carbaryl residues by a separate method sensitive to the 0.1 ppm level.

TABLE GRAPE SURVEY

Coachella Valley samples (collected July 7, 1969)

Sample number	Growing area	Grape variety	Findings: DDT (p.p.m.)	DDE (p.p.m.	Carbaryl (p.p.m.)
167-720C	Rancho Mirage	Thompson	Trace	0.03	0
167-721C	Mecca	do	do	0.02	0
167-722C	Thermal	do	do	Trace	0
167-723C	Indio	do	do	do	0
167-724C	Coachella	do	do	do	0
167-725C	do	do	do	do	0
167-726C	Thermal	do	0.06	do	0
167-727C	do	do	Trace	do	0.2
167-728C	do	do	do	do	0
167-729C	Coachella	do	do	do	0
167-730C	do	do	0.06	0.01	0
167-731C	Thermal	Black Beauty	0.03	0.03	0
167-732C	Mecca	Cardinal	0.02	0.02	0
167-733C	do	Thompson	0.02	0.01	0
167-734C	Thermal	do	Trace	Trace	0

Note: No organophosphate pesticides were detected. The DDE found is a degradation product of DDT. No other chlorinated pesticides were detected. DDT and analogs have a combined tolerance of 7 p.p.m. Carbaryl tolerance is 10 p.p.m.

TABLE GRAPE SURVEY

Phoenix area samples (collected July 7–8, 1969)

Sample number	Growing area	Grape variety	Findings: DDE (p.p.m.)	Carbaryl (p.p.m.)
166-373C	Higley	Exotic	0	0
166-374C	do	Cardinal	0	0
166-375C	do	Thompson	0	0
166-376C	do	do	0	0
166-377C	Eloy	Cardinal	0	0
166-378C	Queen Creek	do	0	0
166-379C	Higley	Thompson	0	0
166-380C	Litchfield	Cardinal	Trace	0
166-381C	do	Thompson	Trace	0
166-382C	do	do	0	0
166-383C	do	Exotic	Trace	0.4
166-384C	Phoenix	Thompson	Trace	0.1

Note: No organophosphate pesticides were detected. No other chlorinated pesticides were detected. The trace amounts of DDE found in the Litchfield and Phoenix samples are believed due to contamination by windblown dry earth. Arizona soil is heavily contaminated with DDT and its metabolites. (See Pesticide Monitoring Journal, vol. 2, No. 3, p. 129, Dec. 1968, "Pesticides in Soil—An Ecological Study of DDT Residues in Arizona Soil and Alfalfa.")

Mr. MURPHY. Mr. President, the grapes presented to the England Laboratory were taken there by Manuel Vasquez, the Washington district representative of the United Farm Workers Organizing Committee. They were purchased, Mr. Cohen said in his testimony, from Safeway Stores in Washington.

Mr. Cohen said the grapes were produced by "Bianco." That would be Anthony A. Bianco, Jr., and Bianco Fruit Corp. of Delano, Arvin, and Thermal.

Mr. Bianco has not used aldrin in any form on his properties in the past 6 years. He has filed statements to this effect from his professional pesticide applicator and supplier and from himself.

I ask unanimous consent that the statements of Mr. Bianco and of Mr. Sampson, his pest control applicator, be printed in the RECORD, together with a report of tests conducted on grapes from the Bianco Ranch by the BC Laboratories of Bakersfield, Calif.

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

STATEMENT OF ANTHONY A. BIANCO, JR.

This will certify that I, Anthony A. Bianco, Jr., owner and operator of the Bianco Fruit Corporation, have not purchased, obtained or received the chlorinated hydrocarbide Aldrin and have not applied, administered or used Aldrin in any of my fields during the past six years. Aldrin has not been authorized for use on my property in any form or method during that period. The Griffin Spray Company has applied all pesticides for the Bianco Fruit Corporation during the past six years and has made no application or other use of the chemical Aldrin on my property in that period.

ANTHONY A. BIANCO, Jr.,
Bianco Fruit Corp., Delano-Arvin-Thermal.

STATE OF CALIFORNIA,
County of Kearn, ss:

On August 8, 1969, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Anthony A. Bianco Jr. known to me to be the President of the Corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.

Witness my hand and official seal.

JOYCE M. MCPHERSON.

My commission expires Mar. 10, 1970.

To whom it may concern:

This is to certify that Bianco Fruit Corporation has not purchased or applied, to our knowledge, any Aldrin during the past six years. Tom Griffin is an owner of Southern Valley Chemical and is the owner of Griffin Spray Company. Griffin Spray Company has handled the application of pesticides for Bianco Fruit Corporation for the past six years and has made no application of the chemical Aldrin.

(signed) ED SAMPSON,
Manager & Owner, Southern Valley Chemical Co.

Insecticide residue determination

[Concentration in parts per million as received basis]

Constituent:	
Aldrin	0.008
Lindane (less than)	0.001
Dieldrin (less than)	0.004
Endrin (less than)	0.001
Parathion (less than)	0.01
Sulfur (less than)	0.017
Kelthane (less than)	0.01
Toxaphene (less than)	0.1
DDE	0.004
DDD	0.003
DDT	0.008

Residue determination by Gas Chromatography with electron capture detection.

B. C. LABORATORIES.
J. J. EGLIN.

Mr. MURPHY. Mr. President, Seldon Morley, the Agricultural Commissioner of Kern County, Calif., in which Mr. Bianco does the bulk of his grape production has submitted a statement that there has been no commercial application of Aldrin in any grapes in Kern County. I ask unanimous consent that Mr. Morley's statement be printed at this point in the RECORD.

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

STATEMENT OF SELDON MORLEY, AGRICULTURAL COMMISSIONER, COUNTY OF KERN, CALIF., AUGUST 7, 1969

Through May 30, 1969, there has been no commercial application of the pesticide aldrin on any table grape vineyards in the County of Kern this year.

The only commercial application of aldrin in the County of Kern in 1969 has been as follows:

January 1969, 104 acres of lettuce.
February 1969, 81 acres of sugar beets.
March 1969, 127 acres of tomatoes.
April 1969, 46 acres of tomatoes.

There have been no further commercial applications of aldrin in the County of Kern this year.

Aldrin must be registered with the State Department of Agriculture and all commercial applications of aldrin and other pesticides to agricultural crops are required by law to be reported to the Agricultural Commissioner in the county where applied.

Mr. MURPHY, Mr. President, the last grapes shipped by Mr. Bianco from the Coachella Valley were cleared by the Federal FDA Inspector C. R. Lewis—No. 319—and went to Texas on July 13. No Coachella Valley grapes could have retained salable quality until late July when the grapes in question had to be purchased.

Pesticide chemists have found that aldrin converts very rapidly to the chemical dieldrin, with an appreciable amount of dieldrin appearing within 6 or 7 hours after aldrin application in the fields. Dr. Paul E. Porter, the assistant to the director of physical sciences for the Shell Development Co., biological research center in Modesto, Calif.—a division of the only firm manufacturing aldrin—reports it would take an application of 10 to 15 pounds of aldrin per acre to achieve a level of 18 parts per million immediately after spraying. The normal application, as approved by the California Department of Agriculture, is one-fourth pound per acre.

But this is moot. Aldrin is not used on grapes in Kern County—as Mr. Morley specifies—and normal application of the pesticide in California is confined to soil as a grasshopper combatant. Although no aldrin was used, grapes showed up 3,000 miles away in Washington containing a massive dose of aldrin.

Dr. Porter reports aldrin converts rapidly to dieldrin while exposed to sunlight—with only negligible amounts of aldrin remaining after 6 days. To achieve 18 parts per million, aldrin would have to be sprayed directly on the grapes just before shipment. And as the agricultural commissioner of Kern County has stated, aldrin is not used on grapes in that county.

The conclusion is clear: The grapes presented to the England Laboratory had somehow achieved strange qualities which I find very difficult to explain. And it seems possible that a subcommittee of the U.S. Senate has been the victim of duplicity.

If this be the case—this tactic on the part of the United Farm Workers Organizing Committee is a vicious type of deceit and makes clear the witness has raised the pesticide question as part of UFWOC's "rule or ruin" methods.

"Rule or ruin" is not my phrase. It is the statement of a dozen table grape growers who tried to negotiate a contract with UFWOC. The negotiations failed because the United Farm Workers Organizing Committee refused—in the statement's words—to bargain in good faith.

These growers exposed "the pesticide issue" in its true light by citing a statement written last July 3 by the United Farm Workers Organizing Committee and addressed to the Federal Mediation and Conciliation Service. Here is the pertinent part of that statement:

That we are prepared to give a moratorium to the whole industry on the pesticide campaign for a limited time in exchange for an acceptable contract covering all workers, all crops.

This might be considered a new type of biological blackmail.

Mr. President, I believe the true purpose of UFWOC in raising the pesticide issue was well set forth in a conversation which Jerome Cohen had with Mrs. Eleanor Schulte, office manager for the South Central Farmers Committee in Delano, Calif., on June 10, 1969. I ask unanimous consent that a memorandum from Mrs. Schulte concerning this conversation be printed at this point in the RECORD:

There being no objective, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM RE CONVERSATION WITH JEROME COHEN

To whom it may concern:

On Tuesday, June 10, 1969 at approximately 3:30 p.m., Mr. Cohen came to the South Central Farmers Committee office, asked for me by name, and said he would like to talk to me. He said the purpose of his visit was to have me pass along to our growers the substance of our conversation. I will attempt to enumerate below, to the best of my recollection, the points he made in our conversation. In most cases I cannot quote him verbatim, but will list the point of his remarks.

He introduced himself as Jerry Cohen, Attorney for UFWOC.

The Board of UFWOC (he mentioned the names Larry, Dolores and Phil, whom I assume to be Larry Itliong, Dolores Huerta and Phil Veracruz) had met the previous night and voted to mount an all-out campaign this year on the boycott, including the pesticide issue.

He spoke of the "cranberry scare," and said that every time the Department of Agriculture issued a bulletin denying pesticide poisoning in cranberries, it only made the situation worse. He said we couldn't fight the pesticide issue, and even "Baxter and Whitaker" would not be able to wage an effective campaign against it.

He claims that traces of DDT have been found in grapes, and that DDT has been

found to cause cancer in mammals. He mentioned that the "American eagle, the symbol of America" is being killed off by DDT. He said suits have been filed on DDT, and more will be filed. I asked him if negotiating with the union would render pesticides harmless, and he said that the health and welfare clauses in the contracts could provide safety controls that will protect both the worker and the consumer.

He hinted that UFWOC could scare the wits out of the American public with the threat of pesticide poisoning, and we couldn't do anything about it.

The boycott did not hurt the growers much last year because it did not get organized until November, but this year it is all set to go in 275 cities. He corrected himself to say 277 cities "as of today."

For those growers who would negotiate with the union, the boycott machinery will be used to promote the sale of their grapes. I said that I could not recall that the union had promoted the sale of DiGiorgio grapes after signing with the union. He said that was because DiGiorgio, on the contrary, after signing with the union had "switched labels with Bruno, Kenny Kovacevich" and one other name I cannot recall. He said that when the growers came to realize it was in their own best interest not to switch labels, the boycott machinery could be used very well to promote the sale of union picked grapes.

When the pesticide issue came up with Seldon Morley, the Kern County Agricultural Commissioner, UFWOC tried for nine months to settle things quiety, but Mr. Morley and his people would not cooperate and thereby forced the union against its wishes, to bring the case into court and into the public eye.

He said the union had had conversations in the past with John Giumarra, Jr., and that "we told him we would make the boycott a national issue, and he laughed, when we told him we would bring up the pesticide issue, and he laughed, but we did all these things." He said he hoped I would be more effective in passing along to the growers his message. He said something about establishing a line of communications, and that I could turn my office into a negotiating center. I got the feeling here that he was trying to see if he could detect whether or not he could give me delusions of grandeur about being the key figure in ending the whole mess. He said the growers do not need to be so fearful of negotiating. His exact words were "the growers seem to feel that if they sit down to a negotiating table with the union they will lose their virginity."

I asked him again his purpose in visting me and he said it was to have me pass along to the growers the message that if we do not negotiate, the union will press the boycott and the pesticide campaign, which will be needlessly destructive for both sides.

ELEANOR SCHULTE,
Office Manager, South Central Farmers Committee.

Mr. MURPHY. Mr. President, obviously the union has raised the pesticide issue in an effort to further harass the grape industry and in furtherance of their design to force the grape growers to force their workers to join a union which they do not wish to join. I believe they have gone too far in this case and that this deplorable story will show the UFWOC effort up for what it really is.

One of the contributing factors in this entire unfortunate affair has been the contrived confusion, built on propaganda, half truths, and, in some cases, outright falsehood. I intend from now on to check all witnesses for creditibility, character, and purpose, so that the subcommittee may make proper and productive pronouncements as a result of these hearings.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, August 13, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nomination received by the Senate August 12, 1969:

JUDGE OF THE TAX COURT

William H. Quealy, of Virginia, to be a Judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1960, vice Allin H. Pierce, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 12, 1969:

DEPARTMENT OF JUSTICE

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years.

Frederick B. Lacey, of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years.

DEPARTMENT OF THE INTERIOR

Louis R. Bruce, of New York, to be Commissioner of Indian Affairs.

U.S. TARIFF COMMISSION

George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1973.

EXTENSIONS OF REMARKS

WEST VIRGINIA ARTISANS DISPLAY SKILLS AND PRODUCTS IN WASHINGTON EXHIBITION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 12, 1969

Mr. RANDOLPH. Mr. President, the increase in our population and its demand for goods and services has fostered the development of an economy geared to mass production and standardization. Such an economy has benefited millions of people by allowing them to enjoy a higher standard of living at a reasonable cost.

At the same time, though, there has been a corresponding decline in the production of handcrafted, individually made products. In many instances the number of persons who possess the skills on which we were once dependent has dwindled.

Fortunately, there are still practitioners of the older skills to provide us with products that reflect their individual talents and imaginations. In recent years many of them have chosen to live in West Virginia and other Appalachian States, where they have joined with the native-born artisans of these States to work amid the inspiration of our mountains.

In 1963, these creative people in my State formed the West Virginia Artists and Craftsman Guild to promote and upgrade their skills and market their products. The guild, which has the official sponsorship of the State department of commerce, provides a traveling display, technical information and publishes a regular newsletter. Works made by members of the guild have been placed on sale through many retail outlets, helping to provide the economic stimulus for continuation of their crafts.

This month several members of the guild are presenting a series of three weekend demonstrations and displays in Washington. Each Friday, Saturday, and Sunday they exhibit their products and the work that goes into them at the Appalachian Spring Shop, 1655 Wisconsin Avenue, in the city's Georgetown section.

On the first weekend the artisans were Ken Snyder, a woodcarver from Bluefield, W. Va., Connard Wolf, a weaver from Gallagher, W. Va., and Beatrice Bannerman, a weaver from Culloden, W. Va. On the following weekend Ronald Thomas, a pewter spinner from Charleston, W. Va., and French Collison, a woodworker also from Charleston, were here. This weekend the craftsmen will be Sterling Spencer, a wood sculpturer from Richwood, W. Va., and Pearl Williams, a quilter from Lost River, W. Va.

Mr. President, these West Virginians are doing much not only to keep old skills alive but to provide a supply of artistically admirable and very usable items. I encourage as many people as possible to visit the exhibit in Washington where they will meet the craftsmen and see the products of their skill and imagination.

THE WAY TO PEACE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SCHEUER. Mr. Speaker, last week marked the 24th anniversary of the atomic destruction of the city of Hiroshima. Twenty-four years later that city still has living reminders of that dread day. Each year more than 100 citizens of Hiroshima die from causes that can be traced to the bombing. In all, 190,000 people have died as a result of that disaster.

I find it ironic that last week, the U.S. Senate, albeit by the narrowest of margins, rejected attempts to block the deployment of the Safeguard system, a