H.R. 6107. A bill for the relief of Leonardo Lopane; to the Committee on the Judiciary.

H.R. 6108. A bill for the relief of Aurora Madonna; to the Committee on the Judiciary.

H.R. 6109. A bill for the relief of Michele Ponte-Affronti; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 6110. A bill for the relief of Konstantina Christina Panagopuolou; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 6111. A bill for the relief of Pietro Gallidoro; to the Committee on the Judiciary.

H.R. 6112. A bill for the relief of Hisao Iwasa; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 6113. A bill for the relief of Doris M. Brinkman; to the Committee on the Judiciary.

H.R. 6114. A bill for the relief of Elmer M. Grade; to the Committee on the Judiciary.

H.R. 6115. A bill for the relief of Zoran Mijic; to the Committee on the Judiciary.

H.R. 6116. A bill for the relief of Peter F. Nepi; to the Committee on the Judiciary.

H.R. 6117. A bill for the relief of Pasqualino La Penna; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 6118. A bill for the relief of Visitacion Daa Estaris; to the Committee on the Judiciary.

H.R. 6119. A bill for the relief of Aida G. Yuzon; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 6120. A bill for the relief of Reginald Laksham Rajapakse and Mrs. Nancy Rajapakse; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6121. A bill for the relief of Stefano Patti, Filippa Scaturro Patti, and Benedetto Patti; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 6122. A bill for the relief of Carolina Rizzo; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 6123. A bill for the relief of Ioulia A. Argyridou; to the Committee on the Judiciary.

H.R. 6124. A bill for the relief of Lucio Fazio; to the Committee on the Judiciary.

H.R. 6125. A bill for the relief of Anne Reale Pietrandrea; to the Committee on the Judiciary.

H.R. 6126. A bill for the relief of Vincenzo Zocco; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6127. A bill for the relief of Dr. Rafael Arias; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 6128. A bill for the relief of Mrs. Tomris Zellha Ozdil and her minor daughter, Umit Sukriye Balim; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 6129. A bill for the relief of Mary K. Mafee and Reza F. Mafee; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 6130. A bill for the relief of Myrna G. Tayag; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 6131. A bill for the relief of Mrs. Fong Chao Sin Hwa; to the Committee on the Judiciary.

H.R. 6132. A bill for the relief of Dr. Jacinto Felix de la Presilla-Elias; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 6133. A bill for the relief of Antonio Ladogana; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 6134. A bill for the relief of Renate Evelin Sayfried; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 6135. A bill for the relief of Antoine Salem Shubash and wife, Georgette Tubban Shubash; to the Committee on the Judiciary.

By Mr. HOSMER:

H.R. 6136. A bill for the relief of Mildred Riveria de Velasco; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.R. 6137. A bill for the relief of Tommy Tung Ming Hall; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 6138. A bill for the relief of Miss Lenny Y. Alikpala; to the Committee on the Judiciary.

H.R. 6139. A bill for the relief of Beulah V. Hughes; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 6140. A bill for the relief of Radisa Ratkovic; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 6141. A bill for the relief of Andrea Montano; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 6142. A bill for the relief of Agostino Maggiore; to the Committee on the Judiciary.

H.R. 6143. A bill for the relief of Isaac Perlmutter; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 6144. A bill for the relief of Francesca Biccheri; to the Committee on the Judiciary.

H.R. 6145. A bill for the relief of Giovannina Cefalo; to the Committee on the Judiciary.

H.R. 6146. A bill for the relief of Angiolina Chioccariello; to the Committee on the Judiciary.

H.R. 6147. A bill for the relief of Oli-Gario Lobo Depina; to the Committee on the Judiciary.

H.R. 6148. A bill for the relief of Giuseppe DeRosa; to the Committee on the Judiciary.

H.R. 6149. A bill for the relief of Jose M. Monteiro Fontes; to the Committee on the Judiciary.

H.R. 6150. A bill for the relief of Pui Yuen Lee (also known as Dario Chin); to the Committee on the Judiciary.

H.R. 6151. A bill for the relief of Lise, Martine, Florence Marie, and Fritz, Junior, Momplaisir; to the Committee on the Judiciary.

H.R. 6152. A bill for the relief of Jesus Cabrera Yap; to the Committee on the Judiciary.

H.R. 6153. A bill for the relief of Rosario Campos Zita; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 6154. A bill for the relief of Nasser Shahoulian; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 6155. A bill for the relief of Rose and Giulio Ciccone; to the Committee on the Judiciary.

H.R. 6156. A bill for the relief of Judy Conching Tan; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 6157. A bill for the relief of the Outlet Stores, Inc.; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6158. A bill for the relief of Rizalino D. Manuel; to the Committee on the Judiciary.

H.R. 6159. A bill for the relief of Amelia C. Dizon; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 6160. A bill for the relief of Simon Kim; to the Committee on the Judiciary.

By Mr. St. ONGE:

H.R. 6161. A bill for the relief of Christopher Sloane (Bosmos); to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 6162. A bill for the relief of Mario Frenda, his wife, Enza Romano Frenda, and their children, Maurizio and Antonio Frenda; to the Committee on the Judiciary.

H.R. 6163. A bill for the relief of Francisco Javier De La Paz O'Mara (also known as Pancho O'Mara); to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 6164. A bill for the relief of Marianito D. Alaan; to the Committee on the Judiciary.

H.R. 6165. A bill for the relief of Abdul Rashid Khan; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 6166. A bill for the relief of Mrs. Kam Yoong Lau; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

48. By the SPEAKER: Petition of Benjamin L. Erlich, Chicago, Ill., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Tuesday, February 4, 1969*

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

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

Eternal Father, wilt Thou now make this forum of freedom a holy of holies and each heart a silent sanctuary. Drive out all lesser voices that only Thy still small voice may be heard. Deal with each of us according to our necessities. Make us to know that we live under Thy judgment, that what we think Thou dost know, what we speak Thou dost hear, what we do Thou dost see. Make our lives beacons which shine for justice, truth, and goodness in a nation whose God is the Lord.

In Jesus' name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 31, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

reading clerks, informed the Senate that pursuant to the provisions of 42 U.S.C. 2251, the Speaker had appointed Mr. HOLIFIELD, Mr. PRICE of Illinois, Mr. ASPINALL, Mr. YOUNG, Mr. EDMONDSON, Mr. HOSMER, Mr. BATES, Mr. ANDERSON of Illinois, and Mr. MCCULLOCH as members of the Joint Committee on Atomic Energy, on the part of the House.

The message also informed the Senate that pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. MILLS, Mr. BOGGS, and Mr. BYRNES of Wisconsin, members of the Committee on Ways and Means, and Mr. MAHON, Mr. KIRWAN, and Mr. BOW, members of the Committee on Appropriations, as members of the Committee To Investigate Nonessential Federal Expenditures, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of title 44, United States Code, section 2501, the Speaker had appointed the gentleman from California, Mr. MILLER, as a member of the National Historical Publications Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86–417, the Speaker had appointed Mr. SLACK, Mr. CELLER, Mr. THOMPSON of Georgia, and Mr. WAMPLER as members of the James Madison Memorial Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 202(a), Public Law 90–264, the Speaker had appointed Mr. GRAY, Mr. JONES of Alabama, Mr. FALLON, Mr. CRAMER, Mr. MCEWEN, and Mr. SCHWENGEL as members of the National Visitor Facilities Advisory Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 523, 78th Congress, the Speaker had appointed Mr. TEAGUE of Texas, Mr. LONG of Maryland, and Mr. MIZELL as members of the National Memorial Stadium Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 3(a), Public Law 86–380, the Speaker has appointed Mr. FOUNTAIN, Mr. ULLMAN, and Mrs. DWYER as members of the Advisory Commission on Intergovernmental Relations, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 16 United States Code 513, the Speaker had appointed Mr. COLMER and Mr. SAYLOR as members of the National Forest Reservation Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 402(a), Public Law 90–321, the Speaker had appointed Mr. PATMAN, Mrs. SULLIVAN, and Mr. HALPERN as members of the National Commission on Consumer Finance, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(b), Public Law 89–491, as amended, the Speaker had appointed Mr. DONOHUE, Mr. MARSH, Mr. SAYLOR, and Mr. WHITEHURST as members of the American Revolution Bicentennial Commission, on the part of the House.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Air and Water Pollution of the Committee on Public Works be authorized to meet during the session of the Senate today.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON OVEROBLIGATION OF APPROPRIATION

A letter from the Assistant Secretary for Administration, Department of Agriculture, reporting, pursuant to law, an overobligation of appropriations; to the Committee on Appropriations.

REPORT ON CLAIM OF YANKTON SIOUX TRIBE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that the Commission has concluded proceeding with respect to the claim of the Yankton Sioux Tribe (with an accompanying paper); to the Committee on Appropriations.

REPORT ON WORKING CAPITAL FUNDS OF THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the financial condition and operating results of working capital funds of the Department as of June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ROTC FLIGHT INSTRUCTION PROGRAM, DEPARTMENT OF THE NAVY

A letter from the Acting Secretary of the Navy, transmitting, pursuant to law, a report on the NROTC flight instruction program for the fiscal year 1968 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION TO UNIFY AND CONSOLIDATE THE RULES FOR NAVIGATION ON THE WATERS OF THE UNITED STATES

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to unify and consolidate the rules for navigation on the waters of the United States (with an accompanying paper); to the Committee on Commerce.

REPORT OF THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Secretary for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION PERMITTING SECRETARY OF TRANSPORTATION TO ARM HIS EMPLOYEES

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to arm his employees, and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

REPORT OF GRANTS APPROVED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report of grants approved by this Department which are financed wholly with Federal funds (with an accompanying report); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in procedures for determining supplementary grant assistance for public works and development facility projects, Economic Development Administration, Department of Commerce, dated February 4, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of policies and practices for acquiring land for reservoir projects, Corps of Engineers (Civil Functions), Department of the Army (with an accompanying report); to the Committee on Government Operations.

REPORT OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the 10th annual report of the Commission, dated January 31, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON STATUS OF COLORADO RIVER STORAGE PROJECT

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, the 12th annual report on the status of the Colorado River storage project and participating projects, for the fiscal year ended June 30, 1968 (with an accompanying report and papers); to the Committee on Interior and Insular Affairs.

REPORT ON NEGOTIATED SALES CONTRACTS FOR DISPOSAL OF MATERIALS

A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report of negotiated sales contracts for disposal of materials during the period July 1 through December 31, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT TO ACT ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the act of July 4, 1966 (80 Stat. 259), as amended by the act of December 12, 1967 (81 Stat. 567) (with an accompanying paper); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioners, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF AUDIT OF MILITARY ORDER OF THE PURPLE HEART

A letter from the Adjutant General, Military Order of the Purple Heart, transmitting, pursuant to law, a report of the annual audit of the organization for the fiscal period ended July 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON ACTIVITIES IN CERTAIN COUNTRIES RELATING TO APPLICATIONS FOR CONDITIONAL ENTRY

A letter from the Commissioner, U.S. Department of Justice, Immigration and Naturalization Service, transmitting, pursuant to law, a report on activities in certain countries relating to applications for conditional entry, for the period July 1, 1968 and December 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the Director, including a report on the proceedings of the Judiciary Conference of the United States, dated 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT AND RECOMMENDATION CONCERNING CLAIM OF MR. AND MRS. A. F. ELGIN

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation to the Congress concerning the claim of Mr. and Mrs. A. F. Elgin against the United States (with an accompanying report and letter); to the Committee on the Judiciary.

PROPOSED OLDER AMERICANS ACT AMENDMENTS OF 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend, strengthen, and improve the Older Americans Act of 1965 (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF DEPARTMENT OF JUSTICE ON POSITIONS IN GRADES GS–16 AND GS–17

A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting a report on positions in grades GS–16 and GS–17, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF THE POSTMASTER GENERAL

A letter from the Postmaster General of the United States, reporting, pursuant to law, on the estimated amount of losses or costs incurred by the postal service in the performance of public services during the current fiscal year; to the Committee on Post Office and Civil Service.

REPORT OF DEPARTMENT OF DEFENSE ON POSITIONS IN GRADES GS–16, GS–17, AND GS–18

A letter from the Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting, pursuant to law, a report on civilian positions in the Department in grades GS–16, GS–17, and GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF FOUR CORNERS REGIONAL COMMISSION

A letter from the Federal and State Co-chairmen of the Four Corners Regional Commission, transmitting, pursuant to law, a report on the activities of the Commission during fiscal year 1968 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the Cochairmen, the Ozarks Regional Commission, transmitting, pursuant to law, a report of the activities of the Commission for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Public Works.

REPORT ON NATURE AND CONTROL OF AIRCRAFT ENGINE EXHAUST EMISSIONS

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report on the control of aircraft engine emissions (with an accompanying report); to the Committee on Public Works.

REPORT ON AIR POLLUTION ABATEMENT BY FEDERAL FACILITIES

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report on air pollution abatement by Federal facilities, dated January 1969 (with an accompanying report); to the Committee on Public Works.

REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Chairman and members of the U.S. Atomic Energy Commission, transmitting, pursuant to law, a report of the Commission for 1968, dated January 1969 (with an accompanying report); to the Joint Committee on Atomic Energy.

REPORT OF NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, a report containing the names, salaries, and duties of all employees and officers in the employ or under the supervision of the National Labor Relations Board, cases heard and/or decided by the Board, and the fiscal statement showing total obligations and expenditures for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution of the House of Representatives of the State of South Carolina; to the Committee on Agriculture and Forestry:

"House resolution to memorialize the congress of the United States to continue in existence the Tobacco Insects Investigation Branch at Pee Dee Station in Florence County

"Whereas, the Tobacco Insects Investigation Department, an agricultural research service of the United States Department of Agriculture, has for many years performed a most valuable service to the tobacco farmers of South Carolina and other states; and

"Whereas, tobacco is the leading money crop in South Carolina and the controversies and problems concerning tobacco would seem to require more, rather than less, research activity; and

"Whereas, the contemplated closing of the Tobacco Insects Investigation Branch at Pee Dee Station would effect a negligible saving of funds in relation to the services performed. Now, therefore, be it

"Resolved by the House of Representatives of the State of South Carolina, That the Congress of the United States be and hereby is memorialized to reconsider the closing of the Tobacco Insects Investigation Department Branch located at Pee Dee Station, in Florence County, South Carolina in view of the valuable and necessary services this organization has performed for the area of its present location in the heart of the tobacco-growing country and in further recognition that the location of the Department now easily accessible to the farmers and tobacco-growing lands with which its work is connected is of major importance to its continued effective contributions to agricultural research. Be it further

"Resolved, That a copy of this Resolution be forwarded to the Speaker of the United States House of Representatives, the President of the United States Senate, Congressman John L. McMillan, Senator Ernest F. Hollings and Senator Strom Thurmond.

"I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives.

"INEZ WATSON,
"Clerk of the House."

A resolution adopted by the Carpinteria City Council, Carpinteria, Calif., praying for the enactment of legislation relating to a watershed work plan for the Carpinteria Valley watershed; to the Committee on Agriculture and Forestry.

A letter in the nature of a petition, from Frank Palumbo, Jr., of Barrington, R.I., praying for the enactment of legislation to raise the limit of earnings under the Social Security Act; to the Committee on Finance.

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Labor and Public Welfare:

"H. CON. RES. 501

"Concurrent resolution Memoralizing the Congress of the United States to give priority consideration to the needs of medical education as they relate to the national shortage of medical doctors and other health professions

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, there is a national shortage of medical doctors and other health practitioners to tend to the health needs of our growing population; and

"Whereas, numerous clinics and hospitals in the rural areas of our nation are forced to close for lack of staff to adequately man these facilities; and

"Whereas, federal funds are currently provided for research grants with matching requirements that utilize large sums of state and local funds necessary to provide teaching and educational facilities to train additional medical doctors and other health professions; and

"Whereas, qualified students are often denied admittance to study medicine or other health related subjects because of lack of facilities and inadequate financial resources; and

"Whereas, the health needs of our nation are indeed a problem that is national in scope and deserving of immediate attention by the Congress of the United States;

"Now, therefore, be it resolved, by the House of Representatives of the Forty-fourth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action it deems appropriate to assure that additional funds are made available for the purpose of providing increased educational opportunity to students seeking careers as medical doctors or other health professions; and

"Be it further resolved, that ways and means be provided to assure that such studies and funding be designed to encourage students of medical and other health professions to practice their professions in the rural areas of our nation where the need is the most critical; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Clerk of the House of Representatives of the State of South Dakota to the Offices of the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, the Members of the Congressional delegation of the State of South Dakota, and the Governor of the State of South Dakota.

"Adopted by the House of Representatives January 24, 1969.

"Concurred in by the Senate January 28, 1969.

"DEXTER H. GUNDERSON,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.

"JAMES ABDNOR,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

A letter, in the nature of a petition, from Howard Hillier, of Dafter, Mich., praying for a redress of grievances; to the Committee on Public Works.

RESOLUTION OF THE HOUSE OF REPRESENTATIVES, STATE OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, on behalf of myself and my colleague, the senior Senator from the State of South Carolina (Mr. THURMOND), I ask unanimous consent that a resolution adopted by the House of Representatives of the State of South Carolina, be printed in the RECORD.

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

The resolution is as follows:

House resolution to memorialize the Congress of the United States to continue in existence the tobacco insects investigation branch at Pee Dee Station in Florence County

Whereas, the Tobacco Insects Investigation Department, an agricultural research service of the United States Department of Agriculture, has for many years performed a most valuable service to the tobacco farmers of South Carolina and other states; and

Whereas, tobacco is the leading money crop in South Carolina and the controversies and problems concerning tobacco would seem to require more, rather than less, research activity; and

Whereas, the contemplated closing of the Tobacco Insects Investigation Branch at Pee Dee Station would effect a negligible saving of funds in relation to the services performed. Now, therefore be it

Resolved by the House of Representatives of the State of South Carolina, That the Congress of the United States be and hereby is memorialized to reconsider the closing of the Tobacco Insects Investigation Department Branch located at Pee Dee Station, in Florence County, South Carolina in view of the valuable and necessary services this organization has performed for the area of its present location in the heart of the tobacco-growing country and in further recognition that the location of the Department now easily accessible to the farmers and tobacco-growing lands with which its work is connected is of major importance to its continued effective contributions to agricultural research. Be it further

Resolved, That a copy of this Resolution be forwarded to the Speaker of the United States House of Representatives, the President of the United States Senate, Congressman John L. McMillan, Senator Ernest F. Hollings and Senator Strom Thurmond.

I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives.

INEZ WATSON,
Clerk of the House.

WELFARE COSTS IN MASSACHUSETTS

Mr. BROOKE. Mr. President, welfare represents a very large share of the budget of my State of Massachusetts. The burden of these payments is increasingly cutting into the ability of the State to meet its other commitments and responsibilities.

Mr. President, I ask unanimous consent that a resolution pertaining to this matter, which was recently passed by the Senate and the House of Representatives of the Commonwealth of Massachusetts be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions memorializing the Congress of the United States to enact legislation providing for the absorption by the Federal Government of the total cost of public welfare

Whereas, Public welfare currently comprises over 40% of Massachusetts' annual budget; and

Whereas, The present state budget for public welfare in the current fiscal year amounts to over five hundred million dollars, and is expected to increase greatly; and

Whereas, The increasing costs of Medicaid under present conditions will appreciably add to state budgets in the future; and

Whereas, Medicaid is a valuable program for the people of Massachusetts and should be continued; and

Whereas, The cost of welfare programs is basically a federal responsibility; and

Whereas, Absorption of welfare costs by the federal government would release hundreds of millions of dollars for both property tax reduction at the local level and needed new progressive programs for the underprivileged at the state level; now, therefore, be it

Resolved, That the General Court of Massachusetts strongly urges the Congress of the United States to take early favorable action on absorption of costs of public welfare by the federal government so that appropriate planning for property tax reduction and needed new programs for the underprivileged can be initiated in the Commonwealth; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of State to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

Senate, adopted, January 15, 1969.

NORMAN L. PIDGEON,
Clerk.

House of Representatives, adopted in concurrence, January 20, 1969.

WALLACE C. MILLS,
Clerk.

Attest:

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

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 769. A bill to name the bridge to be constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former Member of the House, Robert A. "Fats" Everett (Rept. No. 7).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Richard C. Van Dusen, of Michigan, to be Under Secretary of Housing and Urban Development;

Floyd H. Hyde, of California, to be an Assistant Secretary of Housing and Urban Development;

Samuel C. Jackson, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development;

Samuel J. Simmons, of Michigan, to be an Assistant Secretary of Housing and Urban Development; and

Sherman Unger, of Ohio, to be General Counsel of the Department of Housing and Urban Development.

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs:

Russell E. Train, of the District of Columbia, to be Under Secretary of the Interior.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

U. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be Under Secretary of State for Political Affairs;

Frank J. Shakespeare, Jr., of Connecticut, to be Director of the U.S. Information Agency; and

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, now Ambassador Extraordinary and Plenipotentiary to the Republic of Togo, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Equatorial Guinea.

EXTENSION OF TIME FOR FILING REPORT OF COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the time for filing the report of the Senate Special Committee on Aging be extended from January 31, 1969, as authorized by Senate Resolution 223, until March 15, 1969, in order to provide time for study of hearings conducted late in 1968 and early 1969, and also to provide adequate time for minority members to consider the draft of the report.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. DIRKSEN:

S. 837. A bill relating to the status under the Internal Revenue Code of 1954 of the Local 738, I.B.T.-National Tea Co. Employees' Retirement Fund;

S. 838. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain State and local utility taxes; to the Committee on Finance.

S. 839. A bill making the birthday of Abraham Lincoln a legal holiday;

S. 840. A bill to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804); to the Committee on the Judiciary.

By Mr. DIRKSEN (by request):

S. 841. A bill for the relief of Helen M. Danley; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Delaware:

S. 842. A bill to limit to $20,000 the amount that may be paid to any producer in any year under certain agricultural programs, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 843. A bill to give farmers an additional month in which to meet the requirement of filing a declaration of estimated tax by filing an income tax return for the taxable year for which the declaration is required; to the Committee on Finance.

By Mr. MUNDT (for himself, Mr. BOGGS, Mr. CASE, Mr. METCALF, Mr. SPARKMAN, Mr. PERCY, and Mr. STEVENS):

S. 844. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT (for himself, Mr. ALLOTT, Mr. CANNON, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRAVEL, Mr. HANSEN, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. METCALF, Mr. MOSS, Mr. MUNDT, Mr. PEARSON, Mr. SPARKMAN, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, and Mr. YOUNG of North Dakota):

S. 845. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 846. A bill to provide compensation to certain silver-dealer claimants by authorizing the sale of silver bullion; to the Committee on Banking and Currency.

By Mr. MILLER (for himself, Mr. BAKER, Mr. BOGGS, Mr. COOK, Mr. COTTON, Mr. DOLE, Mr. FONG, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of IDAHO, Mr. PACKWOOD, and Mr. STEVENS):

S. 847. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Finance.

S. 848. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MILLER when he introduced the above bills, which appear under a separate heading.)

By Mr. MANSFIELD:

S. 849. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

By Mr. BROOKE:

S. 850. A bill for the relief of Kwok Kuen (Kwen) Ng; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 851. A bill for the relief of Mila Sabarre; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 852. A bill to provide for the appointment of eight additional, permanent district judgeships for certain judicial districts within California; to the Committee on the Judiciary.

(See the remarks of Mr. MURPHY when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 853. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. TALMADGE:

S. 854. A bill for the relief of Dr. Gumersinco Vicente Garay; to the Committee on the Judiciary.

By Mr. FULBRIGHT (for himself and Mr. MCCLELLAN):

S. 855. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT:

S. 856. A bill to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 857. A bill to designate the High Uintas Wilderness, Ashley and Wasatch National Forests, in the State of Utah; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 858. A bill to amend the Agricultural Adjustment Act of 1938 with respect to wheat; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MURPHY when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA:

S. 859. A bill for the relief of Dr. Peter F. X. O'Neill; to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. RIBICOFF, Mr. MOSS, Mr. YOUNG of Ohio, Mr. EAGLETON, Mr. RANDOLPH, Mr. GRAVEL, Mr. BURDICK, Mr. TYDINGS, and Mr. YARBOROUGH):

S. 860. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; Health, Education, and Welfare; and other agencies; and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. GOODELL, Mr. BROOKE, Mr. SCOTT, Mr. HATFIELD, Mr. SCHWEIKER, Mr. MONDALE, Mr. TYDINGS, and Mr. YARBOROUGH):

S. 861. A bill to provide Federal assistance to States for establishing and strengthening consumer protection programs; to the Committee on Commerce.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. GRIFFIN:

S. 862. A bill for the relief of Pasqualina D'Aguanno; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 863. A bill for the relief of Dr. Lorenzo de la Fuente Trajano, his wife, Leonora A. Trajano, and their child, Cesar A. Trajano; to the Committee on the Judiciary.

By Mr. COTTON:

S. 864. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Finance.

(See the remarks of Mr. COTTON when he introduced the above bill, which appears under a separate heading.)

By Mr. DOLE:

S. 865. A bill for the relief of Jafar Hadaegh; to the Committee on the Judiciary.

By Mr. MOSS:

S. 866. A bill to authorize for a limited period the issuance of national service life insurance to certain totally disabled veterans; to the Committee on Finance.

S. 867. A bill providing an equitable basis for the sale to collectors of standard silver dollars now held in the Treasury; to the Committee on Banking and Currency.

(See the remarks of Mr. Moss when he introduced the above bills, which appear under separate headings.)

By Mr. BROOKE:

S. 868. A bill for the relief of the New Bedford Storage Warehouse Co.; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. KENNEDY, Mr. MONDALE, Mr. MUSKIE, Mr. PROUTY, Mr. RANDOLPH, Mr. YOUNG of Ohio, and Mr. YARBOROUGH):

S. 869. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Government Operations.

S. 870. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bills, which appear under separate headings.)

By Mr. JORDAN of North Carolina:

S. 871. A bill for the relief of Ioannis D. Iliopoulos (John Poulos);

S. 872. A bill for the relief of Shu Ling Lee;

S. 873. A bill for the relief of King-Fa Yu; and

S. 874. A bill for the relief of Ah Gee Yue (also known as Ah Kin Yu); to the Committee on the Judiciary.

By Mr. HARRIS:

S. 875. A bill for the relief of Esther Tsui Ai Ho Chau; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 876. A bill for the relief of Marie M. Ridgely;

S. 877. A bill for the relief of John S. Attinello;

S. 878. A bill for the relief of James E. Miller;

S. 879. A bill for the relief of the estate of Albert W. Small;

S. 880. A bill for the relief of Gisela Hanke;

S. 881. A bill for the relief of Comdr. Edward White Rawlins, U.S. Navy (retired); and

S. 882. A bill for the relief of Capt. William O. Hanle; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced Senate bill 881, which appears under a separate heading.)

By Mr. JORDAN of North Carolina:

S. 883. A bill to revise the pay structure of the police force of the National Zoological Park, and for other purposes; to the Committee on Rules and Administration.

By Mr. HARRIS:

S. 884. A bill to provide for disposition of estates of interstate members of the Cherokee, Chickasaw, Choctaw and Seminole Nations of Oklahoma dying without heirs;

S. 885. A bill to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a

judgment in Indian Claims Commission docket No. 314, amended, and for other purposes;

S. 886. A bill to convey certain land of the United States to the Intertribal Council, Inc., Miami, Okla.; and

S. 887. A bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. HARRIS when he introduced the above bills, which appear under separate headings.)

By Mr. ERVIN:

S. 888. A bill for the relief of Tsui Yan Wa; to the Committee on the Judiciary.

By Mr. ERVIN (for himself and Mr. JORDAN of North Carolina):

S. 889. A bill for the relief of Dr. Yoshiaki Kitani; and

S. 890. A bill for the relief of the Pine Hall Brick & Pipe Co.; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 891. A bill for the relief of Lugarda Losoya Damian-Ruiz;

S. 892. A bill for the relief of Fung Yut Ma (Mar);

S. 893. A bill for the relief of Dr. Ediltrodito Quianzon;

S. 894. A bill for the relief of Dr. Joseph E. Stapleton;

S. 895. A bill for the relief of Dr. Paul S. Franco; and

S. 896. A bill for the relief of Chan Oi Tai Wong; to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself and Mr. EAGLETON):

S. 897. A bill authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement; to the Committee on Public Works.

(See the remarks of Mr. SYMINGTON when he introduced the above bill, which appear under a separate heading.)

By Mr. GORE:

S. 898. A bill to provide for the appointment of an additional district judge for the western district of Tennessee; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. FANNIN):

S. 899. A bill to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 900. A bill to amend the 1964 amendments to the Alaska Omnibus Act; to the Committee on Interior and Insular Affairs.

S. 901. A bill for the relief of William D. Pender; and

S. 902. A bill to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country; to the Committee on the Judiciary.

By Mr. METCALF:

S. 903. A bill for the relief of Hao Chin Sun;

S. 904. A bill for the relief of Sik Leung Kei;

S. 905. A bill for the relief of Shui Wong;

S. 906. A bill for the relief of Tak On Li;

S. 907. A bill for the relief of Siu Hung Ng;

S. 908. A bill for the relief of Hok Kwong Lam; and

S. 909. A bill for the relief of Choi Hing Yuen; to the Committee on the Judiciary.

S. 910. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Finance.

(See the remarks of Mr. METCALF when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. HOLLINGS:

S. 911. A bill to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax; to the Committee on Finance.

(See the remarks of Mr. HOLLINGS when he introduced the above bill, which appear under a separate heading.)

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

S. 912. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. FANNIN:

S. 913. A bill relating to the commission of a crime of violence in the District of Columbia when armed with any firearm or other dangerous or deadly weapon; to the Committee on the District of Columbia.

By Mr. PELL:

S. 914. A bill to encourage the preservation and development of a modern and efficient passenger rail transportation service in the northeastern seaboard area by granting the consent and approval of Congress to the States of Massachusetts, Rhode Island, Connecticut, and New York to negotiate and enter into a compact to create their own northeast rail authority, and by guaranteeing certain loans and other credit to such authority; to the Committee on Commerce.

(See the remarks of Mr. PELL when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. GOODELL, Mr. BROOKE, Mr. KENNEDY, Mr. PELL, Mr. SCOTT, Mr. SCHWEIKER, and Mr. MATHIAS):

S. 915. A bill to authorize the Small Business Administration to provide financial assistance to certain small business concerns suffering substantial economic injury as a result of the current work stoppages at east and gulf coast ports; to the Committee on Banking and Currency.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 916. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on Finance.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. DOLE:

S. 917. A bill for the relief of John C. Cadwell; to the Committee on the Judiciary.

By Mr. McGOVERN (by request):

S. 918. A bill to be cited as the "Indian Financing Act of 1969";

S. 919. A bill to provide for the establishment of Indian corporate entities for the economic development of Indian tribes and other organizations of Indians, and for other purposes; and

S. 920. A bill to provide for the resolution of the Indian fractionated ownership problem, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGOVERN when he introduced the above three bills, which appear under a separate heading.)

By Mr. McGOVERN:

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; to the Committee on Interior and Insular Affairs.

By Mr. PERCY:

S. 922. A bill for the relief of Niklaus Morgenthaler, his wife, Nelly Morgenthaler, and their three children, Caroline Morgenthaler, Michael Morgenthaler, and David Morgenthaler; and

S. 923. A bill for the relief of Zumrata Salihbegovic de Kulenovic; to the Committee on the Judiciary.

By Mr. PELL:

S. 924. A bill to encourage the development and preservation of a modern and efficient intercity passenger rail transportation service in the United States by granting the consent and approval of Congress to the States to negotiate and enter into compacts to create their own regional intercity rail passenger service authorities, and by guaranteeing certain loans and other credit to such authorities; to the Committee on Commerce.

By Mr. DIRKSEN (by request):

S.J. Res. 39. Joint resolution designating the American marigold (Tagetes erecta) as the national floral emblem of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DIRKSEN:

S.J. Res. 40. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in July of each year as "National Legal Secretaries Week"; to the Committee on the Judiciary.

By Mr. SCOTT:

S.J. Res. 41. Joint resolution requesting the President to issue an annual proclamation calling upon the people of the United States to observe the 7-day period which includes February 12 and February 14 as Negro History Week; to the Committee on the Judiciary.

(See the remarks of Mr. SCOTT when he introduced the above joint resolution, which appear under a separate heading.)

S. 842—INTRODUCTION OF BILL—AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 LIMITING PAYMENTS UNDER AGRICULTURAL PROGRAMS TO $20,000

Mr. WILLIAMS of Delaware. Mr. President, I introduce for appropriate reference, a bill.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 842) to limit to $20,000 the amount that may be paid to any producer in any year under certain agricultural programs, and for other purposes, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. WILLIAMS of Delaware. The purpose of the first section of the proposed bill is to limit to $20,000 the aggregate amount of money which may be paid to any producer under certain agricultural programs in any one year. The limitation would be applicable beginning with the 1970 crop years and would be applicable with respect to payments made under programs provided for or extended under titles II through V of the Agricultural Act of 1965. Those programs include: First, the National Wool Act of 1954, extended and amended by title II; second, the feed grains program provided for under title III; third, the cotton program provided for under title IV; and, fourth, the wheat program provided for under title V.

The bill provides that in determining the $20,000 limit the following type of paments are to be included: First, wool incentive payments; second, wheat marketing certificates; third, price support and diversion payments; and, fourth, the dollar value of any payment-in-kind made to a producer. The dollar value of

payment-in-kind is to be determined by the Secretary of Agriculture. The limitation on payments is not intended to include the amount of any price support loan made to a producer and the bill draft so provides.

Section 2 of the bill draft provides for the repeal of paragraph (12) of section 103(d) of the Agricultural Act of 1949, as amended, effective with the 1970 crop of upland cotton. Paragraph (12) of such section was enacted by the Food and Agriculture Act of 1965 and is the so-called snap-back provision for upland cotton. It provides that if limitations are later enacted with respect to price support provided under such section 103(d) and the Secretary of Agriculture is unable to make available to all cooperators the full amount of the price support to which they would otherwise be entitled under paragraphs (2) and (3) of such section 103(d), a program of price support for upland cotton providing for price support from 65 to 90 percent of parity would automatically come—or snap back—into operation. Paragraph (12) also provides that whenever the provision is in operation the Secretary of Agriculture will have authority to sell surplus cotton at prices below the loan level.

S. 844—INTRODUCTION OF LEGISLATIVE REORGANIZATION ACT OF 1969

Mr. MUNDT, Mr. President, I introduce, for appropriate reference, along with Senators BOGGS, CASE, METCALF, SPARKMAN, PERCY, STEVENS, FANNIN, and GRIFFIN, the Legislative Reorganization Act of 1969. I ask unanimous consent that at the conclusion of my remarks, the text of the bill be made a part of the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD at the conclusion of the Senator's remarks.

The bill (S. 844) to improve the operation of the legislative branch of the Federal Government, and for other purposes, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

(For text of bill, see exhibit 1.)

Mr. MUNDT. Mr. President, the bill incorporates, with certain minor revisions, the provisions of S. 355 as it passed the Senate in the 90th Congress. As my colleagues will remember, the Senate overwhelmingly approved this version 75 to 9, only to have it die in the House.

This legislation will have, I believe, wide bipartisan support. As I mentioned earlier, all the remaining Senate members of the Special Committee on Organization of the Congress have joined in cosponsoring the Legislative Reorganization Act of 1969. They are Senators BOGGS, CASE, METCALF, and SPARKMAN. Outside of that, I did not solicit for cosponsors. Two Senators, Senator PERCY, of Illinois, and Senator STEVENS, of Alaska, on hearing news reports to the effect that I would introduce such legislation, called my office and requested that they be listed as cosponsors. I was, of course, delighted to do so, just as I will be happy to extend the same courtesy to any other Senators who may wish to join now or at some later date.

It was, naturally, a disappointment not to see Congress complete action on this vitally needed housekeeping measure. We must not, however, accept the result as final. What was necessary in the last Congress is even more necessary in the 91st Congress. In addition, there are new indications of interest from across the Capitol in giving serious House consideration this year to congressional reform.

The Legislative Reorganization Act was the result of a 17-month study of the organization and operation of the Congress of the United States by the Special Committee on the Organization of the Congress. It was further refined by floor amendments prior to passage in 1967.

I would like to add, at this point, Mr. President, that a lion's share of the credit for steering the bill through the Senate in the 90th Congress belonged to our former colleague, Senator Mike Monroney, of Oklahoma. As the ranking Senate majority member of the joint committee, he labored long and skillfully to bring about a compromise acceptable to a majority of the Senate and yet one which still contained the necessary reorganizational features to allow Congress to function more effectively. As the ranking Republican member, it was a privilege for me to serve by his side, and his counsel and leadership will be sorely missed as we start down the legislative road again.

I am happy that all of the Senate members from the now expired Special Committee on the Organization of Congress have joined me in introducing this legislation. They believe, as I do, that we must go on. Congress faces an organizational crisis. It is imperative that we adopt the changes making it possible for Congress to stay on top of the increasingly complex domestic and foreign policy problems facing all branches of Government.

It has been over 20 years since any major revisions have occurred in Congress. The last major legislative reorganization was in 1946, when I also had a modest hand in shaping the results. Compared to the executive branch which has undergone comprehensive organizational changes on more or less a regular basis during the last 50 years, this is only the second time in this century that Congress has stopped to take a long, hard look at its own organizational framework.

Mr. President, this legislation has several significant features. It makes substantial modifications in the procedures of the standing committees. Included in this category is the very important "committee bill of rights" which would give a majority of each standing committee the right to call meetings and report legislation if the chairman failed to do so. It makes changes in hearing procedures to provide for more advance notice to the public and encourages open hearings and more public access to committee information.

One crucial reform is the protection of the rights of the minority. I say this as a member of the present minority but it should be pointed out that the last election makes it clear that we are once again approaching that equality of strength under which the minority in November could easily become the majority in January.

Regardless of party and present strength, these protections should be supported by all Senators. They include additional committee staff for the minority, the right to present minority views and reports, the right of equal time in debate on conference reports and the right to schedule witnesses during at least one day of committee hearings.

This legislation would also provide for the possible employment of an additional committee staff member to act as a legislative review specialist of the administration of existing legislation. In my estimation, this "oversight," or review, function is essential to the continued efficient operation of our legislative operations and is in complete accord with the current feeling in Congress and around the country to consolidate and build upon existing programs rather than striking out in new and uncharted directions.

If adopted, the Legislative Reorganization Act would create a new Senate Committee on Veterans' Affairs. This goal, long sought by several Members of this body, including myself, is desperately needed to provide expert attention to the requirements of the ever-increasing number of veterans.

Membership on the various committees in the Senate would also be changed. There would be a general reduction in the size of some committees and prohibition against any one Senator serving on more than one of certain selected major committees.

The bill authorizes greater congressional fiscal controls, with emphasis on the budget and the appropriation process. This would be accomplished through the use of a standardized information and data processing system for all Government expenditures and for budgetary and fiscal data, through a greater staff capability in the General Accounting Office to provide current and complete budget information to Members, through hearings of the full Appropriations Committee at the beginning of each session permitting a more coordinated look at the entire budget, greater attention to the cost-effectiveness studies currently conducted by the Executive, and by better liaison between the legislative committees, Appropriations Committees, and the General Accounting Office, and through increased committee staff capability.

Mr. President, many other worthwhile objectives would be obtained by adoption of this legislation. They include strengthening of the Legislative Reference Service of the Library of Congress, full-time legislative assistants for Senators, an automatic August recess, elimination of patronage appointments of postmasters, professionalizing the Capitol Police force, and increasing the age requirements for Senate and House pages.

Some of these provisions have been partially adopted by other means, but they are more by informal agreement

than anything else. Others could be adopted by the same method. This, however, is not satisfactory. The reforms are needed and should be made permanent by force of law.

Mr. President, I have eliminated one title from the bill that passed the Senate in 1967. Title V amended the Regulation of Lobbying Act of 1946. This is not included in the Legislative Reorganization Act of 1969.

I have taken this action, not because I feel we no longer need corrective action in this area—we do—but because I believe further study of this problem is necessary. This is a section of the act which is far different than the others, which are primarily internal housekeeping matters. Because it involves individuals whose connection with Congress is other than a Member or an employee, I believe legislative hearings should be held on the language. This has never been done. I would hope a separate bill will be introduced on this subject and enacted into law by this Congress after adequate hearings are held on its provisions.

The outgoing Johnson administration sent to Congress on January 15 of this year its recommendations to amend the present lobbying law. It is entirely possible that the Nixon administration will want to do likewise.

Finally, Mr. President, I would like to point out sections of the 1969 bill which differ from the Senate-passed version of the 90th Congress. All these changes were made to accommodate separate legislative actions adopted following the passage of our bill in 1967.

The text relating exclusively to the Senate has been adjusted to reflect subsequent action by the Senate except that the table showing the number of Senators on each standing committee has not been changed in consequence of adoption of Senate Resolution 13 on January 14 of this year. Senate Resolution 13 reduced the size of the Committee on Appropriations and the Committee on Foreign Relations. If the Senate, in its wisdom wants to incorporate this latest change in this reorganization act, it will have ample opportunity to do so.

Provisions of the 1967 bill which have been taken care of administratively or in other legislation have been omitted. These include sections relating to telecommunications, conversion of Senate pay rates to gross rate basis, and stationery allowances. The section relating to legislative assistants for Senators has been included and that provision of the so-called Tydings amendment added to the legislative appropriation bill would be rescinded. The amendment increased the clerk hire allowance for Senators and was intended as a stopgap measure until Congress adopted the legislative assistant provision of the Congressional Reorganization Act.

Provisions relating to salary rates have been updated to conform to existing levels.

As a matter of comity, the text relating exclusively to the House has not been altered to reflect any action taken by that body since the passage of S. 355 by the Senate.

Mr. President, I hope that the Senate will take up this legislation in the near future and send it to the House so that body may continue its consideration. There is nothing more powerful than an idea whose time has come, and certainly the time for legislative reorganization has not only come but is in fact overdue.

The text of the bill is as follows:

EXHIBIT 1

S. 844

A bill to improve the operation of the legislative branch of the Federal Government, 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, parts, and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1969".

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TITLE I—THE COMMITTEE SYSTEM

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in

such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—PROVISIONS APPLICABLE TO BOTH HOUSES

COMMITTEE PROCEDURE

SEC. 102. (a) Section 133(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended by adding at the end thereof the following new sentences: "If the chairman of any such committee, after three days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting. If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

(b) Section 133(b) of that Act is amended to read as follows:

"(b) Meetings for the transaction of business of each such committee, other than the conduct of hearings, shall be open to the public except during executive sessions for marking up bills or for voting or when the committee by a majority vote orders an executive session. Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any such committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.".

(c) Section 133(c) of that Act is amended by adding at the end thereof the following new sentences: "In any event, the report of any such committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate or House of Representatives, as the case may be, is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing thereof.".

(d) Section 133(d) of that Act is amended by adding at the end thereof the following new sentences: "The vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy, however, proxies shall not be voted for such purpose except when the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of either House to adopt rules (1) providing for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a lesser number as a quorum for any action other than the reporting of a measure or matter.".

(e) Section 133 of that Act is amended by striking out subsections (e) and (f), and inserting in lieu thereof the following:

"(e) If, at the time of approval of a measure or matter by any such committee, any member of the committee gives notice of intention to file supplemental or minority views; each such member shall be entitled to no less than one day in which to file such views with the clerk of the committee in writing. All such views so filed by one or more members of the committee shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter. The report of such committee upon such measure or matter shall be printed in a single volume which shall include all supplemental or minority views which have been submitted at the time of the filing of the committee report, and shall bear upon its cover a recital that supplemental or minority views are included as a part of the report.

"Nothing contained in this subsection shall preclude—

"(A) The immediate filing and printing of a committee report unless a timely request for the opportunity to file supplemental or minority views has been made as provided by this subsection; or

"(B) The filing by any standing committee of any supplemental report upon any measure which may be required for the correction of any technical error in a previous report made by such committee upon such measure.

"(f) The report of any such committee of either House of the Congress upon any measure or matter shall be filed in that House at least three calendar days (exclusive of Saturdays, Sundays, and legal holidays) before any vote is taken upon that measure or matter in that House. If there have been hearings held upon any such measure or matter so reported in either such House, the committee shall make every reasonable effort to have such hearings printed and available for distribution to Members of that House prior to consideration of the measure. This section shall not apply to any measure for the declaration of war or the declaration of a national emergency by the Congress. In any event, this section may be waived by joint agreement of the majority leader and minority leader of the Senate or the Speaker and the minority leader of the House of Representatives upon finding that in their opinion such waiver is required because of the imminence of sine die adjournment, the expiration of the Act sought to be amended, or to meet the immediate financial needs of the Government.

"(g) Each such committee which, in any year beginning on or after January 1, 1970, requires authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee for expenditure by all subcommittees thereof during that year and the amount so sought for each such subcommittee. The annual authorization resolution of any such committee of either House of the Congress for each year beginning on or after January 1, 1970, shall be offered not later than January 31 of that year, except that, whenever the designation of members of standing committees of that House occurs during the first session of any Congress at a date later than January 20 such resolution may be offered by any standing committee of that House at any time within thirty days after the date on which a majority of the members of such committee have been designated during that session. After the date on which an annual authorization resolution has been offered by any such committee in any year, or the last date on which such committee pursuant to the preceding sentence may offer such a resolution, whichever date occurs earlier, such committee in any year may procure authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall specify with particularity the purpose for which such authorization is sought, and shall contain an explicit statement of the reason why authorization for the expenditures described therein could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. The minority shall receive fair consideration in the appointment of staff personnel pursuant to such resolution."

"(h) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

COMMITTEE HEARING PROCEDURE

SEC. 103. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is amended by inserting therein, immediately after section 133 thereof, the following new section:

"COMMITTEE HEARING PROCEDURE

"SEC. 133A. (a) Each standing committee of the Senate and the House of Representatives (except the Committee on Appropriations) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee upon any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

"(b) Each hearing conducted by each such committee shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules that the committee may adopt.

"(c) Each such committee shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and ranking minority member determine that there is good cause for the failure of the witness to file such a statement in compliance with this subsection. If so requested by any such committee, the staff of the

committee shall prepare for the use of members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

"(d) After the conclusion of each day of hearing, if so requested by any such committee, the staff shall prepare for the use of members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

"(e) Whenever any hearing is conducted by any such committee upon any measure or matter, the minority of the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

"(f) Whenever any such committee has reported any measure, by action taken in conformity with the requirements of section 133(d) of this Act, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by that committee were not conducted in accordance with the provisions of this section.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by inserting—

"Sec. 133A. Committee hearing procedure."

immediately below—

"Sec. 133. Committee procedure.".

COMMITTEE POWERS

SEC. 104. Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b (b)) is amended to read as follows:

"(c) Except as hereinafter provided, no standing committee of the Senate or the House shall sit, without special leave, while the Senate or the House, as the case may be, is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate or to the following committees of the House of Representatives: the Committee on Appropriations, the Committee on Government Operations, the Committee on Rules, and the Committee on Un-American Activities. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. Any other standing committee of the House of Representatives may conduct a hearing while the House is in session if consent therefor has been obtained from the Speaker and the minority leader of the House. In the event of the absence of any such officer or leader, the consent of such officer or leader may be given by a Member of that House of which such officer or leader is a Member designated by him for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 7 (paragraph 5 as redesignated by section 122(b) of the Legislative Reorganization Act of 1969) of rule XXV of the Standing Rules of the Senate.".

LEGISLATIVE REVIEW BY STANDING COMMITTEES

SEC. 105. (a) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Congress in—

"(1) its analysis, appraisal, and evaluation of the application, operation, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in such laws, and of such additional legislation, as it deems necessary or appropriate,

each standing committee of the Senate and House of Representatives shall review and study, on a continuing basis, the application, operation, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of such committee.

"(b) Each standing committee of the Senate and House of Representatives shall—

"(1) conduct the reviews and studies required generally by subsection (a) of this section;

"(2) analyze, appraise, and evaluate reports and other data of the Comptroller General of the United States, and of any other officer or agency of the Government, which are pertinent to reviews, studies, programs, projects, and other matters within the purview of this section and may request the Comptroller General to investigate any report on any matter relating to the receipt, disbursement, and application of public funds under such laws;

"(3) keep currently informed with respect to the regulations, procedures, practices, and policies of the Government pertaining to the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee;

"(4) conduct such activities as are necessary and appropriate to carry out the general review and study policies of the committee under this section, including reviews of programs of grants-in-aid referred to in section 252(c) of the Legislative Reorganization Act of 1969; and

"(5) obtain current information regarding—

"(A) the progress, status, and results of reviews, studies, programs, and projects conducted under this section,

"(B) the regulations, procedures, practices, and policies of the Government referred to in subparagraph (3) of this subsection, and

"(C) all other matters within the purview of this subsection.

"(c) Each standing committee of the Senate and House of Representatives is entitled to employ a Review Specialist as a member of the professional staff of such committee in addition to the number of members of such professional staff to which such committee otherwise is entitled. Such Review Specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such Review Specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this section.

"(d) Each standing committee of the Senate and House of Representatives shall submit, not later than March 31 of each year beginning on or after January 1, 1970, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year. Such report shall include—

"(1) an analysis of the reviews, studies, programs, and projects of the committee under this section;

"(2) an appraisal and evaluation of the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee; and

"(3) such other matters within the purview of this section as may be appropriate to carry out the purposes of this section.

Each such committee shall omit in such report all matters which, in the opinion of the committee, should not be made public in the interest of the national security.

"(e) Within ten days after the submission of all such reports to the Senate and House of Representatives, respectively, the President of the Senate, with respect to the reports submitted to the Senate, and the Speaker of the House of Representatives, with respect to the reports submitted to the House, shall transmit such reports to—

"(1) the President, with respect to matters concerning the executive branch;

"(2) the Director of the Administrative Office of the United States Courts, with respect to matters concerning the judicial branch;

"(3) the Board of Commissioners of the District of Columbia with respect to matters concerning the municipal government of the District of Columbia; and

"(4) the heads of other appropriate agencies, corporations, and instrumentalities of the Government.

"(f) As used in this section, the term 'Government' includes the municipal government of the District of Columbia.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations and the Committee on Standards and Conduct of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by standing committees.".

CONFERENCE REPORTS

SEC. 106. (a) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

"CONFERENCE REPORTS"

(b) Section 135 of that Act is amended by adding at the end thereof the following new subsections:

"(c) Each report of a committee of conference shall be printed as a report of each House of the Congress. As printed in each House, each such report shall be accompanied by an explanatory statement prepared by the conferees on the part of that House. Each such statement shall be sufficiently detailed and explicit to inform the House for which it is prepared as to the effect which amendments or propositions contained in such report will have upon the measure to which it relates. If any conferee on the part of either House desires to submit to the House of which he is a member an additional individual explanatory statement with respect to any such report, such individual statement may be filed as an appendix to, and may be printed together with, the explanatory statement made by the conferees on the part of the House of which he is a Member, if such individual statement is available at the time of the filing of the report of the committee of conference to that House.

"(d) If time for debate in the consideration of any report of a committee of conference upon the floor of either House of the Congress is limited, the time allotted for debate thereon shall be divided equally be-

tween Members of that House who favor agreement to such report and Members of that House who do not favor agreement to such report.".

(c) The item relating to section 135 contained in the table of contents of that Act is amended to read:

"Sec. 135. Conference reports.".

PART 2—PROVISIONS APPLICABLE TO THE SENATE

JURISDICTION OF STANDING COMMITTEES OF THE SENATE

SEC. 121. Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out in subparagraph (e)—

"Committee on Banking and Currency,"

and inserting in lieu thereof—

"Committee on Banking, Housing and Urban Affairs,";

(2) by adding at the end of subparagraph (e) the following item:

"10. Urban affairs generally.";

(3) by striking out in subparagraph (h) (relating to the Committee on Finance) the following numbered items—

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.";

(4) by striking out in subparagraph (m) (relating to the Committee on Labor and Public Welfare)—

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medica care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.";

(5) by adding at the end thereof the following new subparagraph—

"(q) Committee on Veterans' Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries."; and

(6) by striking out in subparagraph (k) (relating to the Committee on Interior and Insular Affairs) the following item—

"5. Military parks and battlefields, and National cemeteries."

and inserting in lieu thereof—

"5. Military parks and battlefields."

COMMITTEE MEMBERSHIP

SEC. 122. (a) Paragraph 1 of rule XXV of the Standing Rules of the Senate, as such paragraph existed on the day preceding the date of enactment of section 121 of this Act, is amended—

(1) by striking out in subparagraph (a) the words "to consist of fifteen Senators,";

(2) by striking out in subparagraph (b) the words "to consist of thirteen Senators,";

(3) by striking out in subparagraph (c) the words "to consist of twenty-four Senators,";

(4) by striking out in subparagraph (d) the words "to consist of eighteen Senators,";

(5) by striking out in subparagraph (e) the words "to consist of fifteen Senators,";

(6) by striking out in subparagraph (f) the words "to consist of nineteen Senators,";

(7) by striking out in subparagraph (g) the words "to consist of seven Senators,";

(8) by striking out in subparagraph (h) the words "to consist of seventeen Senators,";

(9) by striking out in subparagraph (i) the words "to consist of fifteen Senators,";

(10) by striking out in subparagraph (j) (1) the words "to consist of fifteen Senators,";

(11) by striking out in subparagraph (k) the words "to consist of seventeen Senators,";

(12) by striking out in subparagraph (l) the words "to consist of seventeen Senators,";

(13) by striking out in subparagraph (m) the words "to consist of seventeen Senators,";

(14) by striking out in subparagraph (n) the words "to consist of twelve Senators,";

(15) by striking out in subparagraph (o) the words "to consist of fifteen Senators,"; and

(16) by striking out in subparagraph (p) (1) the words "to consist of nine Senators,".

(b) Paragraphs 2, 3, 4, and 5 of rule XXV of the Standing Rules of the Senate are redesignated as paragraphs 4, 5, 6, and 7 thereof, respectively.

(c) Rule XXV of the Standing Rules of the Senate is amended by inserting, immediately after paragraph 1, the following new paragraphs:

"2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee	*Members*
"Aeronautical and Space Sciences	14
"Agriculture and Forestry	13
"Appropriations	26
"Armed Services	15
"Banking, Housing, and Urban Affairs	15
"Commerce	15
"Finance	15
"Foreign Relations	15
"Government Operations	14
"Interior and Insular Affairs	14
"Judiciary	15
"Labor and Public Welfare	15
"Public Works	14

"3. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee	*Members*
"District of Columbia	7
"Post Office and Civil Service	9
"Rules and Administration	9
"Veterans' Affairs	9."

(d) Paragraph 6 of rule XXV of the Standing Rules of the Senate (as redesignated) is amended to read as follows:

"6. (a) Except as otherwise provided by this paragraph, each Senator shall serve on two and no more of the standing committees named in paragraph 2. Except as otherwise provided by this paragraph, no Senator shall serve on more than one committee included within the following classes: standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress.

"(b) Each Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was serving as a member of any standing committee shall be entitled to continue to serve on each such committee of which he was a member on that day as long as his service as a member of such committee remains continuous after that day. Each Senator who (1) on that day was serving as a member of the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, (2) on that date was entitled, under the proviso contained in the first sentence of paragraph 4 of this rule as such rule existed on that day, to serve on three committees named in that sentence, and (3) on June 30, 1971, is serving on three such committees, of which at least one is the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, shall be entitled to continue to serve on each of the committees of which he is a member on June 30, 1971, so long as his service as a member of each such committee remains continuous thereafter. Each Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was a member of more than one committee of the classes described in the second sentence of subparagraph (a) shall be entitled to serve on each such committee of which he was a member on that day as long as his service as a member of that committee remains continuous after that day. Notwithstanding the provisions of paragraphs 2 and 3, each committee of the Senate shall be temporarily increased in membership by such number as may be required to carry into effect the provisions of this subparagraph.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more of the standing committees named in paragraph 2 or paragraph 3 of this rule may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees named in paragraph 2. No such temporary increase in the membership of one or more standing committees under this subparagraph or subparagraph (a) shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph or subparagraph (a) by more than four members in excess of the number prescribed for that committee by paragraph 2 or paragraph 3 of this rule.

"(b) Notwithstanding the limitations contained in subparagraph (a), a Senator may serve at any time on one additional committee included within the following classes: a temporary committee of the Senate or a temporary joint committee of the Congress which, by the terms of the measure by which it was established as initially agreed to, will not continue in existence for more than one Congress; or a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 3 of which that Senator is a member.

"(e) No Senator shall serve at any time on more than one of the following committees: Committee on Appropriations, Committee on Armed Services, Committee on Finance, and Committee on Foreign Relations. Notwithstanding the limitation contained in this paragraph, a Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was a member of more than one such committee may continue to serve as a member of each such committee of which he was a member on that day as long as his service on that committee remains continuous after that day.

"(f) No Senator shall serve at any time as chairman of more than one committee included within the following classes: standing, select, and special committees of the

Senate; and joint committees of the Congress, except that—

"(1) A Senator may serve as chairman of a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 2 or paragraph 3 of which that Senator is the chairman;

"(2) A Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was serving as chairman of more than one committee included within the classes described in this subparagraph may continue to serve as chairman of each such committee of which he was chairman on that day as long as his service as chairman of that committee remains continuous after that day; and

"(3) A Senator who is serving at any time as chairman of a committee included within the classes described in this subparagraph may at the same time serve also as chairman of one temporary committee of the Senate or temporary joint committee of the Congress which, by the terms of the measure by which it was established as originally agreed to, will not continue in existence for more than one Congress.

"(g) No Senator shall serve at any time as chairman of more than one subcommittee of the same committee if that committee is named in paragraph 2. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was serving as chairman of more than one such subcommittee may continue to serve as chairman of each such subcommittee of which he was chairman on that day as long as his service as chairman of that subcommittee remains continuous after that day.".

PART 3—PROVISIONS APPLICABLE TO THE HOUSE OF REPRESENTATIVES

JURISDICTION OF STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

SEC. 131. (a) Clause 1 of rule X of the Rules of the House of Representatives is amended—

(1) by striking out—

"(d) Committee on Banking and Currency, to consist of twenty-seven Members."

and inserting in lieu thereof—

"(d) Committee on Banking, Housing, and Urban Affairs, to consist of twenty-seven Members.";

(2) by striking out—

"(f) Committee on Education and Labor, to consist of twenty-five Members."

and inserting in lieu thereof—

"(f) Committee on Education, to consist of twenty-five Members.";

(3) by inserting—

"(m) Committee on Labor and Public Welfare, to consist of twenty-five Members."

immediately below—

"(l) Committee on the Judiciary, to consist of twenty-seven Members.";

(4) by redesignating paragraphs (m), (n), (o), (p), and (q) as paragraphs (n), (o), (p), (q), and (r), respectively;

(5) by inserting immediately below paragraph (q) thereof (relating to the Committee on Science and Astronautics), redesignated as paragraph (r) by subparagraph (4) of this subsection, the following new paragraph (s):

"(s) Committee on Standards and Conduct, to consist of twelve Members."; and

(6) by redesignating paragraphs (r), (s), and (t) as paragraphs (t), (u), and (v), respectively.

(b) Rule XI of the Rules of the House of Representatives is amended—

(1) by striking out in clause 1 thereof (relating to the Committee on Agriculture—

"(d) Agricultural colleges and experiment stations.

"(e) Agricultural economics and research.

"(f) Agricultural education extension services."

and inserting in lieu thereof—

"(d) Agricultural economics and research.";

(2) by redesignating paragraphs (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q) of such clause 1 as paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), respectively;

(3) by striking out—

"4. Committee on Banking and Currency."

and inserting in lieu thereof—

"4. Committee on Banking, Housing, and Urban Affairs.";

(4) by adding at the end of clause 4 thereof (relating to the Committee on Banking, Housing, and Urban Affairs)—

"(j) Urban affairs generally.";

(5) by striking out—

"6. Committee on Education and Labor.

"(a) Measures relating to education or labor generally.

"(b) child labor.

"(c) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"(d) Convict labor and the entry of goods made by convicts into interstate commerce.

"(e) Labor standards.

"(f) Labor statistics.

"(g) Mediation and arbitration of labor disputes.

"(h) Regulation or prevention of importation of foreign laborers under contract.

"(i) School-lunch program.

"(j) United States Employees' Compensation Commission.

"(k) Vocational rehabilitation.

"(l) Wages and hours of labor.

"(m) Welfare of miners."

and inserting in lieu thereof—

"6. Committee on Education.

"(a) Measures relating to education generally.

"(b) Agricultural colleges and experiment stations.

"(c) Agricultural educational extension services.

"(d) Mining schools.

"(e) Gallaudet College.

"(f) Howard University (including Freedmen's Hospital).

"(g) Library services and construction.

"(h) School construction.

"(i) Arts and humanities.

"(j) Vocational education and vocational rehabilitation.

"(k) Scholarships and intercultural activities.

"(l) Special educational programs.

"(m) Measures relating to economic opportunity and alleviation of poverty.

"(n) Public health and quarantine, including the Public Health Service and the National Institutes of Health.";

(6) by striking out in clause 10 thereof (relating to the Committee on Interior and Insular Affairs)—

"(1) Mining schools and experimental stations"

and inserting in lieu thereof—

"(l) Mining experimental stations.";

(7) by striking out in clause 11 thereof (relating to the Committee on Interstate and Foreign Commerce)—

"(e) Public health and quarantine.

"(f) Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto."

and inserting in lieu thereof—

"(e) Railroad retirement and unemployment, except revenue measures relating thereto.";

(8) by redesignating paragraphs (g), (h), (i), and (j) of such clause 11 as paragraphs (f), (g), (h), and (i), respectively;

(9) by striking out in such clause 11—

"(k) Weather Bureau.";

(10) by inserting immediately following clause 12 thereof the following new clause 13:

"13. Committee on Labor and Public Welfare.

"(a) Measures relating to labor or public welfare generally.

"(b) Child labor.

"(c) Labor standards.

"(d) Labor statistics.

"(e) Mediation and arbitration of labor disputes.

"(f) Convict labor and the entry of goods made by convicts into interstate commerce.

"(g) Maritime unions.

"(h) Railroad labor.

"(i) Regulation or prevention of importation of foreign laborers under contract.

"(j) Bureau of Employees' Compensation.

"(k) Wages and hours of labor.

"(l) Welfare of miners.

"(m) Saint Elizabeths Hospital.

"(n) School-lunch program.

"(o) Industrial safety.

"(p) Equal employment opportunities and fair employment practices.

"(q) Manpower development and training generally.";

(11) by redesignating clauses 13, 14, 15, 16, and 17 thereof as clauses 14, 15, 16, 17, and 18 thereof, respectively;

(12) by striking out in clause 13 thereof redesignated as clause 14 by subparagraph (11) of this subsection (relating to the Committee on Merchant Marine and Fisheries)—

"(f) Merchant marine officers and seamen." and inserting in lieu thereof—

"(f) Merchant marine officers and seamen (except maritime unions).";

(13) by striking out at the end of clause 17 thereof redesignated as clause 18 by subparagraph (11) of this subsection (relating to the Committee on Science and Astronautics)—

"(h) Scientific research and development." and inserting in lieu thereof—

"(h) Research and development in environmental science, including the Environmental Science Services Administration.

"(i) Scientific research and development generally.";

(14) by inserting immediately following clause 17 thereof, redesignated as clause 18 by subparagraph (11) of this subsection, the following new clause 19:

"19. Committee on Standards and Conduct.

"(a) Ethical standards and conduct of Members, officers, and employees of the House of Representatives.

"(b) The Committee on Standards and Conduct shall consist at all times of an even number of Members equally divided between the majority party and the minority party. The committee shall select a chairman and a vice chairman from among its members. The chairman shall be a member of the majority party. The vice chairman shall be a member of the minority party.

"(c) The Committee on Standards and Conduct shall—

"(1) recommend to the House of Representatives, by report or resolution, such rules and regulations as the committee determines necessary or desirable to insure proper standards of conduct by Members of the House and by officers and employees of the House, in the performance of their duties and the discharge of their responsibilities; and

"(2) report, by majority vote of its entire membership, violations of law to the proper Federal and State authorities.

"(d) The committee shall transmit to the House of Representatives its recommendations as to any legislative measures which the committee determines necessary for the effective discharge of its duties whenever the committee, by majority vote of its entire membership, orders such action.

"(e) The committee is authorized to—

"(1) hold such hearings,

"(2) sit and act at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or adjourned, and

"(3) require, by subpena or otherwise, the attendance and testimony (orally or by deposition) of such witnesses, and the production of such books, records, correspondence, papers, and documents,

as the committee deems necessary. Subpenas may be issued under the signature of the chairman of the committee, or by any member of the committee designated by the chairman, and may be served by any person designated by such chairman or committee member so designated. The chairman of the committee, or any member thereof, may administer oaths to witnesses.

"(f) Any hearing held by the committee shall not be open to the public unless and until the committee, by majority vote of its entire membership, orders such hearing to be open to the public.

"(g) As used in this clause, the term 'officers and employees of the House' includes—

"(1) an elected officer of the House who is not a Member of the House;

"(2) an employee of the House, of any committee or subcommittee of the House, or of any Member of the House;

"(3) the Legislative Counsel of the House and any employee of his office;

"(4) an Official Reporter of Debates of the House, an Official Reporter to Committees, and any person employed by the Official Reporters in connection with the performance of their official duties;

"(5) a member of the Capitol Police Force whose compensation is disbursed by the Clerk of the House;

"(6) telephone operators whose compensation is disbursed by the Clerk of the House;

"(7) an employee of the Government Printing Office assigned to duty in any capacity with the House; and

"(8) an employee of a joint committee of the Congress whose compensation is disbursed by the Clerk of the House.";

(15) by redesignating clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 thereof as clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 thereof, respectively; and

(16) by striking out in clause 24 thereof redesignated as clause 26 by subparagraph (15) of this subsection (relating to reports of the Committee on House Administration in contested-election cases)—

"except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months".

(c) Rule XII of the Rules of the House of Representatives is amended to read as follows:

"RULE XII

"RESIDENT COMMISSIONER

"The Resident Commissioner to the United States from Puerto Rico shall be elected to serve as an additional member on the Committees on Agriculture, Armed Services, and Interior and Insular Affairs, shall possess in such committees the same powers and privileges as in the House, and may make any motion except a motion to reconsider.".

TITLE II—FISCAL CONTROLS

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 201. Part 3 and part 5 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

DATA PROCESSING SYSTEM

SEC. 202. The Comptroller General of the United States, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall develop, establish, and maintain, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

STANDARD CLASSIFICATIONS

SEC. 203. (a) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 202 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1971.

(b) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall perform their functions under section 202 and subsection (a) of this section as part of the joint program established pursuant to section 111(f) of the Accounting and Auditing Act of 1950.

(c) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1970, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 202 and subsection (a) of this section. The reports made under this subsection in 1970 and 1971 shall set forth the progress achieved in the development of classifications under subsection (a) of this section, and the reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established.

AVAILABILITY OF DATA

SEC. 204. The Comptroller General shall provide information to the Congress, as provided in this section, on the location and nature of data available in the various Federal agencies with respect to programs, activities, receipts, and expenditures of such agencies. Upon request of any Member of the House or Senate, of any committee of either House, or of any joint committee of the two Houses, the Comptroller General shall—

(1) furnish to such Member, committee, or joint committee information as to the location and nature of such data, and

(2) to the extent feasible, prepare for such Member, committee, or joint committee summary tables of such data.

COST EFFECTIVENESS STUDIES

SEC. 205. The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost effectiveness studies of Government programs. Upon request of any committee of either House or of any joint committee of the two Houses, the Comptroller General shall assign, on a temporary basis, employees of the General Accounting Office to assist such committee or joint committee, or the staff of such committee or joint committee—

(1) in analyzing cost effectiveness studies furnished by any Federal agency to such committee or joint committee, or

(2) in conducting cost effectiveness studies of programs under the jurisdiction of such committee or joint committee.

CURRENT BUDGET INFORMATION

SEC. 206 (a) After the submission of the budget for any fiscal year by the President, the Comptroller General shall collect information and data available in the various Federal agencies with respect to changes in the figures shown in such budget as submitted, including changes caused by—

(1) new or supplemental requests for appropriations;

(2) the enactment of appropriation Acts, or the action of either the House or Senate on appropriation bills, or of the Committee on Appropriations, or any subcommittees thereof, of the House or Senate on appropriation bills or requests for appropriations;

(3) increases or decreases in expenditures of prior appropriations;

(4) increases or decreases in revenue receipts or estimated revenue receipts; and

(5) increases or decreases in expenditures or estimated expenditures by reason of the enactment of laws (other than appropriation Acts).

(b) The Comptroller General shall, from time to time, furnish a report showing revised budget information and totals to reflect the information and data collected by him under subsection (a) to each Member of the House and Senate, each committee of the House and Senate, and each joint committee of the two Houses. All such reports shall identify, to the extent necessary, the sources of the information and data reflected in the revised budget information and totals.

(c) Upon request of any Member of the House or Senate, any committee of either House, or any joint committee of the two Houses, the Comptroller General shall, to the extent feasible, prepare and furnish to such Member, committee, or joint committee tabulations of such budget information and data as collected pursuant to this section.

POWERS AND DUTIES OF COMPTROLLER GENERAL

SEC. 207. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he deems necessary to carry out the functions and duties imposed on him by the provisions of this Part.

(b) The Comptroller General is authorized to obtain, during the period ending December 31, 1971, the services of individual experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of $200 per diem. Not more than fifteen such experts and consultants may be so employed at any one time and no expert or consultant may be so employed for more than one hundred and twenty days during any calendar year.

(c) The Comptroller General shall include in his annual report to the Congress a report with respect to the performance of the functions and duties imposed on him by the provisions of this Part.

DEFINITION

SEC. 208. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

PART 2—THE BUDGET

SUPPLEMENTAL BUDGET INFORMATION

SEC. 221. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by striking out subsections (b), (c), (d), (e), and (f), and inserting in lieu thereof the following:

"(b) On June 1 of each year, beginning with 1970, the President shall transmit to the Congress a supplemental summary of the Budget transmitted in January of such year for the ensuing fiscal year. Such supplemental summary shall reflect all changes relat-

ing to that fiscal year which have occurred since the transmittal of the Budget, including changes caused by—

"(1) revisions in estimates of expenditures and receipts,

"(2) estimated expenditures and proposed appropriations which were not included in the Budget as transmitted,

"(3) appropriations enacted after transmittal of the Budget, and

"(4) the enactment of laws (other than appropriation Acts) after the transmittal of the Budget.

"(c) On or before June 1 of each year, the President shall transmit to the Congress, in such form and detail as he may determine—

"(1) summaries of estimated expenditures, for the four fiscal years following the ensuing fiscal year for which the Budget was transmitted in January of such year, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law, and

"(2) summaries of estimated expenditures in fiscal years following such ensuing fiscal year of balances carried over from such ensuing fiscal year.

"(d) The Budget shall include information showing the gross amount of expenditures and estimated expenditures of all programs of the Government.".

(b) Subsections (c) and (d) of section 201 of the Budget and Accounting Act, 1921 (as amended by subsection (a)) shall apply only with respect to the Budget transmitted to the Congress for the fiscal year ending June 30, 1972, and for succeeding fiscal years.

PART 3—THE APPROPRIATION PROCESS

COMMITTEE HEARINGS

SEC. 231. (a) Each hearing conducted by the Committee on Appropriations of the House of Representatives or the Senate shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee may adopt.

(b) The Committee on Appropriations of the House and the Committee on Appropriations of the Senate shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(1) the basic recommendations and budgetary policies of the President in the presentation of the Budget, and

(2) the fiscal, financial, and economic assumptions, used as bases in arriving at total estimated expenditures and receipts.

(c) In holding hearings pursuant to subsection (b), the committees shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

(d) Hearings pursuant to subsection (b) shall be held in open session. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member of the House or Senate, as the case may be.

(e) Hearings pursuant to subsection (b), or any part thereof, may be held before joint meetings of the two committees.

(f) (1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 138. Legislative Budget.".

BUDGET REVIEW

SEC. 232. The Committee on Appropriations of the House, or a duly authorized subcommittee thereof, and the Committee on Appropriations of the Senate, or a duly authorized subcommittee thereof, shall review the Budget transmitted for each fiscal year for the specific purpose of examining and reviewing those programs for which estimated expenditures or proposed appropriations contained in the Budget would be made by, or be under the control of, two or more Federal agencies.

COMMITTEE ACTION

SEC. 233. (a) The vote of the Committee on Appropriations of the House of Representatives or the Senate to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies shall not be voted for such purpose except when the absent committee member has been informed on the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of either House to adopt rules (1) providing for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a lesser number as a quorum for any action other than the reporting of a measure or matter.

(b) The report of the Committee on Appropriations of the House or the Senate, as the case may be, accompanying each appropriation bill shall include an analysis of the major factors taken into consideration by the committee in reporting the bill and recommending the appropriations contained therein. In any case in which any cost effectiveness analysis or study of any program for which funds are appropriated in the bill has been furnished by any Federal agency to any committee of the House or Senate or any joint committee of the two Houses or has been made by any such committee or joint committee, such report shall also state the consideration given by the Committee on Appropriations to such analysis or study and shall inform the Members of the House or Senate, as the case may be, where they may obtain copies of such analysis or study.

(c) In the case of any bill reported by the Committee on Appropriations of the House or the Senate which makes supplemental or deficiency appropriations for any fiscal year, the report accompanying such bill shall include a complete explanation of the nature of the request for such appropriation and the reason such request was not made or could not have been made for inclusion in the regular appropriation bill for such fiscal year, or could not be withheld for inclusion in the regular appropriation bill for the following fiscal year.

PASSAGE OF BILLS

SEC. 234. The question of the final passage in both the House and the Senate of any appropriation bill shall be decided by a yea and nay vote. The preceding sentence shall not apply to the adoption of the report of a committee of conference on any such bill.

ROLLCALL VOTE REQUIRED ON MEASURES CHANGING COMPENSATION OF MEMBERS OF CONGRESS

SEC. 235. (a) No bill or joint resolution containing a provision increasing or decreasing the rate of compensation of Members of Congress shall be passed by the Senate or House of Representatives unless (1) such increase or decrease in compensation is set forth as a separate proposition from any other provision in the bill or joint resolution, and (2) such proposition shall have been approved by the Senate or House of Representatives, as the case may be, by a yea-and-nay vote.

(b) As used in this section, "Member of Congress" means a Senator, Representative in Congress, and the Resident Commissioner from Puerto Rico.

PART 4—UTILIZATION OF REPORTS OF GENERAL ACCOUNTING OFFICE

ASSISTANCE TO COMMITTEES

SEC. 241. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall designate employees of the General Accounting Office to explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activities of any Federal agency, which is within the jurisdiction of such committee or joint committee.

REPORTS TO COMMITTEES

SEC. 242. (a) Whenever the General Accounting Office submits any report to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committee on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has jurisdiction over any program or part thereof, or any Federal agency, which is the subject of such report.

(b) At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report made by the General Accounting Office which was not delivered to such committee or joint committee pursuant to subsection (a).

AGENCY REPORTS

SEC. 243. Whenever the General Accounting Office has made a report which contains recommendations to the head of any Federal agency, such agency shall, in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House and Senate of the action taken by such agency with respect to such recommendations.

PART 5—LEGISLATIVE COMMITTEES

COST ESTIMATES

SEC. 251. (a) The report accompanying each bill or joint resolution reported by any committee of the House or Senate which has legislative jurisdiction shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period, and

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency in the executive branch of the Government, or

(3) a statement of the reasons why compliance by the committee with the requirements of paragraphs (1) and (2) is impracticable.

(b) It shall not be in order in either House to consider a bill or joint resolution if such bill or joint resolution was reported in that House after the effective date of this section and the report of the committee of that House does not comply with the provisions of subsection (a).

APPROPRIATIONS ON ANNUAL BASIS

SEC. 252. (a) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction shall, in recommending the enactment of legislation, endeavor to insure that all continuing programs of the Government are designed, and all continuing activities of Federal agencies are carried on, so that appropriations therefor will be made annually.

(b) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any continuing program for which appropriations are not made annually shall, from time to time, review such program to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any program under which grants-in-aid are made, shall periodically make a complete review of such program.

COMMITTEE JURISDICTION

SEC. 253. (a) For purposes of the provisions of this Part, a committee of either House, or a joint committee of the two Houses, shall be considered to have legislative jurisdiction over any matter only if, under the rules of the respective Houses, legislation relating to such matter is referred to such committee and such committee is authorized to report and recommend the enactment of such legislation, except that the Committees on Appropriations of the two Houses shall not be considered to be legislative committees.

(b) For purposes of the provisions of section 251 of this Part, the members of the Joint Committee on Atomic Energy who are Members of the House shall be treated as a committee of the House, and the members of the Joint Committee who are Members of the Senate shall be treated as a committee of the Senate.

TITLE III—SOURCES OF INFORMATION

PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

COMMITTEE STAFFING AND RELATED PROVISIONS

SEC. 301. (a) Subsection (a) of section 202 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(a)), is amended to read as follows:

"(a) Each standing committee of the Senate and House of Representatives (other than the Committee on Appropriations of each House) is authorized to appoint by majority vote of the committee not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.".

(b) Subsection (c) of such section 202 (2 U.S.C. 72a(c)) is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate and the House of Representatives (other than the Committee on Appropriations of each House), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so requests, one of the members of the clerical staff may be selected for appointment by majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.".

(c) Such section 202 is amended by striking out subsection (h), and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate or House of Representatives, as the case may be, until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate or House resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

"(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee, including payments of such rates for necessary travel time. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

"(3) Any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

"(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever it determines that such training will aid it in the discharge of its responsibilities.

"(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

"(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment as it may deem necessary to assure

that it will receive the benefits of such employee's services upon completion of his training.

"(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

"(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

"(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

"(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.".

(d)(1) Subsections (e) and (f) of section 105 of the Legislative Branch Appropriations Act, 1968, are amended to read as follows:

"(e) (1) Subject to the provisions of paragraph (3), the professional staff members of standing committee of the Senate shall receive gross annual compensation to be fixed by the chairman ranging from $15,721 to $25,671.

"(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

"(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at $6,766 to $25,671, and not to exceed four other clerical assistants at $6,766 to $11,741; and

"(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at $17,512 to $25,671; such assistant clerks as may be necessary at $11,940 to $17,313; and such other clerical assistants as may be necessary at $6,766 to $11,741.

"(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $25,671 per annum, except that—

"(A) four employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum; and

"(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

"(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $1,194 or in excess of $28,000, unless expressly authorized by law."

(2) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to $30,000 or more, subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968, as amended by paragraph (1) of this subsection, are further amended, effective on the first day of the month following the effective date of such increase in the rate for positions in level V, by striking out "$25,671", "$26,865", and "$28,000" wherever they appear and inserting in lieu thereof "$27,860", "$29,054", and "$30,248", respectively.

(e) Nothing in the amendments made by subsections (a) and (b) of this section shall be construed—

(1) to require a reduction in—

(A) the number of staff members authorized, prior to January 1, 1970, to be employed by any committee of the Senate or House of Representatives, by statute or by annual or permanent resolution, or

(B) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee; or

(2) to authorize the selection for appointment of staff members by the minority members of a committee in any case in which two or more professional staff members or one or more clerical staff members, as the case may be, who are satisfactory to a majority of such minority members, are otherwise assigned to assist such minority members.

(f) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized, prior to January 1, 1970, to be employed by any such committee.

PART 2—OFFICE STAFFS AND ALLOWANCES OF MEMBERS OF CONGRESS

LEGISLATIVE ASSISTANTS FOR SENATORS

SEC. 321. (a) Each Senator is authorized to appoint a legislative assistant whose primary function shall be to assist the Senator in performing duties related to legislation. The basic compensation of the legislative assistant shall be fixed, in accordance with section 105(d)(2) of the Legislative Branch Appropriation Act, 1968, at a gross rate not in excess of $25,870 per annum (or, if the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to $30,000 or more, not in excess of $27,263 per annum on or after the first day of the month following the effective date of such increase), said sum to be available to each Senator in addition to the aggregate amount of the compensation authorized to be paid to employees in the office of such Senator. No part of such additional sum shall be available for the salary of any employee other than the legislative assistant authorized by this section.

(b)(1) Section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, is amended by reducing each of the amounts in the table therein relating to Senator's clerk hire allowances by $25,870.

(2) Section 105(d)(2)(iii) of such Act is amended by striking out "two employees" and inserting in lieu thereof "one employee (in addition to the legislative assistant authorized by section 321(a) of the Legislative Reorganization Act of 1969)".

ADDITIONAL TRAVEL ALLOWANCES

SEC. 322. (a) The third paragraph under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out "six" and inserting in lieu thereof "seven".

(2) by striking out "four" and inserting in lieu thereof "seven".

(b) The second paragraph under the heading "Administrative Provisions" in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is amended by striking out "four" and inserting in lieu thereof "five".

(c) Section 3 of the Act entitled "An Act to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes", approved August 28, 1965 (2 U.S.C. 127a), is amended by striking out "not to exceed two employees in the office of a Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for one round trip each, or incurred by not to exceed one employee for two round trips" and inserting in lieu thereof "employees in the office of each Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for not to exceed four round trips".

PART 3—LEGISLATIVE RESEARCH SERVICE

IMPROVEMENT OF LEGISLATIVE RESEARCH FACILITIES OF CONGRESS

SEC. 331. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), is amended to read as follows:

"LEGISLATIVE RESEARCH SERVICE

"SEC. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Legislative Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Legislative Research Service in—

"(A) rendering to Congress the most effective and efficient service,

"(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

"(C) discharging its responsibilities to Congress;

and

"(2) the Librarian of Congress shall grant and accord to the Legislative Research Service the maximum practicable administrative independence consistent with these objectives.

"(c)(1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Legislative Research Service. The compensation of the Director shall be at a per annum rate equal to the rate provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

"(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Legislative Research Service and all other necessary personnel thereof. The compensation of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The compensation of all other necessary personnel of the Legislative Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

"(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned; and

"(B) the positions of Specialist and Senior Specialist in the Legislative Research Service may be placed in GS–16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee of Congress on the Library, by record vote of a majority of the members of the Joint Committee, of the placement of each such position in any of such grades.

"(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

"(d) It shall be the duty of the Legislative Research Service, without partisan bias—

"(1) upon request, to advise and assist any committee or Member of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals, or of recommendations submitted to Congress by the President or any executive agency, and otherwise to assist in providing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

"(2) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of translations, indexes, digests, compilations, bulletins, reports, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

"(3) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives; and

"(4) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure.

"(e) The Librarian of Congress is authorized to appoint in the Legislative Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

"(1) agriculture;
"(2) American government and public administration;
"(3) American public law;
"(4) conservation;
"(5) education;
"(6) employment;
"(7) engineering and public works;
"(8) housing;
"(9) industrial organization and corporation finance;
"(10) international affairs;
"(11) international trade and economic geography;
"(12) labor;
"(13) mineral economics;
"(14) money and banking;
"(15) national defense;
"(16) price economics;
"(17) science;
"(18) social welfare;
"(19) taxation and fiscal policy;
"(20) technology;
"(21) transportation and communications;
"(22) veterans' affairs; and
"(23) such other broad fields as the Director may deem appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Legislative Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

"(f) The Director is authorized—

"(1) to classify, organize, arrange, group, and divide, from time to time, as he deems advisable, the requests for advice, assistance, and other services submitted to the Legislative Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he deems necessary to—

"(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

"(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

"(C) provide a basis for the efficient performance by the Legislative Research Service of its legislative research and related functions generally;

and

"(2) to establish and change, from time to time, as he deems advisable, within the Legislative Research Service, such research and reference divisions or other organizational units, or both, as he deems necessary to accomplish the purposes of this subsection.

"(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Legislative Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Legislative Research Service prepared separately by the Director in detail for each fiscal year, as a separate item of the budget estimates of the Library of Congress for such fiscal year.

"(h) (1) The Director of the Legislative Research Service is authorized to procure the temporary services (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) and persons learned in particular fields of knowledge—

"(A) by contract as independent contractors without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, or

"(B) by employment in the Legislative Research Service without regard to the civil service and position classification laws, at rates of compensation not in excess of the per diem equivalent of the highest rate of basic compensation set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary travel time.

"(2) The Director of the Legislative Research Service is authorized to procure by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, the temporary services (not in excess of one year) or intermittent services of educational, research, or other organizations of experts and consultants (including stenographic reporters) and persons learned in particular fields of knowledge.

"(i) The Director of the Legislative Research Service shall file with the Joint Committee of Congress on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Legislative Research Service for the immediately preceding fiscal year. In order to facilitate its performance of any function specified in this section, the Legislative Research Service may—

"(1) prepare information for machine processing,

"(2) process information by machine by performing mathematical or logical operations thereon, selective retrieval, integration, or other machine operations, and

"(3) prepare for presentation or other use information processed by machine.

The Service may acquire automatic data processing equipment and retain personnel needed for any activity authorized by this subsection.

"(j) There are hereby authorized to be appropriated to the Legislative Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 203. Legislative Reference Service."

and inserting in lieu thereof—

"Sec. 203. Legislative Research Service.".

JOINT COMMITTEE ON THE LIBRARY

SEC. 332. Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended to read as follows:

"JOINT COMMITTEE ON THE LIBRARY

"SEC. 223. (a) The Joint Committee of Congress on the Library shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

"(b) In order to provide for the expeditious and efficient consideration of matters within the jurisdiction of the Joint Committee, including review of the operations of the Legislative Research Service, the Joint Committee is authorized to employ one professional staff member and not to exceed two employees as members of the clerical staff of the Committee. Such professional and clerical staff members shall be appointed by majority vote of the Committee, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their position. The staff, under the joint direction and supervision of the chairman and the vice chairman, shall assist the Committee in the performance of its review functions with respect to matters within the general jurisdiction of the Committee and shall perform such other duties as may be prescribed by the Committee. The chairman and vice chairman shall fix their compensation at rates authorized by section 202(e) of this Act. The Committee may terminate the employment of the members of the professional and clerical staff as it may deem appropriate.

"(c) The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee.

"(d) In order to provide the Congress with current information regarding the operation of the Legislative Research Service and regarding other matters within the general jurisdiction of the Joint Committee, the Joint Committee shall submit to the Senate and House of Representatives an annual report with respect to (1) the activities of the Legislative Research Service and (2) such other matters within its general jurisdiction as it deems appropriate.".

ABOLISHMENT OF OFFICE OF COORDINATOR OF INFORMATION

SEC. 333. The Office and position of the Coordinator of Information of the House of Representatives are hereby abolished. The personnel (including the former incumbent of the position of Coordinator of Information), records, functions, property, and unexpended balances of appropriations of the Office of Coordinator of Information are hereby transferred to the Legislative Research Service of the Library of Congress.

SAVING PROVISION

SEC. 334. (a) Except as otherwise provided by this Part, the changes in existing law made by, and other provisions of, this Part shall

not affect any office or position existing immediately prior to the effective date of this Part, the compensation attached to such office or position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this Part or other law.

(b) Notwithstanding any provision of this Part, the rate of compensation received by any officer or employee immediately prior to the effective date of this Part shall not be reduced by reason of enactment of this Part.

SENATE PUBLIC ADDRESS SYSTEM

SEC. 335. (a) In order to insure that debates of the Senate may be heard in all parts of the Senate Chamber and in the galleries thereof, the majority and minority leaders are authorized to take such action as may be appropriate for the installation and operation within the Senate Chamber of a suitable electrical public address system approved by them.

(b) The expenses incurred for the installation and operation of such public address system shall be considered in the legislative appropriation bill.

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of ten members as follows:

(1) five Members of the Senate, appointed by the President pro tempore of the Senate; two from the Committee on Government Operations of the Senate, two from the Committee on Rules and Administration of the Senate, and one from among the remaining Members of the Senate (including but not limited to members of the committees referred to in this paragraph); and

(2) five Members of the House of Representatives, appointed by the Speaker of the House of Representatives; two from the Committee on Government Operations of the House of Representatives, two from the Committee on House Administration of the House of Representatives, and one from among the remaining Members of the House of Representatives (including but not limited to members of the committees referred to in this paragraph).

(c) Of each class of two members referred to in subsection (b), one shall be from the political party having the greatest number, and one shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

(d) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(e) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet it responsibilities under the Constitution of the United States;

(2) make a continuing study of automatic data processing and information retrieval systems with a view to determining the feasibility of the use of such systems in the operations of the Senate or the House of Representatives, or both, and make such recommendations with respect to the use of such systems as the Joint Committee may deem appropriate; and

(3) identify and call to the attention of the Congress any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government.

Subject to the approval of the President pro tempore of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and of the House of Representatives, the Joint Committee is authorized to provide for appropriate representation on behalf of the Congress or either House thereof in any proceeding or action referred to in paragraph (3) of this subsection.

(b) The Joint Committee shall exercise all functions vested in it by sections 406 and 407 of this Part.

(c) The Joint Committee shall report, from time to time, to the Senate and House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House, or the consideration of any matter on the floor of either House.

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out its functions under section 406 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties concerned, such additional personnel as the Joint Committee deems necessary;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(c) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates not in excess of $100 per diem.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

TRANSFER OF FUNCTIONS

SEC. 406. There are transferred to the Joint Committee all of the functions, records, and property of the Joint Committee on Disposition of Executive Papers, created by the Act approved July 7, 1943 (57 Stat. 380), and such Joint Committee is hereby abolished.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 407. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office;

(2) to prescribe his duties and responsibilities;

(3) to fix his compensation at a rate authorized by section 202(e)(1) of the Legislative Reorganization Act of 1946; and

(4) to terminate his employment, as the Joint Committee may deem appropriate.

Subject to the prior approval of the Joint Committee, the Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties of the Office under this section.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Repre-

sentatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures. In carrying out the provisions of this section, the Office shall—

(1) operate as a central clearinghouse for applications for employment with the Congress;

(2) test the qualifications of individuals submitting such applications for employment;

(3) furnish advice and information to Members, committees, and officers of the Senate and House of Representatives, on request, with respect to better office management practices and efficient utilization of office equipment; and

(4) maintain, for the benefit of such Members, committees, and officers desiring detailed office studies to improve the efficiency of their operations, a list of private management concerns capable of rendering such service on request.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 408. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the Chairman.

PART 2—AUTHORITY OF OFFICERS OF THE CONGRESS

AUTHORITY

SEC. 421. (a) Any officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to prescribe a period of training to be completed by any such employee prior to or upon his assignment to duties;

(2) to promulgate rules and regulations governing the performance by any such employee of his assigned duties;

(3) to remove or otherwise discipline any such employee (A) who fails or refuses to complete satisfactorily the period of training referred to in paragraph (1), or (B) who fails or refuses to abide by rules or regulations referred to in paragraph (2) or otherwise fails to perform his assigned duties in a satisfactory manner.

(b) As used in this section, the term "officer of the Congress" means an elected officer of the Senate or the House of Representatives who is not a Member of the Senate or House, the Architect of the Capitol, and the Postmaster of the Senate.

CAPITOL POLICE

SEC. 422. (a) The Capitol Police Board is authorized and directed to formulate a plan for converting the Capitol Police force to a professional force which shall operate under rules and regulations promulgated by the Capitol Police Board. In the formulation of such plan, consideration shall be given to the feasibility of providing for the operation of such force on the basis of standards for personnel which are the same as the standards for personnel of the Metropolitan Police force of the District of Columbia. Such plan shall include provisions for giving members of the existing Capitol Police force such additional instruction and training as the Capitol Police Board shall deem necessary to improve the quality of their performance, and for replacing such members with persons recruited on the same basis that recruits are selected by the Metropolitan Police force as vacancies occur.

(b) The Chief of Police of the Metropolitan Police force of the District of Columbia shall provide the Capitol Police Board with such information and assistance as it may require in carrying out its duties and responsibilities under this section.

(c) The Capitol Police Board shall make a report to the Senate and House of Representatives at the earliest practicable date setting forth the plan formulated pursuant to this section, together with its recommendations for any legislation necessary to effectuate such plan.

SENATE AND HOUSE PAGES

SEC. 423. (a) No person shall serve as a page of the Senate or House of Representatives before he has completed the twelfth grade of his secondary school education, or (except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of twenty-two years.

(b) No person shall be appointed as a page of the Senate or House of Representatives unless he agrees that in the absence of unforeseen circumstances preventing such service he will continue to serve as a page for a period of not less than three months.

(c)(1) Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a), and the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), are hereby repealed.

(2) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 243. Senate and House pages.".

(d) Subsection (a) shall take effect on January 3, 1970, but the provisions of such subsection limiting service as a page to persons who have completed the twelfth grade shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act. Subsection (c) shall take effect at the end of the 1969–1970 school year.

(e) The proviso under the heading "Office of Sergeant at Arms and Doorkeeper" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1952 (2 U.S.C. 88c) is amended to read as follows: "*Provided*, That hereafter the pay of pages shall begin not more than five days before the convening of a session of the Congress or of the Senate, and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or the fourteenth day after such adjournment or recess, whichever is the later date, except that in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty but not more than forty-five days such pay shall continue until the end of such adjournment or recess.".

CAPITOL GUIDE SERVICE

SEC. 424. (a) When used in this section, unless the context indicates otherwise—

(1) the term "Service" means the Capitol Guide Service created by subsection (b);

(2) the term "Board" means the Board created by subsection (b);

(3) the term "guide" means any member of the Capitol Guide Service; and

(4) the term "building" means the United States Capitol Building.

(b) There is hereby created an organization, to be known as the Capitol Guide Service, which shall be under the supervision of a Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(c) It shall be the duty of the Service, under regulations promulgated by the Board, to furnish free guide services to any person desiring to view the interior of the building. The Service shall consist of a chief guide who shall receive gross compensation at the rate of $9,800 per annum, and not less than ten, nor more than twenty guides who shall each receive gross compensation at the rate of $7,200 per annum. Appointments to and removals from the Service shall be made by the Board. Appointees to the Service shall be chosen solely upon the basis of the special qualifications which fit them for the duties to be performed.

(d) The Board shall make and promulgate the regulations necessary for the operation of the Service. Such regulations shall cover the schedules and routings of tours through the building, the oral informative data to be supplied to the public, the personal conduct of members of the Service when on duty, the uniforms and insignia for the Service, and such other phases of the work as in its judgment may be necessary.

(e) No guide shall make any charge for his official services, nor accept any gratuity, nor shall he, in the course of official duty, speak in praise or censure of any person. Any violation of the provisions of this subsection shall be punished by immediate dismissal.

(f) The headquarters of the Service shall be maintained in the rotunda of the building, and a guide shall be on duty there at all times during the hours the building is open to the public.

(g) The necessary expenses incident to the establishment and maintenance of the Service, including uniforms and insignia for each guide, shall be paid from the contingent fund of the House of Representatives on vouchers approved by the Board.

(h) The Board may detail any guide to supplement the Capitol Police when special occasions in the building or on the Capitol Grounds require additional police and the performance of the regular duties of the Service are temporarily suspended by such occasion.

PART 3—CONGRESSIONAL ADJOURNMENT

CONGRESSIONAL ADJOURNMENT

SEC. 433. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

"CONGRESSIONAL ADJOURNMENT

"SEC. 132. (a) Not later than the last day in the month of July in each year, the two Houses shall adjourn—

"(1) sine die, or

"(2) to a day certain subsequent to August 31 of such year, which shall be fixed by concurrent resolution adopted in each House by rollcall vote.

"(b) This section shall not be applicable in any year if on the last day of July of such year a state of war exists pursuant to a declaration of war by the Congress.".

PART 4—APPOINTMENT OF POSTMASTERS

APPOINTMENT OF POSTMASTERS BY POSTMASTER GENERAL

SEC. 441. Section 3311 (relating to method of appointment of postmasters) of title 39, United States Code, is amended to read as follows:

"§ 3311. Method of appointment

"(a) The Postmaster General shall appoint postmasters at post offices of the first, second, and third classes in the competitive civil

service without term. He shall make the appointments in accordance with the civil service laws and rules by—

"(1) competitive examinations; and

"(2) promotions from within the postal service.

"(b) The Postmaster General shall appoint postmasters at post offices of the fourth class without term.

"(c) Notwithstanding any other provision of law, the Postmaster General shall make each appointment to a position of postmaster at a post office of any class without regard to any recommendation or statement, with respect to any applicant for such appointment, made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico); or

"(2) any official of a partisan National, State, county, or municipal or other local political party.

"(d) Notwithstanding any other provision of law, a person within the purview of subparagraph (1) or (2) of subsection (c) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement with respect to any applicant for appointment to a position of postmaster of any class. The Postmaster General and any other officer or employee of the Federal Government—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement received by him, appropriately marked as in violation of this section, to the person making or transmitting the same.

"(e) An applicant for appointment to a position of postmaster at a post office of any class is hereby prohibited from requesting or soliciting any such recommendation or statement from any person within the purview of subparagraph (1) or (2) of subsection (c) of this section. An applicant making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for appointment to the position of postmaster concerned.

"(f) Each application form of the Federal Government used in connection with an application for appointment to a position of postmaster at a post office of any class shall contain appropriate language in boldface type informing the applicant of the provisions of this section.".

VACANCIES IN POSITIONS OF POSTMASTER

SEC. 442. Section 3315 (relating to the filling of vacancies in positions of postmaster) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the interim appointment, assignment, or designation of any person in accordance with subparagraphs (1) to (4), inclusive, of subsection (a) of this section.".

VACANCIES ON RURAL ROUTES

SEC. 443. Section 3338 (relating to the filling of vacancies on rural routes) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the appointment of any person to a position of rural carrier and the application and assignment of any rural carrier with respect to any rural route.".

SAVING PROVISION

SEC. 444. The amendments made by this Part shall not affect the status or tenure, on the effective date of this Part, of—

(1) postmasters in office;

(2) persons appointed, assigned, or designated in accordance with subparagraphs (1) to (4), inclusive, of section 3315(a) of title 39, United States Code; and

(3) persons holding positions of rural carrier.

PART 5—REVISION OF HOUSE EMPLOYEES POSITION CLASSIFICATION ACT

APPLICATION OF HOUSE EMPLOYEES POSITION CLASSIFICATION ACT

SEC. 451. Section 3 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 292) is amended—

(1) by striking out "(2) the position of minority pair clerk in the House;"; and

(2) by redesignating subparagraphs (3) and (4) of such section as subparagraphs (2) and (3) thereof, respectively.

AUTHORITY TO RECOMMEND COMPENSATION REVISIONS

SEC. 452. Section 4 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 293) is amended—

(1) by striking out, in subsection (a)(1)(C) thereof, "the Classification Act of 1949, as amended" and inserting in lieu thereof "section 5332 of title 5, United States Code"; and

(2) by adding at the end thereof the following new subsection;

"(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, are authorized to transmit to the committee their joint recommendations for revision of the rates of compensation of the House Employees Schedule or the House Wage Schedule, or both such schedules, in accordance with subsections (a) and (b) of this section, together with their justification for such recommended revision, whenever in their judgment such revision is necessary and appropriate to provide for the acquisition or retention of competent personnel, to facilitate the maintenance of equitable compensation relationships, or to promote the orderly and efficient operation of the House of Representatives.".

REVISIONS WITH RESPECT TO POSITION STANDARDS AND DESCRIPTIONS AND POSITION PLACEMENT IN COMPENSATION SCHEDULES

SEC. 453. Sections 5 and 6 of the House Employees Position Classification Act (78 Stat. 1080–1081; Public Law 88–652; 2 U.S.C. 294 and 295) are amended to read as follows:

"POSITION STANDARDS AND DESCRIPTIONS

"SEC. 5. (a)(1) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly shall prescribe, revise, and (on a current basis) maintain position standards which shall apply to positions under the House of Representatives to which this Act applies.

"(2) The position standards shall—

"(A) provide for the separation of such positions into appropriate classes for pay and personnel purposes on the basis of reasonable similarity with respect to types of positions, qualification requirements of positions, and levels of difficulty and responsibility of work, and

"(B) govern the placement of such positions in their respective appropriate compensation levels at the appropriate compensation schedule.

"(b)(1) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, severally shall prepare, revise, and (on a current basis) maintain, in such forms as may be appropriate to carry out the purpose of this Act, position descriptions of the respective positions under the House of Representatives to which this Act applies which are under their respective jurisdictions, including—

"(A) with respect to the Clerk, positions under the House Recording Studio, and

"(B) with respect to the Doorkeeper, positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

"(2) The position descriptions shall—

"(A) describe in detail the actual duties, responsibilities, and qualification requirements of the work of each of such positions.

"(B) provide a position title for each of such positions which accurately reflects such duties and responsibilities, and

"(C) govern the placement of such position in its appropriate class.

"(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, shall keep in their respective offices copies of the position standards jointly prepared by them together with copies of the position descriptions of those positions under the House of Representatives to which this Act applies which are under their respective jurisdictions.

"(d) Upon request of the committee at any time, the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, shall transmit to the committee copies of the position standards and position descriptions required by this section to be prepared, revised, and currently maintained by them, and such other related information as the committee may require, in order that the committee may have, whenever the committee deems it advisable, current information with respect to position standards, position descriptions, the positions to which such descriptions apply, and related personnel matters within the purview of this Act.

"PLACEMENT OF POSITIONS IN COMPENSATION SCHEDULES

"SEC. 6. The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, each shall place each position under the House of Representatives to which this Act applies, which is under his jurisdiction, in its appropriate class and in its appropriate compensation level of the appropriate compensation schedule, in accordance with the position standards and position descriptions provided for in section 5 of this Act. Each such House officer is authorized, when in his opinion circumstances so warrant, to change any such position under his jurisdiction from any class in which such position is then currently placed to any other class which he deems appropriate, and from any compensation level of the schedule in which such position is then currently placed to any other compensation level of either the House Employees Schedule (HS) or the House Wage Schedule (HWS) as such House officer deems appropriate. All actions under this section shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed in accordance with appropriate authority.".

STEP INCREASES

SEC. 454. Section 7 of the House Employees Position Classification Act (78 Stat. 1081–1082; Public Law 88–652; 2 U.S.C. 296) is amended to read as follows:

"STEP INCREASES

"SEC. 7. (a) Each employee in a compensation level of the House Employees Schedule, who has not attained the highest scheduled rate of compensation for the compensation level (HS level) in which his position is placed, shall be advanced successively to the next higher step of such HS level, as follows:

"(1) to steps 2, 3, 4, 5, 6, 7, 8, and 9,

respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of one year of satisfactory service in the next lower step; and

"(2) to steps 10, 11, and 12, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of two years of satisfactory service in the next lower step.

"(b) The receipt of an increase in compensation during any of the waiting periods of service specified in subsection (a) of this section shall cause a new full waiting period of service to commence for further step increases under such subsection.

"(c) Any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Employees Schedule, to employees within the purview of subsection (a) of this section shall not be held or considered to be an increase in compensation for the purposes of subsection (b) of this section.

"(d) The benefit of successive step increases under subsection (a) of this section shall be preserved, under regulations jointly prescribed by the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

"(e) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly shall establish and maintain, and, from time to time, jointly may revise, a system of automatic advancement, by successive step increases in compensation, on the basis of satisfactory service performed, without break in service of more than thirty months, for employees subject to the House Wage Schedule. In the operation of such system of step increases, such House officers jointly may prescribe regulations to the effect that—

"(1) the receipt of an increase in compensation during any of the waiting periods of service required for advancement by step increases under such system shall cause a new full waiting period of service to commence for further step increases under such system;

"(2) any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Wage Schedule, to employees within the purview of such system of step increases, shall not be held or considered to be an increase in compensation for the purposes of subparagraph (1) of this subsection; and

"(3) the benefit of successive step increases under such system of step increases shall be preserved, under regulations jointly prescribed by such House officers, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.".

APPOINTMENTS AND RECLASSIFICATIONS TO HIGHER COMPENSATION LEVELS

SEC. 455. Section 8(b) of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88-652; 2 U.S.C. 297(b)) is amended to read as follows:

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly may provide by regulation for the payment of compensation, at an appropriate compensation step determined in accordance with such regulation, to each employee subject to the House Wage Schedule who is appointed to a position in a higher compensation level of such schedule or whose position is placed in a higher compensation level of such schedule pursuant to a reclassification of such position.".

REDUCTIONS IN COMPENSATION LEVEL

SEC. 456. Section 9 of the House Employees Position Classification Act (78 Stat. 1083; public Law 88-652; 2 U.S.C. 298) is amended to read as follows:

"REDUCTIONS IN COMPENSATION LEVEL

"SEC. 9. Each employee under the jurisdiction of the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, in a position in a compensation level of the House Employees Schedule or the House Wage Schedule whose employment in such position and level is terminated and who is reemployed, with or without break in service, in a position in a lower compensation level (HS level or HWS level) of such schedule, or whose position is placed in a lower compensation level of such schedule pursuant to a reclassification of such position, shall be placed by the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, as the case may be, in such step of such lower compensation level as the House officer concerned deems appropriate.".

INITIAL APPOINTMENTS

SEC. 457. Section 10 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88-652; 2 U.S.C. 299) is amended—

(1) by inserting "(a)" immediately following "SEC. 10."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, each is authorized to make the initial appointment of any individual to a position under the jurisdiction of such House officer, which is subject to the House Employees Schedule or the House Wage Schedule, at any compensation step above the minimum compensation step of the appropriate compensation level (HS level or HWS level) of such schedule, whenever such House officer deems such action to be necessary and appropriate to acquire competent personnel or to promote the orderly and efficient operation of the House of Representatives.".

ESTABLISHMENT OF POSITIONS

SEC. 458. Section 11 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88-652; 2 U.S.C. 300) is amended to read as follows:

"ESTABLISHMENT OF POSITIONS

"SEC. 11. The Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, may authorize the establishment of additional positions of the kind to which this Act applies, on a permanent basis or on a temporary basis of not to exceed six months' duration, whenever, in his judgment, such action is warranted in the interests of the orderly and efficient operation of the House of Representatives.".

AUTHORITY GENERALLY

SEC. 459. Section 13 of the House Employees Position Classification Act (78 Stat. 1084; Public Law 88-652; 2 U.S.C. 302) is amended to read as follows:

"REGULATIONS

"SEC. 13. (a) The committee is authorized to prescribe such regulations as may be necessary to carry out the functions, duties, and obligations imposed upon the committee by this Act.

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, are authorized to prescribe such joint regulations as may be necessary to carry out the functions, duties, and obligations imposed upon such House officers by this Act.

"(c) Nothing in this Act shall be held or considered to curtail, diminish, or otherwise affect the jurisdiction of the committee with respect to all matters within the purview of this Act.".

CONFORMING AMENDMENT

SEC. 460. Section 105(f) of the Legislative Branch Appropriation Act, 1957, as amended (70 Stat. 371, 78 Stat. 1084; Public Law 624, Eighty-fourth Congress, Public Law 88-652; 2 *U.S.C. 123b(f)*), is amended by inserting "and fix the compensation of" immediately following "to appoint".

SAVING PROVISION

SEC. 461. The amendments made by this Part shall not be construed to eliminate, change, or otherwise affect—

(1) the compensation schedules prescribed under authority of the House Employees Position Classification Act,

(2) the position standards and position descriptions prepared under authority of such Act,

(3) the application of such position standards and position descriptions,

(4) the placement of positions in compensation schedules under such Act.

(5) the compensation paid to employees under such Act,

(6) the regulations prescribed under such Act, or

(7) any other action taken under such Act,

as in effect immediately prior to the effective date of this Part, until appropriate action is taken by appropriate authority in accordance with the House Employees Position Classification Act as amended by this Part, or in accordance with section 105(f) of the Legislative Branch Appropriation Act, 1957, as amended by this Part.

HOUSE PUBLICATIONS DISTRIBUTION SERVICE

SEC. 462. (a) The organization under the jurisdiction of the Doorkeeper of the House of Representatives engaged in folding, packaging, and related activities with respect to papers, documents, and other materials for the House of Representatives (commonly referred to as the "House Folding Room") is hereby designated the "House Publications Distribution Service".

(b) The Doorkeeper of the House of Representatives is authorized to establish for employees under the House Publications Distributions Service a system of compensation for extra services performed by such employees.

PART 6—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES

CONVERSION OF PAY TO AGGREGATE RATE BASIS IN HOUSE OF REPRESENTATIVES

SEC. 471. (a) Beginning with the effective date of this section, the aggregate compensation of each employee (except a telephone operator on the United States Capitol telephone exchange and a member of the United States Capitol Police)—

(1) who is on the employment rolls of the House of Representatives on such date,

(2) whose compensation is disbursed by the Clerk of the House of Representatives and was fixed or adjusted prior to such date, and

(3) whose compensation is not fixed at a single per annum (gross) rate,

shall be a single per annum (gross) rate, constituting his total rate of compensation, in an amount equal to the sum of—

(A) the rate of the per annum basic compensation of such employee in effect immediately prior to such date, adjusted to the lowest multiple of $60 which produces a rate of per annum basic compensation for such employee which is not less than his rate of per annum basic compensation immediately prior to such date, and

(B) the rate of his total per annum addi-

tional compensation, computed on such adjusted basic rate.

Such single per annum (gross) rate shall be rounded to the next higher dollar.

(b) Beginning with the effective date of this section, the aggregate compensation of each officer or employee (except a telephone operator on the United States Capitol telephone exchange and a member of the United States Capitol Police)—

(1) who is on the employment rolls of the House of Representatives on or after such date,

(2) whose compensation is disbursed by the Clerk of the House of Representatives, and

(3) whose compensation is fixed or adjusted on or after such date,

shall be a single per annum (gross) rate, in a whole dollar amount, constituting his total rate of compensation.

(c) The Clerk of the House of Representatives shall prepare and establish a compensation schedule of single per annum rates for employees of the House of Representatives whose compensation is disbursed by the Clerk of the House, except—

(1) employees subject to the House Employees Position Classification Act (2 U.S.C. 291 and following),

(2) telephone operators on the United States Capitol telephone exchange,

(3) members of the United States Capitol Police, and

(4) officers and employees of the House whose compensation consisted of a single per annum (gross) rate immediately prior to the effective date of this section.

Such compensation schedule shall—

(A) contain each of the single per annum (gross) rates determined under subsection (a) of this section, and

(B) be designated the "House General Schedule" and have the symbol "HGS".

(d) Section 11(a) of the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 60g–1), is amended to read as follows:

"(a) The clerk hire of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum (gross) rate determined in accordance with section 471(e) of the Legislative Reorganization Act of 1969. No person shall be paid from such clerk hire at a single per annum (gross) rate in excess of $23,482.".

(e) The Clerk of the House of Representatives is authorized and directed to—

(1) adjust to a single per annum (gross) rate the basic rate of clerk hire allowance of each Member of the House of Representatives authorized by section 11(a) of the Legislative Appropriation Act, 1956, as in effect immediately prior to the effective date of this Part (2 U.S.C. 60g–1), and

(2) adjust to a single per annum (gross) rate each other basic rate allowance provided by law for the compensation of employees whose compensation is disbursed by the Clerk of the House (except telephone operators on the United States Capitol telephone exchange and members of the United States Capitol Police),

in a manner which reflects the most favorable projection of basic rates to aggregate rates, as determined by the Clerk of the House, in accordance with the foregoing provisions of this section and other applicable law.

(f) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended to read as follows:

"(e)(1) Each employee of the professional staff, and each employee of the clerical staff, of each standing committee of the House of Representatives shall receive a per annum (gross) rate of compensation, constituting his total rate of compensation, to be fixed by the chairman, which is not in excess of the highest rate of compensation set forth in the General Schedule of section 5332 of title 5, United States Code."

(g)(1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee shall receive a per annum (gross) rate of compensation, constituting his total rate of compensation, to be fixed by the chairman, which is not in excess of the highest rate of compensation of the General Schedule of section 5332 of title 5, United States Code.".

(h) Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall certify in writing, on or before, the tenth day of any month in which rearrangements or changes of salary schedules of employees in his office are to become effective, to the Clerk of the House, such rearrangements or changes of salary schedules. The Clerk of the House shall disburse the compensation of such employees in accordance with such rearrangements or changes of salary schedules.

(i) The first section of the Act entitled "An Act to increase clerk hire, and for other purposes", approved December 20, 1944 (58 Stat. 831; Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g), is hereby repealed.

(j) For the purposes of applicable law relating to the payment to any person of compensation from more than one civilian office or position, each employee of the House of Representatives to whom this Part applies who, immediately prior to the effective date of this Part—

(1) is receiving compensation from more than one civilian office or position, and

(2) is in compliance with such law,

shall be held and considered to be in compliance with such law on and after such effective date, notwithstanding the enactment of this Part, so long as such person does not receive any new appointment to a position on the employment rolls of the House of Representatives.

(k) Except as specifically provided in this section, the foregoing subsections of this section shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the compensation for, any position for which the compensation is disbursed by the Clerk of the House of Representatives;

(2) affect the continuity of employment of, or reduce the compensation of, any employee whose compensation is disbursed by the Clerk of the House; or

(3) affect the rates of basic compensation (including longevity compensation), plus increased and additional compensation, of telephone operators on the United States Capitol telephone exchange, or of members of the United States Capitol Police, whose compensation is disbursed by the Clerk of the House.

(l) All provisions of law inconsistent with this section are hereby superseded to the extent of such inconsistency.

TITLE V—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 501. This Act shall take effect as follows:

(1) Title I, section 201 of title II, Parts 1, 4, and 5 of title II, Parts 2 and 3 of title III, Parts 1, 2, and 3 of title IV, section 235, section 301(d), and this section shall take effect on the thirtieth day after the date of enactment of this Act.

(2) Parts 2 and 3 of title II (except section 235), Part 1 of title III (except section 301(d) thereof), and Part 4 of title IV shall take effect on January 1, 1970.

(3) Parts 5 and 6 of title IV shall take effect on the first day of the third month which begins after the date of enactment of this Act, except that, until such first day of such third month, for the purposes of section 223(b) of the Legislative Reorganization Act of 1946, as amended by section 333 of this Act, and for the purposes of sections 404 and 407 of this Act, references to section 202(e) of the Legislative Reorganization Act of 1946, as enacted by section 471(f) of this Act, shall be held and considered to refer to section 202(e) of the Legislative Reorganization Act of 1946, as in effect on the date of enactment of this Act and as applicable to the House of Representatives.

S. 845—INTRODUCTION OF BILL TO REPEAL BACKDOOR GUN REGISTRATION

Mr. BENNETT. Mr. President, I introduce for appropriate reference, a bill to change the definition of "ammunition" for purposes of chapter 44 under title 18 of the United States Code. Joining me in sponsoring this bill are the following Senators: Mr. ALLOTT, Mr. CANNON, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRAVEL, Mr. HANSEN, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. METCALF, Mr. MOSS, Mr. MUNDT, Mr. PEARSON, Mr. SPARKMAN, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, and Mr. YOUNG of North Dakota.

Our purpose for introducing this bill is to remove an ineffectual and burdensome set of regulations imposed upon American sportsmen by the Gun Control Act of 1968. The present definition reads:

The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

This bill would eliminate that language and substitute the definition of ammunition reported by the Senate Judiciary Committee in its report No. 1501, dated September 6, 1968. That language reads as follows:

The term "ammunition" shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Under the present law and regulations the Congress and the Treasury Department have imposed upon all buyers of firearms and ammunition a clear-cut case of registration. I am aware that some people will argue that this is not registration in fact. I am prepared to argue to the contrary. In the Gun Control Act of 1968 under section 922(b)(5), it states:

It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—(5) any firearm or ammunition to any person unless the licensee notes in his record, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local place of business of such person if the person is a corporation or other business entity.

Under section 923(g) the law reads:

Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe.

It is my feeling that the intent of Congress has been misconstrued by the Treasury Department under the Johnson Administration.

The regulations issued by the Secretary call for the following: First, date; second, manufacturer; third, caliber, gage or type of component; fourth, quantity; fifth, name; sixth, address; seventh, date of birth; eighth, mode of identification, driver's license—other specify.

One might argue that under section 923(g), the Secretary has this authority, however, the Secretary under section 922(b)(5) is told precisely what shall be required in the sale of ammunition. These include only name, age, and place of residence. I cannot accept the argument that if a person gives the date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, and his driver's license, that he is not in fact registering himself, his ammunition, and his firearm. Furthermore, I fail to see the need and justification for registering to buy ammunition components.

The runaway interpretation by the former Treasury Department regulation writer is grounds enough to go back to the original Judiciary Committee definition of ammunition. However there are other reasons as well and they are more compelling. To force this kind of registration upon persons who buy rifle, shotgun, and .22 caliber rimfire ammunition is not going to affect the incidence of crime. The citizens of Utah and from many other areas of this Nation are deeply disturbed. Congress and the Treasury have imposed upon law-abiding citizens an unnecessary and ineffectual set of backdoor registration regulations. Consequently, I believe that my bill is not only fair, but it is necessary to correct an unnecessary burden, a deceptive form of registration, and to curb the bureaucratic excesses which have arisen under the regulations.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 845) to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code, introduced by Mr. BENNETT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 847 AND S. 848—INTRODUCTION OF BILLS TO PROVIDE COST-OF-LIVING INCREASES PAYABLE UNDER THE SOCIAL SECURITY AND RAILROAD RETIREMENT ACTS

Mr. MILLER. Mr. President, on behalf of myself and Senators BAKER, BOGGS, COOK, COTTON, DOLE, FONG, HRUSKA, JAVITS, JORDAN of Idaho, PACKWOOD, and STEVENS, I introduce for printing and appropriate reference two bills, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

Mr. President, one of these bills has to do with Social Security Act pension increases and the other has to do with Railroad Retirement Act pension increases. They would provide for automatic increases, based upon the rise in the cost of living, in benefits under the respective acts.

Both bills provide for initial increases in the benefits payable to individuals under the respective acts equal to the rise in the consumer price index, as of the first month after enactment, over the price index for the month of February 1968, adjusted to the nearest one-tenth of 1 percent. These initial increases would actually commence with the first day of the third month after date of enactment in order to give the Social Security Administration and the Railroad Retirement Board time to reprogram their computers.

After the initial increases, both bills provide for automatic increases in the respective benefits payable under the two acts. These automatic increases would be effective with the first day of the third month beginning after the price index has risen at least 3 percent for 3 consecutive months over the price index for the last base month. These increases would equal this percentum rise in the price index, adjusted to the nearest one-tenth of 1 percent.

For some time, I have been concerned over this problem. The social tragedy of inflation—and this is what my proposed bills are designed to counteract—is that those who are hurt most are the ones least able to bear it. Inflation strikes most deeply at older people who are living on their savings, insurance, and pensions. Most of these older Americans are relatively defenseless against higher living costs produced by the inflationary spiral.

Another reason for these bills, however, is that such automatic provisions would tend to reassure the worker, whose taxes now support the programs, that he will not be short changed when he reaches retirement age.

Mr. President, I ask unanimous consent that I may continue for 3 additional minutes.

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

Mr. MILLER. Inflation in the cost of living is best measured by the amount of increase in the consumer—retail—price index. During 1968 this price index rose from 118.6 to 123.7.

This, of course, means that the purchasing power of the dollar has gone down. Based upon a 1939 dollar worth 100 cents, the dollar had fallen to 46.6 cents by December 1960. By December 1968, it was down to 39 cents. Preliminary estimates show that cost of living inflation for 1968 amounted to over $37 billion; and erosion in the value of bank deposits, savings, pension and life insurance reserves, and Federal and corporate bonds amounted to another $38 billion. In short, inflation for 1968 took away more purchasing power from the people than the individual income tax collected during 1968.

Congress has not been entirely unmindful of the impact of inflation on social security pensions and has periodically increased them. But, there has usually been a timelag of several years during which the pensioners have suffered from a drop in their purchasing power. Since the last increases were effective under both the Social Security Act and the Railroad Retirement Act in February 1968, the consumer price index rose 4 percent through December 1968. Prompt help should be available to pensioners under these acts when they are hit by the loss in purchasing power of the dollar. They should not have to wait 1, 2, or 5 years for such relief through general amendments to the Social Security and Railroad Retirement Acts. This is especially so when such increases often fail to compensate fully for changes in living costs.

Our older people on social security have had $3 billion in purchasing power taken away by inflation from their pensions alone since 1965. Even with the 7 percent increase in social security pensions in 1965 and the 13-percent increase of last February, most social security pensions today are worth less than they were in 1958.

In this connection, I ask unanimous consent to have printed in the RECORD at this point a table and an explanatory note which illustrates the problem of the loss of purchasing power of social security pensions.

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

TABLE 1.—Showing increases in social security pensions legislated by Congress in order to enable pensioners to maintain their purchasing power in view of decline in value of the dollar.

[The example is a worker having a $3,000 annual income base, single at retirement and "fully covered." The 1940 year figure is for a worker retired under the 1935 act. Other figures are for a worker retired under successive acts for years indicated.]

Year	Annual pension	Purchasing power of dollar compared to 1939 dollar worth 100 cents (in cents)	Real value of pension
1940	$499.20	99.2	$495.20
1950	870.00	57.8	502.86
1952	930.00	52.3	486.39
1954	1,062.00	51.7	549.05
1958	1,140.00	48.1	548.34
1965	1,220.00	44.0	537.00
1966	1,220.00	42.7	510.94
1967	1,220.00	41.6	507.52
1968	1,367.00	39.9	545.43

Mr. MILLER. Mr. President, there is ample precedent for doing what the two bills I am introducing today call for. In the Federal Salary Reform Act of 1962 Congress did something about the situation insofar as retired civil service employees are concerned. As now contained in title 5 of the United States Code, section 8340, there is provision for an automatic increase in civil service retirement annuities when there has been an increase of 3 percent in the Consumer Price Index for 3 consecutive months over the price index for the base month. Because of this provision, civil service retirees will

receive a 3.9 percent annuity increase effective March 1. The annuity increase was triggered by the Bureau of Labor Statistics data released on January 29 showing that living costs had risen 3.9 percent since the last Federal retiree hike in May of 1968. Furthermore, under title 10 of the United States Code, section 1401a, military retirees receive automatic adjustments in their retired pay based upon increases in the cost of living. This provision is very similar to the civil service provision, and under it military retirees have been guaranteed a 4-percent increase, to be reflected in their March 1 checks. The two bills I am introducing today follow the format of the civil service provision.

There is much to be said for the fairness of such a change in the law. After all, if a majority of the Members of Congress persist in deficit spending, why should not the Congress provide for an automatic offset against the hardship the resulting inflation brings on?

The measures I am introducing today, if passed, would be a great step toward helping the elderly of America obtain the independence, dignity, and opportunity for continued useful participation which they both desire and deserve.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills (S. 847) to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder, and (S. 848) to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder, introduced by Mr. MILLER (for himself and other Senators) were received, read twice by their titles, referred to the Committee on Finance and the Committee on Labor and Public Welfare, respectively, and ordered to be printed in the RECORD, as follows:

S. 847

A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"COST-OF-LIVING INCREASES IN BENEFITS

"(w) (1) The first month after enactment of this subsection the Secretary shall determine the per centum change in the price index from February 1968 to such first month, and such month shall, for purposes of this subsection, be the first 'base month'. Commencing with the first day of the third month following such first base month, each monthly insurance benefit payable to any individual for or after such third month under this title shall be increased by the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, over the price index for the month of February 1968.

"(2) Each month after the first increase under this subsection, the Secretary shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the last preceding base month, each monthly insurance benefit payable for or after such third month to any individual under this title shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(3) The monthly insurance benefit of an individual under this title, after adjustment under this subsection, shall be fixed at the nearest dollar, except that such benefit shall after adjustment reflect an increase of at least $1.

"(4) For purposes of this subsection, (A) the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and (B) the term 'base month' shall mean the base month referred to in paragraph (1), or if later, any other month for which the price index showed a per centum rise forming the basis for a cost-of-living increase in benefits.

"(5) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(6) Any increase under this subsection to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied."

S. 848

A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"COST-OF-LIVING INCREASES IN BENEFITS

"SEC. 22. (a) The first month after the enactment of this subsection the Board shall determine the per centum increase in the price index from February 1968 to such first month, and such month shall, for purposes of this section, be the first 'base month'. Commencing with the first day of the third month following such first base month, each annuity, pension, and other benefit payable under this Act shall be increased by the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, over the price index for the month of February 1968.

"(b) (1) Each month after the first increase under this section, the Board shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the last preceding base month, each annuity, pension, and other benefit payable under this Act for or after such third month shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(2) The monthly amount of any annuity, pension, or other benefit payable under this Act, after adjustment under this section, shall be fixed at the nearest dollar, except that such benefit shall after adjustment reflect an increase of at least $1.

"(c) Any increase under subsection (a) shall apply with respect to all benefits payable under this Act after such increase becomes effective regardless of the provisions under which such benefits are payable or the manner in which the amounts payable are determined, but shall be applied with respect to the benefit payable to or with respect to any particular individual only after all of the other provisions of this Act which relate to eligibility for and the amount of such benefit have been applied; except that (1) the provisions of section 5(i) shall not be applied until after such increase is applied, and (2) in determining the amount of any individual's annuity for purposes of applying the first sentence of section 5(h), any amount payable by reason of this section shall not be regarded as part of such annuity.

"(d) For purposes of this section—

"(1) the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(2) the term 'base month' means the base month referred to in subsection (a), or, if later, any other month for which the price index showed a per centum rise forming the basis for a cost-of-living increase in benefits."

S. 849—INTRODUCTION OF BILL—GUNS AND CRIMINALS

Mr. MANSFIELD. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society; I am appalled by the criminal's quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proposal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years for his choosing to use a gun It seems to me no leeway or discre-

tion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the RECORD.

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

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, 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. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, "shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

S. 852—INTRODUCTION OF BILL TO PROVIDE ADDITIONAL JUDGESHIPS IN CALIFORNIA

Mr. MURPHY. Mr. President, for Senator CRANSTON and myself, I introduce a bill to carry out the recommendations of the U.S. Judicial Conference with respect to the additional judgeships for the U.S. District Courts in California. The bill, as the Judicial Conference recommends, provides eight additional judgeships for the U.S. District Courts in California. Specifically, the measure would authorize two additional Federal district judges for the northern district of California and three additional judges for both the central district and southern district in California.

Mr. President, it is clear that if our courts are to conduct their important business efficiently, expeditiously, and equitably, we must provide them with the necessary resources and manpower. While this is true for both civil and criminal cases, the rising crime rate across the country makes it imperative that this Nation take whatever steps are necessary to deal with this problem. I am pleased that the Nixon administration has promised to give the highest priority to a war on crime.

While there are many facets to the overall crime problem, one part of the total picture is the need to make certain that justice is sure and swift. In fact, the Constitution of the United States requires that an accused person be given a "speedy and public trial." If the word goes out that violation of criminal law will result in sure and swift justice, it is bound to have a deterrent effect on potential criminals. Yet, too many of our court dockets are hopelessly overcrowded. The backlog of cases, both criminal and civil, grows. Judge Fred Kunzel advises me that not only has there been a heavy increase in criminal cases filed in his district over the past 5 years, but "the seriousness of offenses also seems to be increasing." I hope that the Senate Judiciary Committee will act early and favorably on this measure which is so badly needed in California. I ask unanimous consent that a letter that I have received from Judge Kunzel and a copy of his letter sent to Congressman CELLER be printed in full at this point in the RECORD.

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

The bill (S. 852) to provide for the appointment of eight additional, permanent district judgeships for certain judicial districts within California, introduced by Mr. MURPHY, for himself and Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letters, presented by Mr. MURPHY, are as follows:

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA,
San Diego, Calif., January 10, 1969.

Re Additional judgeships for the southern district of California.

Hon. GEORGE MURPHY,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR: Enclosed copy of letter to Congressman Emanuel Celler, which portrays our dire need for additional judges.

Would you please join with Senator Cranston in the introduction of a counterpart bill in the Senate.

Very sincerely,

FRED KUNZEL,
Chief Judge.

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
San Diego, Calif., January 10, 1969.

Re Additional judgeships for the southern district of California.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary of the House of Representatives, House Office Building, Washington, D.C.

DEAR SIR: There has been introduced by Congressmen Wilson, Utt, Van Deerlin and Tunney, a bill which would provide three additional judgeships for our district. I do not as yet have the number of the bill.

As you know, the Judicial Conference of the United States, at their September 1968 meeting, approved three additional judgeships for this district. The approval came after extensive studies over a two-year period by both the Statistics and Court Administrative Committees.

Supplementing my letter to you of August 28, 1968, our records reflect a very heavy increase in criminal filings over the past five years. In addition to the increase in the number of cases, the seriousness of the offenses also seems to be increasing.

Our records indicate the following comparative statistics:

Calendar year	Cases commenced		Number of defendants disposed of	Cases pending	
	Civil	Criminal		Civil	Criminal
1963	165	1,130	----------	161	246
1964	229	1,407	----------	159	315
1965	228	2,070	2,352	194	475
1966	318	1,799	2,124	310	579
1967	274	2,094	2,298	299	803
1968	297	2,580	2,735	304	1,242

As of now we have approximately 240 defendants in jail despite our very liberal bail policy. We are unable to reach custody cases, to which we give high priority, in less than five months.

Despite having at least one visiting judge at all times during 1968, and sometimes two, we have been steadily losing ground in the processing of cases.

We have two active judges and a senior judge. Our senior judge, without whom we would be in deeper trouble, is 87 years of age and now handles all the "wet-back" cases and naturalization proceedings. I am afraid he will not be able to continue much longer.

The visiting judges have carried substantial burdens. However, they are unable to handle the very heavy day-to-day matters such as bail reviews, arraignments and pleas, pre-trials, pre-trial motions, trial setting calendars, sentencing, and post sentencing and trial motions. Nor can they handle the routine administrative functions such as jury impanelment, grand jury supervision, and the processing of appointments and claims under the Criminal Justice Act.

Handling of the daily calendars and administrative matters takes almost the full time of the resident judges, leaving virtually no time for the trial of cases. Additionally, the resident judges must spend many hours reading the volumnious pre-sentence reports. Each of us sentence an average of 25 defendants every Monday.

We have some very important civil litigation pending, the trials of which we have been unable to reach and will not be able to reach in the foreseeable future—this, by reason of having to give priority to the criminal cases.

Enclosed a copy of page II-37 of the 1968 Report of the Director of the Administrative Office, which indicates that this district has, by far, the largest weighted caseload of any district in the United States.

It would be very much appreciated if the bill for additional judgeships be given early consideration by your committee. The situation here is chaotic and requires emergency legislation to correct it. Copies of this letter are being sent to various interested parties.

With kindest regards, I am

Very sincerely yours,

FRED KUNZEL,
Chief Judge.

20 U.S. DISTRICT COURTS HAVING THE LARGEST WEIGHTED CASELOAD PER JUDGESHIP, FISCAL YEAR 1968

District	Number of judgeships, June 30, 1968	Weighted caseload per judgeship		
		Total	Civil	Criminal
89 districts	323	265	207	58
California, southern	2	1,025	123	902
Georgia, southern	1	455	333	122
Georgia, northern	3	445	344	101
Puerto Rico	2	432	358	74
Texas, eastern	2	397	360	37
Kentucky, eastern	1½	390	272	118
Tennessee, eastern	3	375	331	44
Alabama, northern	3	372	305	67
Virginia, eastern	5	354	279	75
West Virginia, southern	1½	354	270	84
New Mexico	2	348	230	118
Missouri, eastern	3	339	262	77
Kentucky, western	2½	330	267	63
Texas, northern	5	325	249	76
South Carolina	4	322	267	55
Alabama, southern	1½	318	275	43
North Carolina, eastern	2	318	176	142
Louisiana, eastern	8	317	285	32
Illinois, northern	11	314	267	47
Colorado	3	314	257	57

S. 853—INTRODUCTION OF BILL TO ESTABLISH THE SAWTOOTH NATIONAL RECREATION AREA

Mr. CHURCH. Mr. President, on behalf of myself and my colleague, Senator JORDAN of Idaho, I introduce, for appropriate reference, a bill to establish the Sawtooth National Recreation Area in Idaho. The measure was approved by the Senate in the 90th Congress, but did not receive House consideration.

I am most hopeful of early action on this bill, because it is designed to preserve one of the most beautiful mountain and valley settings in the West. Some undesirable development is now encroaching, and the need for protection is urgent.

There has been a lively argument for many years over how to best preserve this rugged and scenic section of central Idaho. Early sessions of the Idaho Legislature memorialized Congress for a national park in the Sawtooths. Bills proposing such a park were introduced in Congress by the late Senators James P. Pope and William E. Borah. In the 88th Congress I introduced a bill calling for establishment of such a park, my major purpose being to provide a vehicle for a thorough feasibility study of the area by both the Forest and the National Park Services. The study revealed that the then comparatively new concept of a national recreation area should be considered as an alternative to a park. In the following Congress, the 89th, I introduced a bill for a park and Senator JORDAN joined me in sponsoring one for a national recreation area. In June of 1966 the Senate Subcommittee on Parks and Recreation conducted 2 days of hearings on both measures, and the people of the region, gathered at Sun Valley, Idaho, gave overwhelming support to a national recreation area. Senator JORDAN and I have also believe that the recreation area provides the best plan for the highest public use and management of this magnificent mountain chain and its adjoining lowlands.

Mr. President, this area is so spectacular as to almost beggar description. Forty-two snowcapped peaks rise to more than 10,000 feet, an escarpment which towers over blue alpine lakes, rushing white water and vast evergreen forests. Flush against this dramatic backdrop are two grass and sagebrush covered valleys where sheep, cattle, and horses graze behind log-fenced pastures near the banks of the winding Salmon River. Scattered ranch houses accentuate this authentic western panorama. The bill we introduce today would save this scenic foreground to the mountains by preventing, through the procurement of scenic easements, unsightly commercial development of the valley lands. It also calls upon the Secretary of Agriculture to expedite studies which we hope will lead to the inclusion of the high mountain country, now the Sawtooth primitive area—in the National Wilderness Preservation System. The Forest Service would administer the approximately 350,000 acres in the proposed national recreation area.

Mr. President, the creation of a Sawtooth National Recreation Area will also assure the additional facilities needed to accommodate the increasing thousands of visitors to this unique area. It will cater to the type of family vacation so many Americans wish to enjoy. It will protect part of the upper reaches of streams which constitute the last remaining nursery for the anadromous fish which fight their way all the way from the ocean to spawn in the mountain shallows. It will encourage new winter sports facilities leading to year round recreation opportunities. It will allow for the preservation, and open the way, perhaps, for the restoration of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

But perhaps most importantly it will help guarantee the upland wilderness, not only because of its primeval beauty and recreation potential, but also because this is the fountainhead of three great rivers, the Salmon, Payette and Boise—rivers which pour down from the snowfields to irrigate our rich Idaho agricultural lands.

Mr. President, this bill is the distillation of years of study and effort by the people of Idaho, their elected Senators, Congressmen, and agencies of the Government, and I hope it soon can be reported out of Committee and approved by the Senate.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 853) to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes, introduced by Mr. CHURCH, for himself and Mr. JORDAN of Idaho, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SAWTOOTH NATIONAL RECREATION AREA IN THE STATE OF IDAHO

Mr. JORDAN of Idaho. Mr. President, my colleague Senator CHURCH and I as joint sponsors, introduce today the Sawtooth National Recreation Area bill. In this bill we present one of the most unique and coordinated programs for diversified outdoor enjoyment that has ever been proposed in Congress.

Sawtooth is a magnificent area comprising some 350,000 acres of rugged mountains, beautiful lakes and streams, the scenic Stanley Basin Valley and the historic mining town of Atlanta. Of this total area about 200,000 acres are now in the national forest primitive area which will be studied for the possibility of becoming wilderness; 117,000 acres are of national forest lands, mostly forest and range between the valley and the high mountain area; 23,000 acres are privately owned valley lands on which ranching, timber harvest, and mining operations will be continued; 10,000 acres of Federal unreserved public domain lands which may be classified for its highest use compatible with the overall management program. The State of Idaho also owns 1,600 acres of endowment fund lands within these boundaries.

The Forest Service, with its major responsibility already there, will administer the recreation area. Incentive for private landowners to cooperate will be through scenic easements rather than in the purchase of fee title by the Government of privately owned land. Landowners will be compensated for keeping their operations compatible with the national recreation environment concept. In this way the authentic ranching atmosphere of the Sawtooth Valley will be maintained and enhanced.

Certain Federal, private, and State lands may be developed and improved so the optimum capacity for camping, swimming, fishing, hunting, hiking, horseback riding, pleasure driving, and winter sports may be enjoyed.

Private investments for visitor accommodations, winter sports sites, and for visitor services on either private, State, or Federal lands will be encouraged.

It is planned to safeguard and enhance the outstanding natural beauty of the Sawtooth Range and to protect fragile areas from overuse. This is one of the most important watershed areas which feeds streams necessary for the propagation of the nationally famous Salmon and Steelhead fish. Special attention will be given in this program to maintain high water quality for the protection of this valuable fishing resource.

This beautiful scenic and historic area is accessible from Sun Valley from the east, which is only 60 miles away and from all points to the west coast through Boise, our State capital. It may well become a year-round recreation site.

By retaining the natural frontier character of the valley and towns such as Stanley and Atlanta and the magnificent views of the snow-covered rugged peaks of the Sawtooth Mountains the visitor will enjoy breathtaking scenic grandeur which is unsurpassed. Hearings have been held on this proposed bill in Idaho

and in Washington, D.C. It has received nearly unanimous approval. The cost of acquisition, development, and management will be reasonable because most of the lands are now in Federal ownership. Mr. President, I hope Congress will agree that this is an opportunity to properly manage Federal, State, and private lands, in balance, for its highest and best use now and for the future.

S. 855—INTRODUCTION OF BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE BUFFALO NATIONAL RIVER, STATE OF ARKANSAS

Mr. FULBRIGHT. Mr. President, on behalf of myself and my senior colleague from Arkansas, Mr. MCCLELLAN, I introduce, for appropriate reference, a bill to establish the Buffalo River in Arkansas as the Buffalo National River.

The Senate will recall that a similar bill—S. 704—was introduced in the last session of Congress, but final action could not be taken before adjournment.

This bill would enable the preservation, in its free-flowing, natural state, of an important segment of this beautiful river in an area which contains unique scenic and scientific features.

Mr. President, the Buffalo River is truly one of the most remarkable rivers in the world. An editorial in the Baxter Bulletin, Baxter County, Ark., recently referred to the river as "a natural prize of national significance." The editorial continued:

> It should be preserved as a national park-type area for the same reasons that the giant redwoods should not be mowed down to make boards and the Grand Canyon should not be dammed to carry out local economic designs. The national river would, in fact, aid the economy of the area by providing a new kind of outdoor preserve and recreational area.

I would also like to refer to a passage from a report prepared by the National Park Service in 1963, which I think makes apparent some of the reasons why the Buffalo should be a national river:

> Although man-made impoundments are causing the rapid disappearance of free-flowing streams in mid-America, the Buffalo River remains one of the few rivers still possessing exceptional wilderness value.
>
> The Buffalo River, deeply entrenched in a meandering course, flows eastward across Newton and Searcy Counties, entering briefly Marion and Baxter Counties before joining the White River in northwest Arkansas. In places the Buffalo lies 650 feet almost sheer below its canyon rim. Towering multi-colored cliffs sharply accent the mild mountain beauty into which nature has set the blue-green waters of this spring-fed stream. Born on summits almost 2400 feet above sea level, this river flows down to elevations of less than 400 feet before joining the White River.
>
> The scenic grandeur of unimpeded rivers—surging over rapids, moving lazily through long shaded eddies, and sweeping gracefully against streaked canyon walls that proclaim the handiwork of a free-flowing stream—is fast disappearing. Urbanization has altered and impoundments have tamed river after river until little is left to represent the wilderness waters known by first comers to these hills.
>
> Flora of the study area is perhaps the most diverse of any other area of equal extent in Arkansas and ranks noteworthy on a national basis. The wild life constitutes one of the area's chief attractions. Practically every wild animal common to an oak-hickory type forest is found in great numbers. The red wolf, not known to be residing within any unit of the National Park System, is found here. In colder latitudes black bears and woodchucks hibernate during part or all of the winter season; in this locale they are active throughout the year.
>
> Known archeological sites within the immediate area of the river number at least twenty, and it is likely that others are present.
>
> The study area includes an expansive climax of wildness, ruggedness, and elevation contrasts in two sections of the Ozark Plateaus Province of the Interior Highlands Division of American Landscape Forms. The upper course of the Buffalo River is etched into the Boston Mountains Section, while the lower course with its tortuous canyons typifies the Springfield-Salem Plateaus Sections. No other feasible management unit in the entire Ozarks portion of the Interior Highlands Division can likely surpass the combined resources of the area studied.
>
> Geologically the area is outstanding and typifies the Arkansas Ozarks with their numerous caves, waterfalls, persistent springs, interesting side canyons, and impressive bluffs.
>
> Being the last of the choice remaining major free-flowing streams in the Arkansas Ozarks, the Buffalo River offers an outstanding opportunity for preservation of a unique segment of outdoor America.
>
> The area is centrally located with respect to large urban populations and is well suited to provide increasing outdoor recreational opportunities for the nation.
>
> In combination, the scenic, scientific, and archeological values and the recreation potential of the area clearly indicate that consideration for preservation and administration at the national level is warranted. Therefore, the study area is recommended for establishment as a National River, administered by the National Park Service.

I feel certain that the Buffalo River will be a credit to our national park system and offer great benefit and enjoyment to the present and future generations.

Mr. President, I would also like to add that the establishment of the Buffalo as a national river will be done with the minimum possible disruption to the residents of the area. Where land is not specifically needed for park facilities, property owners will be able to continue in their present residences, and wherever possible only scenic easements will be taken.

I would like to thank the Legislative Drafting Service of the Department of the Interior for their assistance in preparing this bill. I hope that it will receive prompt and favorable consideration by the Committee on Interior and Insular Affairs and subsequently by the Senate.

The bill I introduce today is different in some respects from S. 704, and these differences are identified in a letter addressed to me by the Office of the Solicitor of the Department of the Interior. I ask unanimous consent that the text of this letter and the text of the bill be printed in the RECORD following my remarks.

Mr. President, I have not attempted to analyze thoroughly the details of the bill drafted by the Department, and there may be differences of opinion concerning the wisdom of some of the provisions. I am sure, however, that all opinions will be considered carefully by the Interior Committee, and desirable modifications may be made by the committee during such consideration.

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

The bill (S. 855) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, introduced by Mr. FULBRIGHT (for himself and Mr. MCCLELLAN), 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. 855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled, "Proposed Buffalo National River", numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed 95,730 acres.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 *et seq.*), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may retain the right of use and occupancy of the improved property for noncommercial residential purposes, for a term, as the owner may elect, ending either (1) upon the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition,

less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided*, That the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

SEC. 5. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. Any person authorized by the Secretary to enforce any Federal laws or regulations applicable to the Buffalo National River may, with or without a warrant, arrest any person who violates such laws and regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction, and may with a search warrant or as an incident to a lawful arrest, search for and seize property taken, used or possessed in violation of said laws and regulations. Anything so seized shall be held by such person or by the United States Marshall pending disposition of the case by the court, magistrate, or commissioner. Upon conviction, any fish, bird, mammal, or other wild vertebrate or invertebrate animal, or part or nest or egg thereof seized shall be forfeited to the United States or otherwise disposed of by the court, magistrate, or commissioner Upon conviction, any other property, except property of the United States, used or possessed in violation of said laws or regulations, including but not limited to any gun, net, or trap, may be forfeited to the United States or otherwise disposed of by the court, magistrate, or commissioner, except that this discretionary authority to forfeit or otherwise dispose of such other property shall apply only in the case of a conviction for an offense involving the taking or possession of property of the United States, or the taking, possession, capturing, hunting, or killing, or attempt thereof, of any fish, bird, mammal, or other wild vertebrate or invertebrate animal, or part or nest or egg thereof.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The letter presented by Mr. FULBRIGHT is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., January 27, 1969.

Hon. J. W. FULBRIGHT,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Mr. James Cash of your office orally requested this office to set out the differences between S. 704, which you introduced in the 90th Congress, and the draft bill on the Buffalo National River which we forwarded to your office on January 17, 1969, as a drafting service.

The differences between the two versions of the Buffalo National River bills are:

1. The acreage has been reduced from 103,000 to 95,730 acres. A new map reference has been inserted. The new map shows the new boundaries.

2. The last sentence of section 2(a) of the draft bill has been changed to require the concurrence of the agency having administration over Federal lands within the proposed national river before such lands can be transferred to the Secretary of the Interior for purposes of the proposed national river.

3. Section 2(b) of S. 704 has been deleted, and all subsequent subparagraphs have been relettered. Paragraph 5(b) of the Act of July 15, 1968 (82 Stat. 354, 356), amended the Land and Water Conservation Act of 1965 (78 Stat. 897), to provide the Secretary of the Interior with authority to exchange non-Federal lands within a unit of the National Park System or miscellaneous area for other Federal lands within the same state. This exchange authority would apply to the proposed national river.

4. There are some changes in section 2(c) of S. 704 which appear in section 2(b) of the draft bill. The first change allows the Secretary to take improved noncommercial residential property, if the Secretary determines that such property is needed "for purposes of administration, preservation, or public use. . . ." Section 2(b) of the draft provides that the right retained by the owner, if the Secretary does not take the land under the above provision, is subject to the three enumerated conditions in the last sentence of section 2(b) of the draft and also provides for the termination of the owner's interest, if the property ceases to be used for noncommercial residential purposes. These enumerated conditions and the termination of the owner's interest are new provisions in the draft.

5. There are some minor changes made to section 2(d) of S. 704 which may be found in section 2(c) of the draft. Most of the changes are intended to clarify section 2(d) in S. 704. One substantive change has been made in section 2(c) of the draft. The provision in S. 704 which would allow agricultural use of the private lands within the proposed national river has been deleted from the draft bill.

6. Section 4 of S. 704 has been entirely rewritten. Section 4 of the draft bill, with minor changes in language, is identical to section 7(a) of the Act of October 2, 1968 (82 Stat. 906).

7. Section 6 of the draft bill gives the Secretary arrest authority in the proposed national river. There was no such provision in S. 704.

None of the statements made above should be construed as stating the Department's position with respect to any provision in the draft bill, since this letter is only intended to point up the differences between the draft bill and S. 704.

If we can be of any further assistance to you in this matter, please feel free to contact this office.

Sincerely yours,

DAVID B. FINNEGAN,
Acting Legislative Counsel.

S. 856—INTRODUCTION OF A BILL TO PROVIDE FOR FEDERAL GOVERNMENT RECOGNITION OF AND PARTICIPATION IN INTERNATIONAL EXPOSITIONS TO BE HELD IN THE UNITED STATES

Mr. FULBRIGHT. Mr. President, I introduce, for appropriate reference, a bill to provide for Federal Government recognition of and participation in international expositions to be held in the United States, and for other purposes.

The identical bill was introduced in my absence in 1968 by the Senator from Montana (Mr. MANSFIELD) as S. 3737. I want to express my appreciation to the majority leader for the tribute he paid me at that time for having stimulated the drafting of this bill, a fact which is noted this time by the Secretary of Commerce in his letter submitting the draft. I ask unanimous consent that this letter, together with the bill, and a statement of purposes and needs, be printed in the RECORD at the conclusion of my remarks.

As customary, I reserve my right with respect to any amendments that might be suggested when the matter is considered by the Committee on Foreign Relations.

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

The bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, introduced by Mr. FULBRIGHT, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that:

(a) International expositions, when properly organized, financed, and executed have a significant impact on the economic growth of the region surrounding the exposition and under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) In view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) Such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

SEC. 2. Federal recognition. (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider:

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper including, but not limited to:

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) The President shall report his actions under this section promptly to the Congress.

SEC. 3. Federal Participation. The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include:

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

SEC. 4. Establishment and Publication of Standards and Criteria.

(a) The Secertary of Commerce is hereby authorized and directed to establish and maintain standards, defintions, and criteria which are adequate to carry out the purposes of Sec. 2(a)(1) and Sec. 3(c) of this Act; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

SEC. 5. The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

SEC. 6. Nothing in this Act shall affect or limit the authority of Federal Departments and Agencies to participate in international expositions or events otherwise authorized by law.

SEC. 7. Section 8 of Public Law 89-685 is hereby repealed.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The letter and statement presented by Mr. FULBRIGHT are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., January 10, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To provide for Federal Government recognition of and participation in international expositions to be held in the United States, and for other purposes," and four copies of a statement of purpose and need in support thereof.

An identical draft bill was transmitted to the 90th Congress on June 24, 1968, and was introduced as S. 3737 and H.R. 18881.

International expositions have traditionally played a role in commorating major human achievements or in celebrating outstanding national events—current and historical. However, during the last several years there have been proposals for holding many such expositions in the United States and a concomitant increase in the frequency of requests by local sponsors for Federal recognition and participation.

The bill submitted to you today reflects the conclusion of the Executive Branch that a more orderly approach toward international expositions is necessary. Enactment of the bill will provide both the Congress and the Executive Branch a meaningful framework by which a rational assessment can be made of exposition proposals, whether Federal involvement wouldl be in the national interest, and the extent and nature of such involvement.

The benefits of the bill would not, however, accrue solely to the Federal Government. Local sponsors would have available clear guidelines to be followed before their plans would be eligible for consideration by the Federal Government.

The objectives of the bill go hand in hand with, and are a necessary supplement to, the recent Senate-approved accession to the Paris Convention which provides for United States membership in the Bureau of International Expositions (BIE). While membership in this organization will subject the United States to regulations dealing with the organization, operation and frequency of international expositions, the BIE rules are not concerned with purely internal exposition procedures of member nations. The bill is directed towards establishing such internal procedures for the United States.

We would like to call attention to the interest and contribution of Senator Fulbright, Chairman of the Senate Foreign Relations Committee, in the formulation of legislation for this purpose.

The Department of Commerce urges enactment of the draft bill.

We were advised by the Bureau of the Budget on January 2, 1969 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

Over the past several years there have been an increasing number of proposals by local sponsors for international expositions to be held in the United States. These proposals, for the most part, have included efforts by sponsoring authorities to obtain the recognition and participation of both the Federal Government and foreign governments. It is in the national interest for the Federal Government to recognize, endorse and/or participate in only the most worthy and viable of these projects. However, it has become apparent that some form of Federal action would become necessary so that proposals might be evaluated in the light of general criteria bearing on the national interest. To this end, the Executive Branch has concluded that (a) the United States should accede to the Paris Convention of 1928, which established the Bureau of International Expositions (B.I.E.), and (b) permanent legislation should be enacted which would establish basic criteria for Federal Government recognition and participation in future domestic expositions.

On April 30, 1968, the Senate agreed to the accession of the United States to the Paris Convention. The Senate Committee recognized during its hearings on this matter that United States membership in the B.I.E. was a necessary first step, but that accession should be supplemented by permanent legislation that would establish complementary standards and criteria governing recognition and participation by the Federal Government in any exposition held in the United States. The Department of Commerce has been the agency primarily responsible for Federal as-

sistance to, and participation in, international expositions held within the United States, and we urge enactment of the draft bill.

While the B.I.E. provides discipline in the organization, operation and frequency of international expositions, it is not concerned with internal exposition procedures of a member nation. The bill is directed toward establishing internal procedures for the United States.

The bill would provide specific guidelines to prospective sponsors in the United States as to the terms and conditions under which the Federal Government will (a) recognize a given exposition, and (b) be an official participant in it. With respect to recognition, the bill would establish criteria under which the President could determine the national interest of an exposition before granting official recognition. The bill would provide that recognition take the form of an official request by the President to the B.I.E. for international registration and an invitation to the several States of the Union and foreign governments to take part in the event.

The bill also would establish orderly procedures under which the Federal Government would consider becoming a participant in the proposed event. Basically, these procedures would provide that the President, after finding that Federal participation in an international exposition is in the national interest, transmit a proposal for such participation to the Congress for approval. The bill would require evidence that the event meets the criteria for, and has received, Federal recognition, a statement that the proposed event has received the sanction of the B.I.E., and an approved plan for the Federal participation prepared by the Secretary of Commerce.

The President is empowered by the bill to withdraw Federal recognition or participation in cases where subsequent events have shown that continued Federal interest in the exposition would no longer be in the national interest.

The bill would leave the ultimate authority to approve Federal participation in Congress while providing a better basis for the Executive Branch to give orderly preliminary consideration to proposed events.

S. 857—INTRODUCTION OF BILL TO DESIGNATE THE HIGH UINTAS WILDERNESS, ASHLEY AND WASATCH NATIONAL FORESTS, STATE OF UTAH

Mr. MOSS. Mr. President, I am today introducing a bill which would designate a region of supreme beauty and great natural value as the High Uintas Wilderness. Located in northeastern Utah, this portion of the Wasatch and Ashley National Forests has long been regarded as worthy of preservation in its wild natural state. Having been one of the leading advocates of the Wilderness Act of 1964, it is a pleasure for me to seek congressional approval to place this natural treasure under the protection of the national wilderness preservation system. This land would be the first in the State of Utah to receive such designation.

The measure which I now introduce is structured to respond both to the need of this country to preserve its remaining regions of wilderness, and to Utah's particular need to provide for full development of its scarce water resources. The boundaries of the wilderness areas as defined in my bill omit a single unit of 102,011 acres, or slightly less than one-third of the total acreage that the Forest Service recommended to the President for inclusion. I have made this reduction not out of a disregard for the pristine values of the region, but because that portion, generally referred to as area D or the Uintas River drainage, is under study by the Bureau of Reclamation to complete planning for the ultimate phase of the central Utah project. The Bureau's investigation may show that it will be necessary to locate a water storage facility within that region, or that water from a facility would be backed up into it. This would violate the wilderness standards and such area would have to be excluded. It is hoped that the progress of the study will permit a decision on this matter later this year. Perhaps no such inconsistent usage will be required, in which event area D could be added to the wilderness area.

The State of Utah is dependent upon the full development of all available water resources if it is to meet today's and tomorrow's water requirements. Completion of the ultimate phase of the central Utah project is vital to this effort. I could not consciously inhibit progress toward that objective by allowing an area of land which may be needed for the project to be hastily designated as wilderness.

Omission of this one portion from the Uintas Wilderness proposal at this time will not detract from the physical and spiritual attractiveness of the region. Furthermore, I will introduce legislation to add all or such part of this land to the wilderness to the extent that the ultimate phase permits.

The Governor of Utah has advocated the establishment of the High Uintas Wilderness, with the proviso that action on the Uintas River drainage be delayed. Hearings in Utah have also revealed broad popular support for the designation of these lands as wilderness.

Mr. President, in passing the Wilderness Act, Congress declared a policy "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

A wilderness—

The Congress stated—

is an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

The land of the High Uintas is that kind of area, and its preservation is distinctly in keeping with the spirit that led to the realization of a national wilderness system. Now is the time for Congress to give this resource that unique form of protection.

I ask unanimous consent to print the text of the bill at this point in the RECORD.

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

The bill (S. 857) to designate the High Uintas Wilderness, Ashley and Wasatch National Forests, in the State of Utah, introduced by Mr. Moss, 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. 857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891) the area classified as the High Uintas Primitive Area, with the proposed additions thereto, other than Area D, and deletions therefrom, as generally depicted on a map entitled "High Uintas Wilderness—Proposed," dated August 21, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the High Uintas Wilderness within and as a part of the Ashley and Wasatch National Forests, comprising an area of approximately 220,989 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the High Uintas Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and maps may be made.

SEC. 3. The High Uintas Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be reference to the effective date of this Act.

SEC. 4. The previous classification of the High Uintas Primitive Area is hereby abolished.

S. 858—INTRODUCTION OF BILL TO AMEND THE AGRICULTURAL ADJUSTMENT ACT OF 1938 WITH RESPECT TO WHEAT

Mr. MURPHY. Mr. President, today, in behalf of my distinguished colleague, Senator CRANSTON, and myself, I introduce a bill to amend the Agricultural Adjustment Act of 1938 with regard to wheat.

This bill would require the Secretary of Agriculture to increase to 12,000 acres the acreage allotments for the 1969 and subsequent crops of wheat for privately owned farms in the irrigable portion of the Tulelake area in Modoc and Siskiyou Counties of California.

The increase in the wheat acreage allotment shall be for the production of Durum wheat only on both the original allotment and on the increased acreage.

The producers on a farm receiving an increased allotment under this subsection shall not be eligible for diversion payments.

Similar legislation was introduced in the 90th Congress, but because of adverse reports from the Department of Agriculture, no action was taken.

The Department of Agriculture position was based on a contention that it would give preferential treatment to producers in the Tulelake area and that Durum wheat was not in short supply.

While it is true that Durum wheat is not in short supply nationally, it is short on the Pacific coast, and the U.S. Durum

Wheat Growers Association supports this legislation.

Durum wheat grown in the Tulelake area is the only wheat available for Pacific coast manufacture of pasta products, and if the entire Tulelake basin were planted in Durum wheat, it could not, even then, meet the needs of the west coast.

I would like to point out, in conclusion, that this is the only place that Durum is grown on the Pacific coast.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 858) to amend the Agricultural Adjustment Act of 1938 with respect to wheat, introduced by Mr. MURPHY (for himself and Mr. CRANSTON), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 860—INTRODUCTION OF BILL ESTABLISHING A FEDERAL DEPARTMENT OF CONSUMER AFFAIRS

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill establishing a Federal Department of Consumer Affairs.

Almost every economic, political, social, professional, and religious group in America is organized to make its voice heard in some fashion or another. If an issue is raised that touches their special concern they have a voice that is heard and weighed. They have political power that is listened to and respected. The consumer does not. He spends his dollar in an incredibly sophisticated and deceitful marketplace where his lone wit and native intelligence count for very little.

No matter how intelligent the shopper, he is unable to judge the quality or reliability of innumerable items in the marketplace. He can look at a tire all day long and still not figure out what weight it will safely bear, how well it will wear or whether it is worth $10 or $50. Furthermore, the tire dealer can sit there all day with him and he cannot do any better.

The consumer is the forgotten man in this overorganized and overplanned economic system. It is time his voice was heard and his interests fairly represented. To achieve some measure of equity for the consumer we propose the creation of a Cabinet-level Department of Consumer Affairs.

The legitimate demand for new and stronger laws to protect the consumer has been heard. Congress has enacted some useful legislation designed to protect consumers from misleading interest rates, poorly constructed automobiles and tires, flammable clothing, unwholesome meat and poultry, deceptive packaging, hazardous toys, and loansharking.

The job that now lies ahead for the Congress is correcting the lack of coordination in the administration of these laws. It is folly to lull ourselves into thinking that consumers are, at long last, really getting the full protection they so badly need, when there are some 33 departments and agencies making only a fragmented and halfhearted attempt to protect the consumer. The laws are there, but the spirit and drive to administer these laws are lacking.

If this Department of Consumer Affairs is established, it would be the watchdog over those agencies whose duty it is to protect the consumer. It is important to note that this bill would not only protect consumers from fraudulent practices in the private sector, but also would prod those Government agencies which are slow to respond to the needs of the consumer.

This bill would establish a Consumer Counsel. It would provide a place to register complaints and create an agency to speak and fight for the consumer's interest.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 860) to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; Health, Education, and Welfare; and other agencies; and for other purposes, introduced by Mr. NELSON (for himself and Senators RIBICOFF, MOSS, YOUNG of Ohio, EAGLETON, RANDOLPH, GRAVEL, BURDICK, TYDINGS, and YARBOROUGH), was received, read twice by its title, and referred to the Committee on Government Operations.

S. 861—INTRODUCTION OF CONSUMER PROTECTION ASSISTANCE BILL

Mr. JAVITS. Mr. President, on behalf of myself and my colleagues, Mr. GOODELL, Mr. BROOKE, Mr. SCOTT, Mr. HATFIELD, Mr. SCHWEIKER, Mr. PROUTY, Mr. MONDALE, Mr. TYDINGS, and Mr. YARBOROUGH, I introduce a bill, the Consumer Protection Assistance Act. This is a companion bill to one which will be introduced in the other body by Representative REID of New York.

The Consumer Protection Assistance Act is based upon my experience as attorney general of New York in 1955 and 1956 and the subsequent experience of my successor in that office, Judge Louis Lefkowitz.

The Consumer Protection Assistance Act would provide Federal grants to the States to cover up to 50 percent of the cost of the State's consumer protection plan. To be eligible, the State plan would have to be approved by the Secretary of Commerce and must include:

First. A consumer protection office within the State to deal with dishonest practices;

Second. Programs to license or otherwise regulate business activities including, but not limited to household appliance repairmen, motor vehicle repairmen, home movers, and home improvement contractors, in order to provide consumer protection. State regulation may include, but not be limited to, protection against false advertising, failure to perform the work or service as advertised, performing unnecessary and unrequested work or services, failure to perform work or services as represented to the consumer and for which the consumer was billed;

Third. Programs to require credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual person. State regulation would seek to insure that credit reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the individual right of privacy and provide the individual an opportunity to correct erroneous information; and

Fourth. Consumer education programs to assist consumers residing in urban areas with high concentration of low-income individuals, and to encourage the introduction of consumer education courses in public school curriculums.

All of us are—without exception—consumers.

Our concerns as consumers start in the marketplace where we live. In Metropolitan New York the Better Business Bureau received more than a quarter of a million complaints from consumers about various problems which they met in their local marketplace—consumer complaints about seller behavior and demands for corrective action.

Appropriate action should be taken to protect the public from the unethical practices of the unenlightened and unprogressive segment of our business community, the unscrupulous few preying on the unwary buyer.

The intent of the Consumer Protection Assistance Act is to identify those relatively few in the business community who practice deception and intimidation and to provide such regulation as will allow the consumer to deal on an even basis in the marketplace.

The advance technology and increased sophistication of modern consumer goods have often turned the once fair exchange between the parties into a one-way street. There is an impressive selection of new products and new versions of old products. Our urbanized consumer has a houseful of intricate gadgets. The consumer marketplace has grown exceedingly complex. Technological progress and modern marketing methods have contributed to an unparalleled standard of living. But technology, with a language of its own, and modern marketing, with its emphasis on "mass" have made it more and more difficult for the individual consumer to make his selection with complete and accurate information.

Yesterday's rather unsophisticated hand-operated can opener is today's all-electric machine which not only opens the can and removes the top, but also sharpens knives and crushes ice. Advances are not confined to the consumer's home.

With the refining of the internal combustion engine, repairs can only be made by highly specialized mechanics. Again the reliance must be placed on those

who sell and service today's automobiles, television sets, and other home electrical appliances.

The home-moving field is another area in which the homeowner finds himself at a disadvantage. The estimated 2-hour move often turns into a full-day and even a week's affair.

The increase in home improvement frauds is another area of concern. The home-improvement industry is a $15 billion annual enterprise. The services it performs and the raw materials and techniques it has introduced have greatly contributed to the material well-being of millions of American families. Yet, the industry's performance and reputation have been scarred by those operating on the fringe. The products and services these unscrupulous sellers offer are numerous—siding, fire alarm systems, furnace repairs, to name a few. Many an unwary customer has found himself victim of the home-improvement shark. Lured with false and deceptive offers of attractive home repairs, the victim finds he has paid too much, received inferior work and material, and worst of all has sometimes unknowingly mortgaged his home in the bargain.

We are all aware of consumer tales of woe—the anguish awaiting the repairman who cannot repair the dishwasher; the television set that will never readjust itself; a refrigerator with missing ice cube trays; appliance and auto warranty service that conclusively establish that the warranties that many consumer products come with are not worth the computer cards they are printed on.

I believe most advertising is honest but some of it is not, and this is wasteful of the consumer's dollar. However, for the American consumer, today's sales pitch and full-blown advertising campaigns can be all too convincing.

The problems the consumer is faced with are quite diverse and complex. Action has been taken within past years to come to grips with consumer concerns. At the Federal level—Esther Peterson and Betty Furness, each a former Presidential Special Assistant for Consumer Affairs—stimulated movement in the right direction. We have had recognition of consumer interest—auto safety standards; meat inspection; Flammable Fabrics Act; truth-in-lending; and truth-in-packaging—and there are at least 33 separate Government agencies engaged in some form of consumer protection activity.

There is a real problem, however, at the grassroots level—our concerns as consumers start in the local marketplace. It is there that immediate and forceful action is most needed and it is for this reason that my proposal provides for the channeling of funds to the individual States. The recently enacted Consumer Credit Protection Act—the so-called truth-in-lending bill—is a major development in dealing with the problems of installment sales financing. However, the problem goes much further, and the protection must begin before the goods have been contracted for and continue after the price has been paid.

My bill, therefore, seeks to tap the most effective resources by placing primary reliance on State action, with Federal funds being used essentially as a lever to move the State into consumer protection programs. For when Federal funds are used in conjunction with, and to stimulate State efforts, the Federal funds can have a multiplier effect and hence a far greater impact.

The State consumer protection office as conceived by this bill may be in such department or agency as the individual State may determine. The office would take such steps as consultation, mediation, and where necessary, litigation, in order to provide the consumer with an effective remedy.

As an example of what can be accomplished through such offices, it is hoped that States will look to the work which has been done in my own State of New York under the outstanding leadership of Attorney General Louis J. Lefkowitz.

The consumer protection office within the New York Attorney General's office, the Bureau of Consumer Frauds and Protection, has made great strides in bringing about a decrease in the number of unscrupulous practices. The focusing on the problem by one office allows for more immediate and direct action and it gives the public a central agency to which to bring its complaints. Under the auspices of the New York City office of the attorney general, through mediation and court action, $766,486.02 was returned to the public in money, goods, and/or services in 1 year. This is an example of what the States can do if given the chance.

It is the express intent of this bill that all tactics to bilk the public including bogus contests, fictitious bargains, inaccurate and biased credit reporting, and misrepresentations of guarantees will be subject to its penalties.

Protection for the consumer after the fact is an important and effective step. A far better solution, however, is in the education of the consumer. My proposal gives authorization to the States to establish consumer education programs and also recommends that courses be established within the curriculum of the public schools to give today's consumer an awareness of the problem and tomorrow's consumer the understanding to deal in the marketplace intelligently. Consumer education programs have as their purpose not the elimination of product difference but to help the consumer's evaluation in product selection. It is essential if there is to be a meaningful dialog at the marketplace that the consumer be able to efficiently determine product cost differential considering price, quantity, quality, and subjective consumer preference.

It is hoped that the enactment of the Consumer Protection Assistance Act into law and specific regulations under it will provide the public with the safeguards which will allow the public to deal with greater confidence in the marketplace.

Mr. President, I strongly urge that Senators give consideration to similar programs in their States which would be enormously encouraged by Federal legislation such as I am introducing today.

Mr. President, I send the bill to the desk for appropriate reference and ask that its text be printed in the RECORD.

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

The bill (S. 861) to provide Federal assistance to States for establishing and strengthening consumer protection programs, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 861

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 "Consumer Protection Assistance Act".

AUTHORIZATION

SEC. 2. For the purpose of assisting the States to develop, establish, and strengthen State consumer protection programs, the Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to make grants pursuant to the provisions of this Act.

(b) For the purpose of making such grants there is hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1969, and $15,000,000 for the fiscal year ending June 30, 1970.

ALLOTMENTS

SEC. 3. (a) From the sums appropriated pursuant to the preceding section for each fiscal year the Secretary shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine, and shall allot such amount to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs. From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the population of such State bears to the population of all the States. For the purposes of this subsection the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The amount any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to the preceding section shall be deemed part of its allotment under subsection (a) for such year.

USES OF ALLOTTED FUNDS

SEC. 4. Grants under this Act may be used, in accordance with State plans approved under section 5, for—

(1) the establishment or strengthening of a consumer protection office which, in the case of the establishment of such an office, shall be located in such department or agency

of the State as the chief executive or the legislature of the State determines;

(2) the establishment, operation, and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, and home improvement contractors in order to provide improved consumer protection, including protection against—

(A) false advertising;

(B) failure to perform the work or service as advertised;

(C) performing unnecessary and unrequested work or services;

(D) failure to perform work or services as represented to the consumer and for which the consumer was billed;

(3) the establishment, operation and expansion of programs requiring credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual person; and

(4) the establishment and expansion of consumer education programs, with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouraging of the introduction of consumer education courses in public school curriculums.

STATE PLANS

SEC. 5. (a) Any State desiring to participate in the grant program under this Act shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program under which funds paid to the State from its allotment under section 3 will be expended solely for the purposes described in the preceding section;

(2) provide for the proper and efficient administration of such plan by such State agency, and in the case of programs to carry out the purposes described in paragraph (2) of the preceding section, the proper and efficient administration of such plan by such agency or any other appropriate State agency designated in such plan;

(3) provide for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out by community action agencies under the Economic Opportunity Act of 1964;

(4) provide assurances that the State will pay from non-Federal sources the remaining cost of such plan;

(5) set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as not to supplant State funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes set forth in the preceding section;

(6) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(b) The Secretary shall approve any State plan and any modifications thereof which comply with the provisions of subsection (a).

PAYMENTS

SEC. 6 (a) From the amounts allotted to each State under section 3, the Secretary shall pay to each State which has a plan approved under section 5(b) an amount equal to the Federal share of the amount needed for the purposes set forth in such plan.

(b) For the purposes of subsection (a), the Federal share for each State shall be 50 per centum for each fiscal year.

(c) Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 7. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 5, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will be no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 5 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

REPORT

SEC. 8. The Secretary shall prepare and submit, as part of the annual report of the Department of Commerce, a report on the administration of this Act, including an evaluation of the impact of Federal financial assistance upon the improvement of consumer protection programs in the United States.

Mr. JAVITS. I have every feeling, Mr. President, that this measure deserves and will receive very early consideration by Congress. It follows the very finest examples in Federal-State relation, with the Federal Government giving help and establishing criteria, but with the States actually administering the plan of regulation which the public need requires.

Mr. PROUTY. Mr. President, I am pleased to join with the distinguished senior Senator from New York (Mr. JAVITS) and others in sponsoring a bill to provide Federal assistance to States for establishing and strengthening consumer protection programs. I do have reservations concerning the formula contained in the bill for allotting funds to particular States. However, I am sure that this matter can be worked out in the Senate Commerce Committee, of which I am a member.

Mr. President, consumer protection has become recognized as essential in our sophisticated, highly technological society. Many States, including my own State of Vermont, have taken the initial steps toward creating State-run consumer protection agencies. However, in most cases they are hampered by the budget squeeze effecting States because their tax sources have been siphoned off by the Federal Government.

The bill we are introducing today will enable those States who have established consumer protection bureaus to adequately fund them while at the same time encouraging those States who have not established such bureaus to do so.

Perhaps the most important aspect of the bill is the encouragement of consumer education. In our highly specialized educational system we often fail to provide any consumer education at all. For example, young women who used to received some consumer education in home economics classes often find that their particular course of study does not permit the time for such courses. Others find the courses themselves fail to contain subject matter geared to our sophisticated credit system, mass advertising or money management.

Young men in our secondary schools usually have even a lesser chance of consumer education than young women. A young man may become a medical doctor or a Ph. D. and never learn how to manage his family budget sufficiently well to provide for adequate insurance and retirement.

Over the years, I have been very concerned with the inadequacy of social security and other retirement benefits. In that area of interest I have often argued that the social security system itself had lulled people into a false sense of security. I cannot help but to believe that greater consumer education and money management education would have encouraged thousands of individuals to have better prepared for economic security in retirement. The bill we are introducing today will encourage States to introduce such course study into the public school curriculum. Hopefully the retirees of tomorrow will learn that it is unwise to rely exclusively on the social security system for income after retirement.

Some of the fruits of consumer education will exist in the future, others will be ripe as soon as State consumer bureaus begin. For example, older Americans will have recourse even if they buy quack medical cures. Americans, regardless of age will become aware of guidelines everyone should consider in buying

a product for cash or on credit. Our economy depends on consumers and for consumers to best help our economy they should be wise consumers.

As a member of the Senate Commerce Committee, I know this bill will be given serious consideration. I for one am convinced that with slight modification of the formula for allotting money to the States this bill will be a big step forward in the Federal-State partnership for consumer protection.

S. 864—INTRODUCTION OF BILL TO PROVIDE FOR THE ORDERLY EXPANSION OF TRADE IN MANUFACTURED PRODUCTS

Mr. COTTON. Mr. President, I am introducing today a bill to provide the President with a new, important, and very flexible set of tools with which he will be able to deal smoothly and without international repercussions with the widespread problem of the disruption of U.S. markets for the products of import-sensitive manufacturing industries.

This is not import-quota commodity legislation of the type which found the support of 90 Members of this body during the last Congress. It is a somewhat different approach which attempts to avoid the major problems that were believed by many to exist in the simple import-quota legislation which was typified by most of the bills introduced during the past 2 years.

My present bill identifies the major import-sensitive industries whose markets have been so seriously disrupted by excessive amounts and rates of increases in imports as to require prompt attention. Very importantly, it also contains a general procedure under which any other industry as seriously affected by imports could secure comparable attention to its problem.

Mr. President, this bill would impose import quotas on basic steel mill, including rolling mill, products; consumer electronic products and components; footwear; flat glass; manmade fiber textiles; and fresh, chilled, and frozen meat. In each of these industry sectors there is a rapidly rising volume of imports disrupting the domestic market.

In the case of steel mill products, imports in 1968 amounted to nearly 18 million tons, equivalent to 17 percent of the domestic market In the past 4 years imports increased 70 percent.

In the case of consumer electronic products, imports in dollar terms in 1968 reached $718 million, equivalent to 16 percent of the domestic market in value and several times that level of market penetration in terms of units. In the case of electronic components, imports consisted both of the articles imported in the form of components and those imported as part of finished consumer products. Together these imports accounted for 29 percent of the domestic market for electronic components. Since 1965, electronic imports have increased by 96 percent for consumer products and 109 percent for components.

Footwear imports reached the value of $286 million in 1968, equivalent to 9 percent of the domestic market in value terms. This represents an increase of nearly 80 percent since 1965. The Tariff Commission's recent report on footwear indicated that in terms of units, nonrubber footwear imports in 1968 accounted for 22 percent of domestic consumption.

Imports of flat glass in its various forms totaled 730 million square feet in 1968, equivalent to 30 percent of the domestic market, up 64 percent since 1965.

Manmade fiber textile imports in 1968 totaled nearly 500 million fiber equivalent pounds, equal to 13 percent of the domestic consumption of manmade fiber. Since 1965, manmade fiber textile imports have increased by 98 percent.

Imports of fresh, chilled, and frozen meat exceeded 1 billion pounds in 1968 for the first time in our Nation's history. This is equivalent to about 5 percent of the domestic market and represents an increase of 67 percent since 1965.

Mr. President, Members of this body who have establishments of these industries in their States are well acquainted with the distress that these excessive and rising levels of imports have caused to the workers in these industries and the communities in which the plants and manufacturing establishments are located. The figures speak for themselves.

The executive branch of the Government has already taken limited action in the field of textiles where imports of cotton textiles subject to the long-term cotton textile arrangement are presently equivalent to about 13 percent of domestic consumption. Action has been promised by the President on wool and manmade fiber textiles. While the authority to limit imports of cotton and wool textiles is clearly conferred on the President by section 204 of the Agricultural Act of 1956, as amended, and this provision may well cover manmade fiber textiles, as I assume it does, my bill includes manmade fiber textiles within its scope to emphasize the concern of the Congress in regard to this sector of the textile import problem in which imports and market penetration are increasing more rapidly than in the other sectors of the industry.

Mr. President, the lesson of the last 2 years in connection with import-quota legislation is that it is neither just nor feasible for the committees and Members of the Congress to address themselves to the import problem on a piecemeal or commodity-by-commodity basis. Any legislation dealing with the problem must include every major sector of the problem and contain, as well, a general provision which would make relief available to any other sector of our Nation's economy which is distressed by excessive import competition in the future. This is the genesis of my bill.

This bill is drawn with the realization that if Congress merely imposed mandatory quotas without giving the President authority to negotiate with the affected countries, the international repercussions could be quite serious. Our obligations under the General Agreement on Tariffs and Trade require us to consult and negotiate with countries affected by our actions in the trade area. We have learned from the textile and steel experience that it is more feasible to secure corrective action on serious import problems through negotiation than through unilateral action. Accordingly, my bill contains a broad grant of authority to the President to enter into trade agreement negotiations with countries that would be affected by the quotas provided for in the bill. The President is specifically authorized to carry out the provisions of any such trade agreement without regard to the quota limits set forth in the bill.

The simple essence of my bill is that its enactment and the machinery which it provides would create a negotiating position for the President in which he would find that he had real bargaining power to conclude effective agreements with the countries that are the source of the damaging volumes of imports which are affecting so many of our basic industries. Since the bill contemplates negotiation of agreements by the President with the affected countries, it would not leave the United States in the position of violating our undertakings under GATT, since the fact of the agreements with the affected countries would eliminate any technical violation which might exist if it were not possible for the President to reach an amicable settlement with such countries which is in the mutual interest of those countries as well as the United States.

The principle of my bill is, therefore, quite simple. If the countries whose excessive volumes and rates of increase in exports to the United States are causing such serious problems for our domestic industries, are willing to negotiate, amicable solutions to our difficult trade problems can be achieved under the authority of the bill. If they are unwilling to negotiate, the Congress will impose its own solution through the quota formula set out in the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 864) to provide for the orderly expansion of trade in manufactured products, introduced by Mr. COTTON, was received, read twice by its title, and referred to the Committee on Finance.

S. 866—INTRODUCTION OF BILL TO AUTHORIZE FOR A LIMITED PERIOD THE ISSUANCE OF NATIONAL SERVICE LIFE INSURANCE TO CERTAIN TOTALLY DISABLED VETERANS

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to reopen national service life insurance for totally disabled veterans who were discharged after June 27, 1950.

I am doing this in an attempt to help a Utah veteran who has become totally disabled since he left the service and who so far has been unable to get any private life insurance to provide any measure of security for his family. The veteran was in excellent health when he left the service, and neglected to continue his life insurance. Now that ill

health has struck him he has no way to provide for the future of his wife and family.

The veteran realizes that he would have to pay extremely high premiums for any type of insurance he might be able to get but he is willing to do so.

I realize that there are many problems inherent in the type of legislation I am introducing today. We faced some of these problems several years ago when we reopened national life insurance for 1 year—Public Law 88-664—and included in the categories of those eligible to apply the totally disabled veteran whose disability was nonservice connected, and who was uninsurable by private insurance companies. In order to make this category of life insurance self-supportable, the premiums had to be so high that many veterans who qualified for the insurance could not finance it.

This bill raises the same problem. But surely we can find time to bring this problem under scrutiny again and see if there is anything we can do about it at this time. Our objective, of course, must be to protect the veteran who kept his national life insurance policy when he left military service, and who now has low premiums, and at the same time to try to help his less fortunate brothers in arms who did not have that foresight, but who is now in financial trouble because of ill health.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 866) to authorize for a limited period the issuance of national service life insurance to certain totally disabled veterans, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Finance.

S. 867—INTRODUCTION OF BILL RELATING TO DISPOSAL OF SILVER DOLLARS

Mr. MOSS. Mr. President, I am today introducing a bill to provide for the sale to collectors of the 2.9 million rare silver dollars being held by the Treasury Department.

The bill would provide for the orderly disposal of these dollars, sought by millions of Americans, without windfall profits to coin speculators. It would set up a random selection system, with all dollars regardless of their market value—or their "red book" value, priced the same—at $30 a coin.

Under the bill, each of the silver dollars would be placed in a numbered envelope, and orders would be filled on a first-come, first-served basis by the Treasury Department, with no more than one coin sold to any one buyer.

Most of the 2.9 million coins now being held by the Treasury Department are Carson City silver dollars. Their categories by dates range from 1878 to 1891; their prices range on today's market from $12 to $185 a coin, and some of them are in much better condition than others.

The 60,000 not-so-rare coins are worth about $12 each, but at the other end of the scale, there are 131,000 coins worth $60 and 150,000 coins worth $65 and 147,000 coins worth $80 and 5,105 coins worth $185 each. All the remainder are in the $30 to $35 category. So at $30 a coin the vast majority of the collectors who sent an order would get a bargain.

What I am seeking is an equitable method of making these rare dollars available to all Americans who want them. I think this is the fairest way to do it.

The Joint Commission on Coinage has recommended a system whereby the rare silver dollars held by the Treasury would be sold by the GSA at minimum fixed prices with an option to the buyer to include an alternate bid price to be considered in the event the number of coins ordered exceeded the number of coins available.

This would have the same effect of spreading out the coins to all collectors. However, it seems to me its administration would be more costly because the applications would have to be separated as to which coin was desired, and then separated as to the level of the alternate bid, and then considered on a first-come, first-served basis in case there were too many alternate bids for the coins. This would require a tremendous amount of staff work. The advance work to prepare for the sale would take far more time, also, because not only would the coins have to be cataloged as to value, but as to condition.

My system of random selection would be much simpler, take less money to prepare and administer, and in the long run the Federal Government would probably realize almost as much money. It has been estimated that the full value of all of the coins now being held runs somewhere in the neighborhood of $100 million if they were all sold for their full retail price. If sold at $30 a coin, the Treasury Department would realize somewhere in the neighborhood of $90 million. And administrative costs would be less.

Since no legislation is required for the Treasury Department to proceed with the silver dollar distribution plan recommended by the Joint Commission on Coinage, I am introducing my bill in order to get the whole matter before the Congress. I am aware that my plan is by no means perfect, and that amendments may be desirable after hearings. But I do think the whole procedure should be thoroughly threshed out in Congress, with individual collectors given ample opportunity to testify, before any action is taken.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 867) providing an equitable basis for the sale to collectors of standard silver dollars now held in the Treasury, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 869—INTRODUCTION OF BILL TO ESTABLISH AN INSTITUTE ON RETIREMENT INCOME

Mr. WILLIAMS of New Jersey. Mr. President, income maintenance is the No. 1 problem facing older Americans. This is the conclusion to which I have been brought inescapably as a result of studies by the Senate Special Committee on Aging, on which I now serve as chairman.

I speak not only of those Americans who, after a lifetime of poverty, endure an even more impoverished old age. I also have in mind those who may have been accustomed to living in relatively comfortable circumstances but who, all too often as things now stand, find that their standard of living becomes marginal when they retire.

Because income maintenance dominates our concerns regarding America's elderly, and because the problems associated with income maintenance for the elderly are so complex, I introduced on October 1, 1968, a bill, S. 4115, to establish an Institute on Retirement Income—which would be charged with the task of planning and implementing programs to meet the needs of retirement. I am today reintroducing that bill, in order that it may be considered during the 91st Congress.

The Institute would be a think tank agency, designed to carry out intensive study and make specific recommendations. It would touch on all aspects of retirement income—private pensions, social security, and other systems of retirement assistance—and would plan action to improve these plans. Finally, the Institute would propose new ways to meet the demand for adequate retirement income, ways not necessarily limited to existing plans or programs. A model and a precedent for this Institute already exists—in the Institute on Urban Affairs, already at work.

These new approaches are needed because the traditional means of providing retirement income cannot keep pace with the problem. Increases in social security, while welcome, will require new funding mechanisms possibly out of general revenue funds, if they are to have major effect. Pension plans cover some 27 million workers, but this is only about 45 percent of the work force; moreover, workers in the higher income brackets have far greater participation in pension plans than those in the lower brackets—those who need it more. Pensions, in fact, are based on income levels which were adequate during the working years, but which fail to provide for sufficient income during retirement. These statements are documented in the annual report for 1967 of the Special Committee on Aging. One of the major recommendations in that report called for the creation of this institute.

When I introduced this measure late in the 1968 session, I realized that action on it could not be expected during 1968. Nevertheless, I thought that the matter was important enough to bring it to the attention of Senators, and I stated my intention when I introduced it last year to press for prompt and thorough consideration during the 91st Congress.

Mr. President, millions of older Americans are waiting for a solution to their serious economic problems. The longer we make them wait, the wider will grow the gap between the income levels of

workers and retirees. I urge the Senate to give this proposal its early and active attention.

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

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

The bill (S. 869) to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 869

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 "Institute on Retirement Income Act".

SEC. 2. (a) In order to conduct studies, demonstrations, and research of the income needs of retired individuals with a view to devising and recommending methods by which such income needs may be met by such individuals, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to enter into an agreement with any public or nonprofit private agency or organization (either existing or organized expressly to enter into the agreement authorized by this Act) for the payment by the United States of all or part of the costs of the establishment and operation, including equipment but not construction, of an Institute on Retirement Income.

(b) Before entering into the agreement provided for in subsection (a), the Secretary shall consult with the Secretaries of Defense and Labor, the Administrator of the Veterans' Administration, the Chairman of the Civil Service Commission, the Director of the Office of Economic Opportunity, and with such other officers of the executive branch of the Government as he may choose who have a responsibility for retirement incomes, with reference to the terms to be included in such agreement and the effectiveness of the plan to establish and operate an Institute on Retirement Income.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals, the Secretary shall give preference to those proposals which give promise of ability to achieve the purposes of this Act with minimum expense and maximum effectiveness, including ability to attract and retain personnel who are well qualified to study problems and opportunities relating to retirement income and ability to find and recommend appropriate solutions to such problems independent of coercion from individuals outside the Institute.

(d) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Institute will be used only for purposes for which paid and in accordance with the applicable provisions of this Act and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate; and

(3) include such other conditions as the Secretary deems necessary to carry out the purposes of this Act.

SEC. 3. It shall be the duty and function of the Institute to study all aspects of the problems and opportunities relating to the attainment of adequate retirement income, including, but not limited to, the following:

(a) possible methods whereby increased retirement benefits may be paid on a fiscally sound basis by Federal retirement programs such as the social security retirement program, the railroad retirement program, the civil service retirement program, and the military retirement programs;

(b) means whereby the coverage of workers by private pension programs can be increased and means whereby such programs can be encouraged and assisted to provide more adequately retirement incomes for aged individuals;

(c) actions that might be taken by the Federal Government to assist State and local governments in paying increased retirement benefits to their employees, or in making such employees eligible for retirement and health insurance benefits under the Social Security Act;

(d) actions which might be taken by the Federal Government to encourage and assist young and middle-aged wage earners more adequately to meet their retirement needs through systematic savings;

(e) actions that the Federal Government might take to encourage and assist young and middle-aged persons to contribute to needy elderly relatives;

(f) actions that the Federal Government might take to increase opportunities for full-time or part-time employment for elderly individuals who desire to supplement inadequate retirement income by working;

(g) actions which the Federal Government might take to cause existing Federal programs combating poverty more adequately to meet the needs of aged persons for adequate retirement income; and

(h) actions the Federal Government might take to assist elderly individuals in establishing and operating small businesses to provide services in locations where such services otherwise would not be provided.

SEC. 4. There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this Act.

S. 870—INTRODUCTION OF RESEARCH ON AGING ACT

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, the Research in Aging Act, a bill to establish a comprehensive, intensive, and coordinated study into the biological aspects of aging.

The bill would establish a Research Commission on Aging to gather, analyze, and evaluate all information related to the biological aspects of aging, and through a Biological Research Board within the Commission, prepare a plan of research for a 5-year period.

Social scientists, physicians, and gerontological experts agree that basic research into the process of aging could possibly lead to mastery over the process which makes men old.

Present efforts in aging research are simply not going to get this important job done. What we need is a body of accurate information about the basic physical changes which accompany the aging process. We need exploration into the mysteries of the cell and the gene.

What we need, too, is a truly comprehensive effort to conduct such exploration. At the moment, our effort is insufficient and without specific goals.

Our present level of funding is unrealistically low. Current total Federal expenditures for basic aging research come to about $7.4 million annually, or less than 5 cents per person. In addition, aging research has never been given adequate visability as a research area.

It is true that the Federal Government is at work to provide facilities in aging research. The new Gerontology Research Center within the National Institute of Child Health and Human Development of the National Institutes of Health, will house more than 300 scientists and supporting personnel. It should provide a start for the effort needed to carry out biological research into the process of aging.

But we need to match this new physical facility with an equally innovative approach in overall research planning.

New findings in molecular biology have important applications in genetics, basic cell biology, and immunology; and the application of this knowledge to aging awaits coordinated attention by the investigators.

It would be one of the purposes of a program of research in aging to discover the processes which inhibit aging, thus making older people less susceptible to the many diseases associated with the later part of the life span.

The bill I am introducing would provide the strong leadership of the Federal Government which is required to bring to fruition the dramatic potential of such a program of research.

I introduced a similar proposal last July as S. 3784, and I am reintroducing it today with the hope that the Senate will give it early consideration.

I ask unanimous consent that the bill be reprinted in the RECORD at this point.

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

The bill (S. 870) to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings, introduced by Mr. WILLIAMS of New Jersey (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. 870

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 "Research on Aging Act".

FINDINGS

SEC. 2. The Congress hereby finds and declares—

(a) that, despite the effects of the aging

process on virtually every aspect of life, there is not yet in the United States any comprehensive program to study this process at its fundamental biological level in a systematic and intensive manner;

(b) that there is a need to develop a coordinated national approach to research on the biological aspects of aging;

(c) that there is a need to establish research priorities and to expand support allocated to studies of the aging processes by basic biological scientists; and

(d) that there is a need for an organized effort to encourage the involvement of additional scientists and students in research on the biological aspects of aging.

ESTABLISHMENT OF COMMISSION

SEC. 3. There is hereby established an independent commission to be known as the Research Commission on Aging (hereinafter called the "Commission"). The Commission shall be located within the Department of Health, Education, and Welfare for administrative purposes only.

FUNCTIONS OF THE COMMISSION

SEC. 4. (a) The Commission shall be responsible for preparing a five-year program, to be known as the gerontological quinquennial research plan, designed to promote intensive coordinated research in the biological origins of aging. Such plan shall be submitted to the President and the Congress within one year after the date of enactment of this Act.

(b) The Commission shall carry out the following preliminary studies:

(1) The collection, analysis, interpretation, and evaluation of information and statistical data related to the biological aspects of aging;

(2) the appraisal of programs and activities related to the biological aspects of aging;

(3) the development of priorities for new programs designed to increase knowledge of the biological aspects of aging; and

(4) the development of legislative reports and proposals for new programs to provide greater insight into the biological aspects of aging.

ORGANIZATION OF THE COMMISSION

SEC. 5. (a) The Commission shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. Two members of the Commission shall be biological scientists, one shall be a behavior scientist, one shall be an administrator, and one shall be a physician. Each person nominated for appointment shall, as a result of his training, experience, and attainments, be exceptionally qualified to formulate and appraise programs and activities related to the biological aspects of aging.

(b) The President shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

(c) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers, and three members of the Commission shall constitute a quorum.

(d) The Commission shall cease to exist eighteen months after the date of enactment of this Act, except that if legislation is enacted on or before such date to implement the gerontological quinquennial research plan, the Commission shall continue in existence and be responsible for carrying out such plan.

BIOLOGICAL RESEARCH BOARD

SEC. 6. (a) There is hereby established within the Commission a Biological Research Board (hereinafter called the "Board").

(b) The Board shall, under the supervision of the Commission, prepare the gerontological quinquennial research plan.

(c) The Board shall consist of not less than five nor more than eight members, a majority of whom are highly recognized scientists who have been engaged in fundamental biological aging research within the preceding decade. The members of the Board shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Commission shall fix the compensation of such members without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no member of the Board shall receive compensation in excess of the rate payable for positions in GS–18 of the General Schedule under section 5332 of such title.

COMMISSION STAFF

SEC. 7. (a) The Commission is authorized to employ such officers and employees as may be necessary to carry out its functions under this Act.

(b) The Commission is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

POWERS OF COMMISSION

SEC. 8. To carry out this Act, the Commission shall have the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such services, advice, and information as the Commission may determine to be required by it to carry out its duties;

(c) to acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this Act;

(d) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Commission deems necessary to carry out the purposes of this Act, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provision of law relating to competitive bidding;

(e) to make advance, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(f) to receive money and other property donated, bequeathed, or devised to the Commission, without condition or restriction other than that it be used for the purposes of the Commission;

(g) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(h) to make any other expenditures necessary to carry out this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

S. 881—INTRODUCTION OF BILL FOR THE RELIEF OF COMDR. EDWARD WHITE RAWLINS, U.S. NAVY (RETIRED)

Mr. TYDINGS. Mr. President, yesterday marked the 20th anniversary of the first introduction of a bill to promote Comdr. Edward White Rawlins to the rank of captain in the U.S. Navy. I introduced a measure on his behalf in the last Congress, and I believe that the remarks I made then merit your reconsideration on this occasion.

It was in 1949, during the 81st Congress, that a measure was first introduced on behalf of Commander Rawlins. A subcommittee of the Senate Armed Services Committee held hearings on the bill. The basic justification of that bill was that the wartime promotion panels considering Rawlins' promotion acted hastily and without consideration of all relevant documentation. Moreover, the one apparently unfavorable item in Rawlins' record at the time he was being considered for promotion—an unenthusiastic fitness report from an immediate superior—was later withdrawn by the superior.

The Navy Department stated, at the 1949 hearings, that it agreed Commander Rawlins' record has no blemish. The Armed Services Subcommittee concluded that there was considerable merit to the claim that an injustice had been done to Commander Rawlins by his promotion denial—Senate Report No. 562, 81st Congress, first session.

A House committee considering this matter in 1950 found that:

> There is ample evidence in the record that Commander Rawlins may have suffered due to an administrative error. It appears that a letter was missing from his file which would have refuted a detrimental statement concerning him (H. Rept. No. 3012, 81st Cong., 2nd Sess.).

Commander Rawlins' claim for promotion has been supported by an impressive number of Navy flag officers, including Adm. Robert B. Carney, and Adm. Louis Denfeld, both former Chiefs of Naval Operations.

The Rawlins' promotion bill was not passed by the Congress during the 81st Congress, though the Senate passed a bill which would have required the Navy to reopen his case, among others. In the 83d Congress, the Senate passed a bill promoting Commander Rawlins to captain, but the House refused to accept it. In 1955, during the 84th Congress, hearings were again held on this issue, and at that time a subcommittee of the Senate Armed Services Committee concluded that whatever injustice may have been caused Commander Rawlins by his promotion denial was no greater than the possible injustice to other officers denied promotion by the wartime promotion panels. Specifically, this subcommittee found that whatever documents were absent from Rawlins' file when his promotion was being considered would have had no material impact on his promotion request. The Senate took no action on Rawlins' relief bill.

This matter did not end here. In 1961, another private bill was introduced on Rawlins' behalf, and the Navy then

agreed to set up a special board to reconsider Rawlins' claim. That board refused to give Rawlins the rank of captain. Rawlins claims, however, that this board failed to take into account that his early unenthusiastic fitness report had been retracted by the reporting officer and that the board did not have available other evidence of Rawlins' fitness for promotion. Moreover, Rawlins was not permitted to appear before the board, with or without representation by counsel.

It should be noted that if the Navy had not convened a special panel to consider Rawlins' claim, but rather permitted his claim to go before the Board for Correction of Naval Records—as it has done in cases similar to Rawlins'—then Rawlins would have had the right to testify in person, to be accompanied by counsel, to introduce witnesses, and to present all available new evidence in his behalf.

Mr. President, this case has a long history. It seems to me desirable that Rawlins should be given a "day in court" so that the conflicting factual allegations and conflicting views of the equities of the situation can be sorted out. During the 89th Congress, the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, of the Senate Judiciary Committee, did considerable work on a bill to provide for reference of private bills to the Commissioners of the Court of Claims.

My subcommittee believed that Congress could benefit greatly by receiving the impartial judgment of these Commissioners regarding private bills to remedy apparent inequities, particularly where conflicting factual allegations are involved. I am pleased that the Congress enacted this legislation. I believe the machinery set up by that legislation for reference of private bills is most appropriate for the bill I introduced today, on behalf of Commander Rawlins.

Accordingly, I am also submitting a Senate resolution, referring the Rawlins bill to the Chief Commissioner of the Court of Claims, for findings regarding the equities of that bill and a report to the Senate at the earliest practicable date.

Mr. President, I ask that the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriated referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 881) for the relief of Comdr. Edward White Rawlins, U.S. Navy, retired, introduced by Mr. TYDINGS, 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. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law or any commitment in conflict with this Act, Commander Edward White Rawlins, United States Navy (retired), shall for all purposes, nunc pro tunc, be deemed to have been promoted to the grade of captain on the active list of the Regular Navy on July 1, 1947, to have served continuously in such grade until June 30, 1955, and on this latter date to have been placed on the retired list in such grade.

SEC. 2. The United States shall reimburse Edward White Rawlins in full for all expenses, including attorneys fees, incurred by him in his efforts to secure the relief which this Act grants to him.

SEC. 3. Appropriations currently available for the pay of personnel of the Navy shall be available to pay such sums as are hereby authorized by this Act.

S. 884—INTRODUCTION OF BILL TO PROVIDE FOR THE DISTRIBUTION OF ESTATES OF INTESTATE MEMBERS OF CERTAIN INDIAN TRIBES

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to provide for the distribution of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs. Similar legislation has been introduced in the House of Representatives by my distinguished colleague, Mr. EDMONDSON, of Oklahoma. Mr. President, the bill provides for escheat to the tribe from which title was derived all restricted or trust lands or interests therein and rents or profits therefrom owned by members of the tribe or the blood thereof who die without heirs. The escheated property would be held by the United States in trust for the tribe involved. The bill would eliminate confusion in those instances where nonenrolled persons are of the blood of more than one tribe by having the property escheat to the tribe which originally owned the land. Mr. President, I ask unanimous consent that the bill be printed in its entirety at the end of my remarks.

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

The bill (S. 884) to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs, introduced by Mr. HARRIS, 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. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the final determination of a court having jurisdiction or by decision of the Secretary of the Interior after a period of five years from the death of the decedent, it is determined that a member of the Cherokee, Chickasaw, Choctaw or Seminole Nations or tribes of Oklahoma or a person of the blood of said tribes has died intestate without heirs, owning trust or restricted Indian lands or an interest therein in Oklahoma, such lands or interests owned, together with all rents and profits occurring therefrom, shall escheat to the Nation or tribe from which title to the trust or restricted Indian land or interest therein was derived and shall be held thereafter in trust by the United States for said Nation or tribe.

S. 885—INTRODUCTION OF BILL—PREPARATION OF ROLL OF CERTAIN INDIANS

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to provide for the payment of a judgment in favor of the Confederated Tribes now collectively known as the Peorias. This legislation will also provide the preparation of a roll of persons entitled to their proportionate share under the judgment, the cost of the entire matter to be paid for out of funds now on deposit to the credit of the Peorias in accordance with the terms of the judgment. I ask unanimous consent that the bill be printed in its entirety at the end of my remarks in the RECORD.

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

The bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes, introduced by Mr. HARRIS, 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. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements: (1) they were born on or prior to and were living on the date of this Act; (2) their names or the name of a lineal ancestor from whom they claim eligibility appears on (a) the final roll of the Peoria Tribe of Indians of Oklahoma, pursuant to the Act of August 2, 1956 (70 Stat. 937), or (b) the January 1, 1937, census of the Peoria Tribe, or (c) the 1920 census of the Peoria Tribe, or (d) the Indian or Citizen Class lists pursuant to the Treaty of February 23, 1867 (15 Stat. 520), or (e) the Schedule of Persons or Families composing the United Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, annexed to the Treaty of May 30, 1854.

(b) Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose by the Secretary of the Interior. The determination of the Secretary regarding the eligibility of an applicant shall be final.

SEC. 2. The Secretary shall withdraw the funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Act of May 13, 1966 (80 Stat. 141, 150), in satisfaction of a judgment that was obtained by the Peoria Tribe on behalf of the Wea Nation, in Indian Claims Commission docket numbered 314, amended, together with the interest accrued thereon, after payment of attorneys' fees and expenses and all other expenses, and to distribute such funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act.

SEC. 3. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee directly to such enrollee and the Secretary shall distribute a per capita share of a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures as the Secretary determines will adequately protect the best interest of such persons, including the establishment of trusts.

SEC. 4. Funds that may hereafter be deposited in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea, Kaskaskia, Piankashaw, or Peoria Nation, to pay any judgment arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 65, 99, 289, 313, 314-A, B, C, D, and E, and 338 and the interest accrued thereon, after payment of attorneys' fees and expenses and all other expenses, shall be distributed on a per capita basis in accordance with section 3 of this Act to persons whose names appear on the roll prepared under section 1, after the roll has been brought current to the date the funds are appropriated by adding names of persons to the roll who were born after the date of this Act and by deleting names of deceased enrollees.

SEC. 5. All costs incurred by the Secretary in the preparation of the roll and in the distribution of payment of shares shall be paid by appropriate withdrawals from the judgment fund. Any costs incurred by the Secretary in connection with the distribution of future awards shall be paid by appropriate withdrawals from such judgment funds.

SEC. 6. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

S. 886—INTRODUCTION OF BILL CONVEYING CERTAIN LAND TO THE INTER-TRIBAL COUNCIL, INC., MIAMI, OKLA.

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to convey certain lands in the United States to the Inter-Tribal Council, Inc., Miami, Okla. At a meeting on September 7, 1968, the Inter-Tribal Council, Inc., of Miami, Okla., organized by the leaders of eight tribes in northeastern Oklahoma, adopted a resolution pertaining to the acquisition of approximately 114 acres of Government land surplus to the needs of the Seneca Indian School.

The Inter-Tribal Council of Miami, Okla., intends to develop this 114 acres which has become surplus to the needs of the Seneca Indian School and the Bureau of Indian Affairs for industrialization. Industrial development on the land would create job opportunities for over 3,600 Indians in Ottawa and surrounding counties, and there is every reason to believe that the location would be attractive to industry. Jobs are a pressing need in rural Oklahoma, especially among the underprivileged Indian population. Therefore, I urge expeditious consideration and enactment of this legislation. Mr. President, I ask unanimous consent that the bill be printed in its entirety following my remarks, and I also ask unanimous consent that a letter from David L. Olds, secretary-treasurer of the Inter-Tribal Council of Miami be printed in the RECORD following my remarks. I also ask unanimous consent that a resolution adopted by the Inter-Tribal Council on September 7, 1968, also be printed at the end of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter and resolution will be printed in the RECORD.

The bill (S. 886) to convey certain land of the United States to the Inter-tribal Council, Inc., Miami, Okla., introduced by Mr. HARRIS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and, without objection, the bill, letter, and resolution will be printed in the RECORD, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall convey, without monetary consideration, to the Inter-Tribal Council, Inc., Miami, Oklahoma, all right, title, and interest of the United States in and to the land more particularly described in subsection (b) of this section consisting of 114 acres more or less.

(b) The land referred to in subsection (a) is more particularly described as follows:

South half of the Northwest Quarter (S½NW¼) and that part of the North Half of the Southwest Quarter (N½SW¼) of Section Twenty-One (21), of the centerline of Highway No. 60, I.B.M., containing 114 acres, more or less, in Ottawa County, Oklahoma.

SEC. 2. Upon conveyance to the Inter-Tribal Council, Inc., Miami, Oklahoma, of the land referred to in the first section of this Act such land shall be subject to taxation to the same extent as any other real property in private ownership in Ottawa County, Oklahoma, and notwithstanding any other provision of law shall be freed of all restrictions which might otherwise attach to such real property by reason of Indian ownership, including but not limited to restrictions on use, management, and disposition.

The letter and resolution, presented by Mr. HARRIS, is as follows:

THE INTER-TRIBAL COUNCIL OF THE SENECA, QUAPAW, PEORIA, MODOC, OTTAWA, SHAWNEE, MIAMI AND WYANDOTTE TRIBES OF OKLAHOMA INTER-TRIBAL COUNCIL, INC.

Miami, Okla., October 2, 1968.

Hon. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SIR: Please find enclosed a copy of a proposed Bill and a Resolution adopted by the Inter-Tribal Council, Inc. on September 7 of this year whereas, the Council is proposing to acquire some 100 acres of land, now owned by the government, for development to benefit the Indian population of our area.

Any assistance you are able to give us in getting this Bill introduced and passed will be greatly appreciated. We consider this to be a very worthwhile project and are sure you will think the same.

If you need to discuss this with us, please feel free to contact us at any time. Also, we would consider it an honor, to have you attend any of our monthly meetings when you are in Oklahoma. Thanking you in advance, we are

The Inter-Tribal Council, Inc., Miami, Oklahoma.

DAVID L. OLD,
Secretary Treasurer.

RESOLUTION

Whereas, Government land described as the S½ NW¼ and that part of the N½SW¼ of Section 21, Township 27 North, Range 24 East, lying North of the centerline of Highway No. 60, I.B.M., containing 114 acres, more or less, in Ottawa County, Oklahoma; has become surplus to the needs of the Seneca Indian School and the Bureau of Indian Affairs.

Whereas, the Inter-Tribal Council, Inc., Miami, Oklahoma, is desirous of acquiring the above land for development as an industrial tract, for a community building, and other purposes to promote the common welfare of Indians in northeastern Oklahoma, as well as all residents of this northeast community,

Now, therefore be it resolved, That this Corporation seek legislation transferring title to the above described land to the Corporation in furtherance of our aims and plans to bring about development in this area for the welfare of all people of northeastern Oklahoma.

Adopted this 7th day of September, 1968, at Miami, Oklahoma.

ROBERT A. WHITEBIRD, SR.

I certify this Resolution was adopted at a regular meeting of the Inter-Tribal Council, Inc., at Miami, Oklahoma, on September 7, 1968, by a vote of 15 for and 0 against.

DAVID L. OLDS,
Secretary.

Date: September 14, 1968.

S. 887—INTRODUCTION OF BILL EXTENDING RESTRICTIONS ON CERTAIN INDIAN LANDS

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes. This legislation is identical to legislation I introduced during the second session of the 90th Congress. The chairman of the tribe, Robert Whitebird and the vice chairman, Henry E. Hoffman, Jr., endorse the bill. I ask that a letter dated April 29, 1968, from these two tribal officials be printed in the RECORD following my remarks. I also ask unanimous consent that the bill be printed in its entirety at this point in the RECORD.

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

The bill (S. 887) to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes, 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. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the

date on which such restrictions, tax exemptions, and limitations would otherwise expire.

The letter, presented by Mr. HARRIS, follows:

QUAPAW, OKLA.,
April 29, 1968.

Senator FRED R. HARRIS,
U.S. Senate,
Committee on Finance,
Washington, D.C.

DEAR SENATOR HARRIS: In regard to your letter of March 25, 1968 to Mr. Robert Whitebird concerning the extension of restrictions on the Quapaw Tribe. It is our opinion that the bill should include the wording suggested by you, Senator Harris.

This would be "The extension provided for by this Act shall be subject to the proviso contained in the first section of the Act of July 27, 1939, and section 2 thereof".

This section concerns the leasing of restricted lands for business, mining or other purposes in accordance with such rules and regulations as the Secretary of the Interior may prescribe, and not otherwise: Provided, however, that no lease, modification, or assignment thereof shall be made over the written protest of adult Indians owning a majority interest therein.

This section is in the original Act of July 27, 1939 (53 Stat. 1127) and we feel it should be included in this.

We sincerely appreciate your effort in behalf of the Quapaw Indian Tribe.

Yours very truly,

HENRY E. HOFFMAN, Jr.,
Vice Chairman, Quapaw Tribal Business Committee.

ROBERT WHITEBIRD,
Chairman, Quapaw Tribal Business Committee.

S. 897—INTRODUCTION OF A BILL TO AUTHORIZE THE BIG BLUE RIVER PROJECT, MISSOURI AND KANSAS

Mr. SYMINGTON. Mr. President, on behalf of Senator EAGLETON and myself, I introduce for appropriate reference a bill to authorize certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans.

Last October I introduced this measure which would provide much-needed flood control, water quality control, recreation, and fish and wildlife enhancement for the Metropolitan Kansas City area.

Resolutions in 1961 and 1962 by Senate and House Public Works Committees requested a study of the proposed project. The plan was recommended for approval by the Board of Engineers for Rivers and Harbors on August 15, 1968.

The estimated Federal cost of the project, including four multiple-purpose reservoirs and channel work, is $101,269,000 of which a part is reimbursable.

This project continues to have the full support of the Honorable RICHARD BOLLING, Congressman from the Fifth District of Missouri, and the Honorable WILLIAM J. RANDALL, Congressman from the Fourth District of Missouri, in whose congressional districts the improvements will be located.

State and local officials have supported the plan and have declared their willingness to furnish the necessary assurances.

The need for authorization of this project is pressing. The heavy damage that occurs during flooding in these industrial areas places a hardship on the entire citizenry in terms of dollars and of health.

An additional need for prompt authorization exists because of rising land costs in the Metropolitan Kansas City area. The longer authorization of the Big Blue project is delayed, the longer land acquisition is delayed, the higher the land costs.

This bill is introduced for the above purposes and I urge its consideration as soon as possible.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 897) authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement, introduced by Mr. SYMINGTON, for himself and Mr. EAGLETON, was received, read twice by its title, and referred to the Committee on Public Works.

S. 910—INTRODUCTION OF BILL TO ASSIST THE STATES IN RAISING REVENUES

Mr. METCALF. Mr. President, we are all only too well aware of the need of the States and localities for more revenues to finance necessary expenditures. Within recent years a rapid increase in the school-age population, steady demands for improving public services, and, more recently, rising prices, have placed severe strains on the traditional revenue sources of State and local governments. Tax rates under existing State sales, local property, and State and local income taxes have been raised to such high levels that many are beginning to wonder if the limit has not been reached.

Those who seek a solution to the problem have naturally turned to the Federal Government. The solutions usually suggested involve the transfer of funds collected through Federal taxes to the other jurisdictions. However, the various grant programs of the Federal Government are already quite large. The budget just out estimates that Federal aid to the State and local governments will total $25 billion in the coming fiscal year. It is difficult to see how this total can be enlarged significantly under present budgetary circumstances.

The bill I reintroduce today offers an alternative approach. Under this bill, the Federal Government would assist the States to raise additional revenue by enabling them to utilize a tax source which cannot now be fully exploited by the States. The bill is identical to S. 2934 which I introduced in the 90th Congress. In addition, a companion bill, H.R. 1364, has been introduced in the House by the Representative from Kentucky (Mr. SNYDER).

The bill imposes a Federal severance tax of 5 percent of the gross income from all domestic mineral properties. Full credit is to be allowed against the Federal tax, however, for any State or local severance taxes paid with respect to these properties.

Once again, the credit for State and local severance taxes is the heart of this bill. If it becomes law, the States that do not now have severance taxes will speedily impose them. Furthermore, States that have severance taxes on only selected minerals will broaden the coverage of existing taxes and States that tax at lower rates than 5 percent will increase their tax rates. Thus, once the States adjust to the new tax, the Federal Treasury will derive no revenue from it. But that is the purpose of the bill. The important thing is that the tax receipts of most States will be increased significantly.

States find it difficult to impose severance taxes today because a State acting alone runs the risk of placing some mining companies operating within the State at a competitive disadvantage relative to companies operating where there are no severance taxes. They are afraid the enactment of such a tax would reduce mining activities in the State. Interstate competition, in other words, acts to keep severance taxes low. The problem was illustrated by the experience of the Governor of West Virginia in 1953, Governor Marland. The severance tax he proposed was defeated in the State legislature despite the fact that it had won the support of many interested parties.

A severance tax at the rate of 5 percent as proposed in this bill would not place a severe burden on the mining industry. Some States already impose severance taxes of this size on certain mineral products. In the State of Louisiana, for example, the petroleum industry continues to flourish despite the fact that the State's severance tax amounts to more than the 5 percent recommended in this bill.

The principle behind this bill is the same as that adopted by the Congress 43 years ago. At that time, an 80-percent credit was allowed against the Federal estate tax for any State death taxes paid. The credit was granted in an effort to neutralize the interstate competition for wealthy residents that was preventing the States from utilizing estate and inheritance taxes.

The remedy supplied then is needed now. Once this bill is enacted, States need have no fear that a severance tax they enact will place mineral producers in their State at a disadvantage relative to producers in other States.

This bill would be a benefit to all the States. At my request, the staff of the Joint Committee on Internal Revenue Taxation has estimated the severance tax collections which would result from this bill. The table gives a good idea of the general magnitude of the revenue the States could derive by imposing similar taxes.

The table indicates that over 575 million in increased severance tax receipts could be raised under this bill, all of which could be absorbed by the States if they enact complementary statutes. The table shows that only two States are collecting more severance taxes today than would be collected under this bill. Those States are Louisiana and Mississippi. Even in those States, however, this bill would facilitate an increase in State tax

receipts. As I understand it, neither of those States imposes severance taxes on all the minerals mined in the State which would be covered under this bill. Coverage of these additional minerals would permit an increase in tax receipts. Furthermore, an increase in severance taxes paid in other States would place taxed mineral producers in Louisiana and Mississippi on more nearly the same basis as producers in other States.

Mr. President, I ask unanimous consent that the table entitled "Data for 1967 on Value of Mineral Production by States, and State Collections of Severance Taxes on Minerals—Fiscal Year 1968" be printed at this point in the RECORD.

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

DATA FOR 1967 ON VALUE OF MINERAL PRODUCTION BY STATES, AND STATE COLLECTIONS OF SEVERANCE TAXES ON MINERALS—FISCAL YEAR 1968

[In thousands of dollars]

	Value of mineral production (1)	Proposed 5-percent tax (2)	State collections of severance taxes on minerals (3)	Proposed 5-percent tax minus State collections (4)
Alabama	251,391	12,570	1,283	11,287
Alaska	143,066	6,703	2,163	4,540
Arizona	463,863	23,193		23,193
Arkansas	179,453	8,973	3,348	5,625
California	1,696,233	84,812	1,155	83,657
Colorado	346,235	17,312	967	16,345
Connecticut	20,619	1,031		1,031
Delaware	2,383	119		119
District of Columbia				
Florida	309,797	15,490	168	15,322
Georgia	153,458	7,673		7,673
Hawaii	16,936	847		847
Idaho	109,408	5,470	144	5,326
Illinois	636,801	31,840		31,840
Indiana	244,921	12,246	281	11,965
Iowa	113,222	5,661		5,661
Kansas	574,068	28,703	717	27,986
Kentucky	535,705	26,785	221	26,564
Louisiana	3,961,750	198,088	238,460	−40,372
Maine	14,882	744		744
Maryland	72,819	3,641		3,641
Massachusetts	40,612	2,031		2,031
Michigan	610,204	30,510	968	29,542
Minnesota	523,326	26,166	17,661	8,505
Mississippi	217,010	10,850	11,371	−521
Missouri	236,659	11,833	1	11,832
Montana	186,524	9,326	3,084	6,242
Nebraska	70,868	3,543	763	2,780
Nevada	90,883	4,544	48	4,496
New Hampshire	8,117	406		406
New Jersey	72,747	3,637		3,637
New Mexico	874,106	43,705	32,429	11,276
New York	299,318	14,966		14,966
North Carolina	77,094	3,855		3,855
North Dakota	97,538	4,877	3,403	1,474
Ohio	498,888	24,944		24,944
Oklahoma	1,032,126	51,606	45,857	5,749
Oregon	66,560	3,328		3,328
Pennsylvania	898,398	44,920		44,920
Rhode Island	4,035	202		202
South Carolina	48,274	2,414		2,414
South Dakota	52,618	2,631	200	2,431
Tennessee	189,572	9,479		9,479
Texas	5,406,371	270,319	243,601	26,718
Utah	354,477	17,724	2,770	14,954
Vermont	27,268	1,363		1,363
Virginia	283,685	14,184		14,184
Washington	82,067	4,103		4,103
West Virginia	937,858	46,893		46,893
Wisconsin	79,612	3,981		3,981
Wyoming	530,696	26,535	107	26,428
Total	[1] 23,736,000	1,186,776	611,170	575,606

[1] Rounded to nearest million.

Sources:
Column (1) from statistical summary (table 4) preprint from the 1967 Bureau of Mines Mineral Yearbook.
Column (2) computed from column (1).
Column (3) from State Tax Collections in 1968 (table 9), U.S. Department of Commerce, Bureau of the Census.

Mr. METCALF. Also at my request, the staff of the Joint Committee on Internal Revenue Taxation has prepared a table classifying for each State 1968 fiscal year collections from the severance tax in two subcategories: petroleum and natural gas, and minerals other than petroleum and natural gas. This table, together with available relevant production data, reveals several facts about the current situation as to severance taxes. Although the production data are for calendar year 1967 while the tax collection figures are for fiscal year 1968, the 1968 fiscal year collections reflect largely 1967 calendar year production.

Mr. President, I ask unanimous consent that both the table and the comparison of production data to tax collection figures be printed at this point in the RECORD.

There being no objection both the table and the comparison were ordered to be printed in the RECORD, as follows:

STATE COLLECTIONS OF SEVERANCE TAXES ON MINERALS FISCAL YEAR 1968

[In thousands of dollars

	Total	Petroleum and gas	Other minerals
Alabama	1,283	1,238	45
Alaska	2,163	2,163	
Arizona			
Arkansas	3,348	[1] 3,000	[1] 348
California	1,155	1,155	
Colorado	967	929	38
Connecticut			
Delaware			
Florida	168	168	
Georgia			
Hawaii			
Idaho	144		144
Illinois			
Indiana	281	281	
Iowa			
Kansas	717	717	
Kentucky	221	221	
Louisiana	238,460	233,071	5,389
Maine			
Maryland			
Massachusetts			
Michigan	968	968	
Minnesota	17,661		17,661
Mississippi	11,371	11,242	129
Missouri	1		1
Montana	3,084	2,441	643
Nebraska	763	763	
Nevada	48		48
New Hampshire			
New Jersey			
New Mexico	32,429	31,541	888
New York			
North Carolina			
North Dakota	3,403	3,403	
Ohio			
Oklahoma	45,857	[1] 44,000	[1] 1,857
Oregon			
Pennsylvania			
Rhode Island			
South Carolina			
South Dakota	200		200
Tennessee			
Texas	243,601	239,912	3,689
Utah	2,770	1,233	1,537
Vermont			
Virginia			
Washington			
West Virginia			
Wisconsin			
Wyoming	107	107	
All States	611,170	578,553	32,617

[1] Estimated from production figures.

Source: U.S. Bureau of the Census, State Tax Collections in 1968, Series GF-No. 16, U.S. Government Printing Office, Washington, D.C., 1968.

	Value of mineral production in United States, 1967		Severance tax collected from minerals fiscal year 1968	
	Amounts in millions	Percent of total	Amounts in millions	Percent of total
Total mineral production	$23,736	100.0	$611.2	100.0
Petroleum and natural gas	12,276	51.7	578.6	94.7
Other minerals, total	11,460	48.3	32.6	5.3

Mr. METCALF. This statistical data reveals that severance taxes on petroleum and natural gas production account for about 95 percent of total severance taxes collected from mineral production, although the value of these minerals represents only 52 percent of the U.S. mineral production.

It also reveals that production of $11.5 billion in minerals other than petroleum and natural gas yields about $33 million in severance taxes. Moreover, the bulk of this revenue in this subcategory is collected in just a few States, the top three—Minnesota, Louisiana, Texas—account for 82 percent of the collections on minerals other than petroleum and natural gas.

It is obvious that many abundant minerals are subject to little or no severance tax. A preprint from the Bureau of Mines Mineral Yearbook contains in one of its tables a statistical summary of mineral production in the United States, by States. Minerals reported to the Bureau of the Census as being covered by a severance tax in each State are indicated by a "T" which I have placed in the appropriate line entries. This statistical data serves to identify many abundant minerals which are subject to little or no severance tax.

Mr. President, I ask unanimous consent that a portion of the table designated as table 5 in the preprint be printed at this point in the RECORD. The portion to which I refer is the available figures for the year 1967. I also ask that the notations made by me on the table which reflect reported severance taxes on individual minerals in each State be printed as a part of the table.

There being no objection, the portion of the table which relates to the year 1967, together with the notations, were ordered to be printed in the RECORD, as follows:

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES

Mineral	1967 Quantity	1967 Value (thousands)
ALABAMA		
Cement: [2]		
Portland—thousand 376-pound barrels	15,364	$46,510
Masonry—thousand 280-pound barrels	2,377	6,938
Clays—thousand short tons	2,724	7,422
Coal (bituminous)—do	15,486	110,696
(T) Iron ore (usable)—thousand long tons, gross weight	1,472	8,286
Lime—thousand short tons	624	7,719
(T) Natural gas—million cubic feet	248	31
(T) Petroleum (crude)—thousand 42-gallon barrels	7,348	19,500
Sand and gravel—thousand short tons	7,229	7,969
Stone—do	18,371	33,346
Value of items that cannot be disclosed: Native asphalt, bauxite, slag cement, clays (kaolin 1964–65, bentonite 1964–65), scrap mica, salt, stone (dimension limestone, dimension marble 1964–66, shell 1964–65, crushed sandstone 1965–66), talc, and tripoli (1965)	XX	2,974
Total	XX	251,391
ALASKA		
Antimony ore and concentrate—short tons, antimony content	10	W
Coal (bituminous)—thousand short tons	925	$7,296
Copper (recoverable content of ores, etc.)—short tons	W	W
Gold (recoverable content of ores, etc.)—troy ounces	22,948	803
Lead (recoverable content of ores, etc.)—short tons		
Mercury—76-pound flasks	W	W
(T) Natural gas—million cubic feet	14,438	3,610
Peat—short tons	1,528	12
(T) Petroleum (crude)—thousand 42-gallon barrels	29,126	91,164
Sand and gravel—thousand short tons	22,370	26,248
Silver (recoverable content of ores, etc.)—thousand troy ounces	6	9
Value of items that cannot be disclosed: Barite (1966–67), gem stones, platinum-group metals, stone, tin, uranium ore (1964–65) and values indicated by symbol W	XX	4,924
Total	XX	134,066
ARIZONA		
Asbestos—short tons	W	W
Clays [2]—thousand short tons	67	$37
Coal (bituminous)—do	1	5
Copper (recoverable content of ores, etc.)—short tons	501,741	383,591
Diatomite—do	W	W
Fluorspar—do	10,000	280
Gem stones	NA	150
Gold (recoverable content of ores, etc.)—troy ounces	80,844	2,830
Gypsum—thousand short tons	W	W
Helium, grade A—thousand cubic feet	73,800	2,066
Iron ore (usable)—thousand long tons, gross weight	W	W
Lead (recoverable content of ores, etc.)—short tons	4,771	1,336
Lime—thousand short tons	186	3,142
Mercury—76-pound flasks	W	W
Molybdenum (content of concentrate)—thousand pounds	9,261	15,385
Natural gas—million cubic feet	1,255	193
Petroleum (crude)—thousand 42-gallon barrels	2,924	8,188
Pumice—thousand short tons	1,064	904
Sand and gravel—do	16,580	17,017
Silver (recoverable content of ores, etc.)—thousand troy ounces	4,588	7,112
Stone—thousand short tons	1,910	3,491
Tungsten ore and concentrate—short tons, 60-percent WO_3 basis	W	W
Uranium (recoverable content U_3O_8)—thousand pounds	83	666
Vanadium (recoverable in ore and concentrate)—short tons	W	W
Zinc (recoverable content of ores, etc.)—do	14,330	3,967
Value of items that cannot be disclosed: Cement, clays (bentonite, fire clay 1964), feldspar, scrap mica, perlite pyrites, vermiculite (1967), and values indicated by symbol W	XX	13,503
Total	XX	463,863
ARKANSAS		
(T) Barite—thousand short tons	229	$2,266
(T) Bauxite—thousand long tons, dried equivalent	1,571	18,269
(T) Bromine and bromine in compounds—thousand pounds	64,450	14,885
(T) Clays—thousand short tons	941	1,740
(T) Coal (bituminous)—do	189	1,427
(T) Gem stones	NA	35
(T) Lime—thousand short tons	187	2,723
(T) Natural gas—million cubic feet	116,522	17,828
(T) Natural gas liquids:		
Natural gasoline and cycle products—thousand gallons	27,533	1,780
LP gases—do	53,730	3,009
(T) Petroleum (crude)—thousand 42-gallon barrels	21,075	56,902
(T) Sand and gravel—thousand short tons	14,239	15,531
(T) Stone—do	17,454	23,236
Value of items that cannot be disclosed: Abrasive stones, cement, clays (kaolin and fire clay 1966), gypsum, iron ore (1964–65), mercury (1966–67), phosphate rock (1964–66), soapstone, tripoli (1965–67), and values indicated by symbol W	XX	19,822
Total	XX	179,453
CALIFORNIA		
Antimony ore and concentrate—short tons, antimony content		
Asbestos—short tons	77,091	$6,726
Barite—thousand short tons	10	71
Boron minerals—do	955	74,130
Calcite (optical grade)—pounds		
Cement—thousand 376-pound barrels	42,034	$137,961
Clays—thousand short tons	2,609	6,037
Copper (recoverable content of ores, etc.)—short tons	788	602
Feldspar—long tons	94,769	W
Gem stones	NA	200
Gold (recoverable content of ores, etc.)—troy ounces	40,570	1,420
Gypsum—thousand short tons	1,241	3,150
Lead (recoverable content of ores, etc.)—short tons	1,735	486
Lime—thousand short tons	539	8,696
Magnesium compounds from sea water and bitterns (partly estimated) short tons, MgO equivalent	76,592	6,882
Mercury—76-pound flasks	16,385	8,018
(T) Natural gas—million cubic feet	681,080	202,290
Natural gas liquids:		
Natural gasoline and cycle products—thousand gallons	643,984	49,122
LP gases—do	366,643	19,065
Peat—short tons	30,014	396
(T) Petroleum (crude)—thousand 42-gallon barrels	359,219	829,133
Pumice—thousand short tons	866	1,357
Salt—do	1,732	W
Sand and gravel—do	116,125	139,212
Silver (recoverable content of ores, etc.)—thousand troy ounces	145	224
Stone—thousand short tons	37,186	55,263
Sulfur ore—long tons	568	3
Talc, soapstone, and pyrophyllite—short tons	143,466	1,945
Tin (content of concentrate)—long tons	W	W
Wollastonite—short tons	W	W
Zinc (recoverable content of ores, etc.)—do	441	122
Value of items that cannot be disclosed: Bromine, calcium-magnesium chloride, carbon dioxide, coal (lignite), diatomite, iodine (1964–66), iron ore, lithium minerals, scrap mica, molybdenum, perlite, platinum group metals (crude) potassium salts, rare-earth metal concentrates, sodium carbonates and sulfates, tungsten concentrate, uranium (1964–66), and values indicated by symbol W	XX	143,722
Total	XX	1,696,233

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967 Quantity	1967 Value (thousands)
COLORADO		
Carbon dioxide, natural ... thousand cubic feet	182,701	$31
Clays ... thousand short tons	596	1,274
(T) Coal (bituminous) ... do	5,439	25,920
Copper (recoverable content of ores, etc.) ... short tons	3,993	3,053
Feldspar ... long tons	300	2
Gem stones	NA	118
Gold (recoverable content of ores, etc.) ... troy ounces	21,181	741
Gypsum ... thousand short tons	77	265
Iron ore (usable) ... thousand long tons, gross weight	W	W
Lead (recoverable content of ores, etc.) ... short tons	21,923	6,138
Lime ... thousand short tons	118	2,028
Manganiferous ore (5 to 35 percent Mn) ... short tons, gross weight	321	3
Molybdenum (content of concentrate) ... thousand pounds	52,040	84,728
(T) Natural gas ... million cubic feet	116,857	15,542
Natural gas liquids:		
Natural gasoline ... thousand gallons	51,845	3,215
LP gases ... do	71,544	3,649
Peat ... short tons	21,988	204
(T) Petroleum (crude) ... thousand 42-gallon barrels	33,905	99,003
Pumice ... thousand short tons	18	105
Pyrites ... thousand long tons	W	W
Sand and gravel ... thousand short tons	21,810	22,904
Silver (recoverable content of ores, etc.) ... thousand troy ounces	1,818	2,817
Stone ... thousand short tons	2,992	5,485
Tin (content of concentrate) ... long tons	31	59
Tungsten concentrate ... short tons, 60 percent WO_3 basis	1,276	3,039
Uranium (recoverable content U_3O_8) ... thousand pounds	2,537	20,299
Vanadium (recoverable in ore and concentrate) ... short tons	3,317	14,260
Vermiculite ... thousand short tons		
Zinc (recoverable content of ores, etc.) ... short tons	52,442	14,519
Value of items that cannot be disclosed: Beryllium concentrate, cement, fluorspar, scrap mica (1967), molybdenum (1965) perlite, rare-earth metal concentrates (1966–67), salt, and values indicated by symbol W	XX	16,834
Total	XX	346,235
CONNECTICUT		
Clays ... thousand short tons	191	$334
Gem stones	NA	8
Lime ... thousand short tons	W	W
Sand and gravel ... do	8,320	8,710
Stone ... do	5,097	10,141
Value of items that cannot be disclosed: Feldspar, scrap mica, peat (1964–66), and values indicated by symbol W	XX	1,426
Total	XX	20,619
DELAWARE		
Clays ... thousand short tons	11	$11
Gem stones	NA	1
Sand and gravel ... thousand short tons	1,966	1,846
Stone ... do	210	525
Value of items that cannot be disclosed: Other nonmetals and values indicated by symbol W	XX	
Total	XX	2,383
FLORIDA		
Clays ... thousand short tons	756	$11,574
Lime ... do	155	2,425
(T) Natural gas ... million cubic feet	123	18
Peat ... short tons	22,180	155
(T) Petroleum (crude) ... thousand 42-gallon barrels	1,568	W
Phosphate rock ... thousand short tons	W	W
Sand and gravel ... do	6,912	6,479
Stone ... do	33,971	38,723
Value of items that cannot be disclosed: Cement, magnesium compounds, natural gas, liquids, rare-earth metal concentrates, staurolite, stone (dimension limestone 1967) titanium concentrate, zirconium concentrate, and values indicated by symbol W	XX	250,423
Total	XX	809,797
GEORGIA		
Barite ... thousand short tons	W	W
Clays ... do	4,953	$77,314
Coal (bituminous) ... do		
Iron ore (usable) ... thousand long tons, gross weight	267	1,450
Mica:		
Scrap ... short tons	17,158	291
Sheet ... pounds		
Sand and gravel ... thousand short tons	3,787	4,206
Stone ... do	23,418	49,953
Talc ... short tons	46,150	292
Value of items that cannot be disclosed: Bauxite, cement, feldspar, kyanite, peat, rare-earth metal concentrates (1966–67), titanium concentrate (1965–67), zirconium concentrate (1965–67), and values indicated by symbol W	XX	19,952
Total	XX	153,458
HAWAII		
Cement ... thousand 376-pound barrels	1,395	$7,360
Clays ... thousand short tons	W	W
Lime ... do	8	265
Pumice ... do	290	562
Sand and gravel ... do	469	1,467
Stone ... do	4,100	7,207
Value of items that cannot be disclosed: Other nonmetals and values indicated by symbol W	XX	75
Total	XX	16,936
IDAHO		
(T) Antimony ore and concentrate ... short tons, antimony content	823	W
Clays [2] ... thousand short tons	19	$16
(T) Cobalt ... thousand pounds		
(T) Copper (recoverable content of ores, etc.) ... short tons	4,210	3,219
(T) Gem stones	NA	180
(T) Gold (recoverable content of ores, etc.) ... troy ounces	4,838	169
(T) Iron ore (usable) ... thousand long tons, gross weight	W	W
(T) Lead (recoverable content of ores, etc.) ... short tons	61,387	17,188
Mercury ... 76-pound flasks	898	439
Peat ... short tons	2,040	16
Pumice ... thousand short tons	W	W
Sand and gravel ... do	11,246	11,490
(T) Silver (recoverable content of ores, etc.) ... thousand troy ounces	17,033	26,402
Stone ... thousand short tons	1,986	4,833
(T) Tungsten concentrate ... short tons, 60-percent WO_3 basis	68	175
(T) Zinc (recoverable content of ores, etc.) ... short tons	56,528	15,650
Value of items that cannot be disclosed: Barite (1964), cement, clays (fire clay, bentonite 1964–66, kaolin), abrasive garnet, lime, scrap mica (1964), perlite, phosphate rock, titanium concentrate (1964–66), vanadium, and values indicated by symbol W	XX	29,631
Total	XX	109,408
ILLINOIS		
Cement:		
Portland ... thousand 376-pound barrels	9,0690	$30,186
Masonry ... thousand 280-pound barrels	591	1,851
Clays [2] ... thousand short tons	1,881	3,799
Coal (bituminous) ... do	65,133	252,975
Fluospar ... short tons	210,207	9,859
Lead (recoverable content of ores, etc.) ... do	2,384	668
Natural gas ... million cubic feet	5,144	602
Natural gas liquids:		
Natural gasoline and cycle products ... thousand gallons	W	W
LP gases ... do	W	W
Peat ... short tons	49,716	697
Petroleum (crude) ... thousand 42-gallon barrels	[e] 60,115	181,581
Sand and gravel ... thousand short tons	38,801	44,175
Stone ... do	48,458	66,757
Zinc (recoverable content of ores etc.) ... short tons	20,416	5,652
Value of items that cannot be disclosed: Clay (fuller's earth), gem stones lime, tripoli, and values indicated by symbol W	XX	37,999
Total	XX	636,801
INDIANA		
Abrasive stones ... short tons	5	$16
Cement [2] ... thousand 376-pound barrels	15,924	53,123
Clays ... thousand short tons	1,489	2,126
Coal (bituminous) ... thousand short tons	18,772	73,419
(T) Natural gas ... million cubic feet	198	46
Peat ... short tons	42,962	441
(T) Petroleum (crude) ... thousand 42-gallon barrels	10,081	30,041
Sand and gravel ... thousand short tons	26,265	25,588
Stone ... do	26,977	46,725
Value of items that cannot be disclosed: Cement (masonry), gypsum, and lime (1968–67)	XX	13,396
Total	XX	244,921
IOWA		
Cement:		
Portland ... thousand 376-pound barrels	13,712	$45,394
Masonry ... thousand 280-pound barrels	612	1,853
Clays ... thousand short tons	1,208	1,643
Coal (bituminous) ... do	883	3,227
Gypsum ... do	1,219	5,186
Sand and gravel ... do	17,734	16,564
Stone ... do	26,133	37,912
Value of items that cannot be disclosed: Gem stones, lime, peat, and petroleum (1964)	XX	1,443
Total	XX	113,222

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967 Quantity	1967 Value (thousands)
KANSAS		
Cement: [2]		
Portland, thousand 376-pound barrels	8,833	$25,545
Masonry, thousand 280-pound barrels	350	1,000
Clays, thousand short tons	935	1,339
Coal (bituminous), do.	1,136	5,294
Helium: Crude, thousand cubic feet	2,719,700	82,554
Grade A, do.	225,000	5,364
Lead (recoverable content of ores, etc.), short tons	1,031	289
(T) Natural gas, million cubic feet	871,971	116,844
Natural gas liquids:		
Natural gasoline, thousand gallons	194,173	10,703
LP gases, do.	665,057	31,923
(T) Petroleum (crude), thousand 42-gallon barrels	99,200	297,600
Salt [3], thousand short tons	1,069	14,686
Sand and gravel, do.	12,066	8,650
Stone, do.	13,551	17,806
Zinc (recoverable contents of ores, etc.), short tons	4,765	1,319
Value of items that cannot be disclosed: Natural cement, gypsum, muice, and salt (brine)	XX	3,152
Total	XX	574,068
KENTUCKY		
Barite, thousand short tons		
Clays [3], do.	1,195	$2,066
Coal (bituminous), do.	100,294	396,883
Fluorspar, short tons	32,952	1,686
Lead (recoverable content of ores, etc.), do.	845	237
Natural gas, million cubic feet	89,168	21,400
(T) Petroleum (crude), thousand 42-gallon barrels	15,535	45,052
Sand and gravel, thousand short tons	7,981	7,859
Silver (recoverable content of ores, etc.), thousand troy ounces	1	1
Stone, thousand short tons	24,812	35,481
Zinc (recoverable content of ores, etc.), short tons	6,317	1,749
Value of items that cannot be disclosed: Native asphalt (1966–67), cement, ball clay, natural gas liquids, and stone (dimension sandstone 1964)	XX	23,291
Total	XX	535,705
LOUISIANA		
Clays, thousand short tons	995	$1,260
Lime, do.	758	9,891
(T) Natural gas, million cubic feet	5,716,857	1,057,619
Natural gas liquids:		
Natural gasoline and cycle products, thousand gallons	1,754,603	130,212
LP gases, do.	1,844,689	92,234
(T) Petroleum (crude), thousand 42-gallon barrels	774,527	2,419,823
(T) Salt, thousand short tons	9,585	48,483
(T) Sand and gravel, do.	20,312	27,442
(T) Stone [4], do.	7,599	11,174
(T) Sulfur (Frasch process), thousand long tons	4,233	139,739
Value of items that cannot be disclosed: Cement, gypsum, and stone (crushed miscellaneous)	XX	23,873
Total	XX	3,961,750
MAINE		
Clays, thousand short tons	42	$54
Gem stones	NA	35
Peat, short tons	W	W
Sand and gravel, thousand short tons	11,627	5,368
Stone, do.	1,159	2,999
Value of items that cannot be disclosed: Cement, feldspar, and values indicated by symbol W	XX	6,426
Total	XX	14,882
MARYLAND		
Clays, thousand short tons	998	$1,462
Coal (bituminous), do.	1,305	4,548
Gem stones	NA	3
Lime, thousand short tons	W	W
Natural gas, million cubic feet	621	159
Sand and gravel, thousand short tons	12,868	17,724
Stone, do.	14,479	28,581
Value of items that cannot be disclosed: Cement, ball clay (1964–66), greensand marl, peat, potassium salts, talc and soapstone, and values indicated by symbol W	XX	20,342
Total	XX	72,819
MASSACHUSETTS		
Clays, thousand short tons	W	W
Gem stones	NA	$2
Lime, thousand short tons	195	3,044
Sand and gravel, do.	17,881	19,504
Stone, do.	6,203	17,724
Value of items that cannot be disclosed: Nonmetals and value indicated by symbol W	XX	338
Total	XX	40,612
MICHIGAN		
Cement:		
Portland, thousand 376-pound barrels	29,645	$94,515
Masonry, thousand 280-pound barrels	1,995	5,296
Clays, thousand short tons	2,466	2,636
Copper (recoverable content of ores, etc.), short tons	58,458	44,692
Gypsum, thousand short tons	1,422	5,085
Iron ore (usable), thousand long tons, gross weight	14,130	162,610
Lime, thousand short tons	1,787	21,582
Magnesium compounds from sea water and brine (except for metal), short tons MgO equivalent	309,446	26,388
(T) Natural gas, million cubic feet	33,589	8,296
Natural gas liquids:		
Natural gasoline, thousand gallons	47,817	3,491
LP gases, do.	59,390	3,444
Peat, short tons	237,107	2,292
(T) Petroleum (crude), thousand 42-gallon barrels	13,664	39,455
Salt, thousand short tons	4,789	42,389
Sand and gravel, do.	52,310	49,616
Silver (recoverable content of ores, etc.), thousand troy ounces	302	468
Stone, thousand short tons	36,432	39,910
Value of items that cannot be disclosed: Bromine, calcium-magnesium chloride, gem stones, iodine, potassium salts, and values indicated by symbol W	XX	58,039
Total	XX	610,204
MINNESOTA		
Clays [3], thousand short tons	228	$342
(T) Iron ore (usable), thousand long tons, gross weight	49,457	468,623
Manganiferous ore (5 to 35 percent Mn), short tons, gross weight	236,753	W
Peat, short tons	13,968	257
Sand and gravel, thousand short tons	41,212	33,132
Stone, do.	4,160	11,442
Value of items that cannot be disclosed: Abrasive stones, cement, fire clay, gem stones, lime, and values indicated by symbol W	XX	9,530
Total	XX	523,326
MISSISSIPPI		
Clays, thousand short tons	1,654	$7,852
(T) Natural gas, million cubic feet	139,497	24,133
Natural gas liquids:		
Natural gasoline and cycle products, thousand gallons	17,939	1,167
LP gases, do.	17,794	1,085
(T) Petroleum (crude), thousand 42-gallon barrels	57,147	155,726
Sand and gravel, thousand short tons	14,039	15,485
Stone, do.	1,879	2,055
Value of items that cannot be disclosed: Cement, iron ore (1965–67), lime, magnesium compounds, and stone (dimension sandstone 1965–66)	XX	9,507
Total	XX	217-010
MISSOURI		
Asphalt, native, short tons	W	W
Barite, thousand short tons	332	$4,444
Cement:		
Portland, thousand 376-pound barrels	15,044	52,119
Masonry, thousand 280-pound barrels	372	1,172
Clays, thousand short tons	2,305	6,220
Coal (bituminous), do.	3,696	15,573
Copper (recoverable content of ores, etc.), short tons	3,215	2,458
Iron ore (usable), thousand long tons, gross weight	1,871	26,673
Lead (recoverable content of ores, etc.), short tons	152,649	42,742
Lime, thousand short tons	1,434	16,371
Natural gas, million cubic feet	121	30
Petroleum (crude), thousand 42-gallon barrels	75	W
Sand and gravel, thousand short tons	9,716	12,556
Silver (recoverable content of ores, etc.), thousand troy ounces		
Stone, thousand short tons	36,585	53,953
Zinc (recoverable content of ores, etc.), short tons	7,430	2,057
Value of items that cannot be disclosed: Tripoli (1965), and values indicated by symbol W	XX	291
Total	XX	236,659

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967 Quantity	1967 Value (thousands)
MONTANA		
Clays [2] thousand short tons	46	$50
Coal (bituminous and lignite) do	371	996
(T) Copper (recoverable content of ores, etc.) short tons	65,483	50,063
(T) Gem stones	NA	109
(T) Gold (recoverable content of ores, etc.) troy ounces	9,786	343
(T) Iron ore (usable) thousand long tons, gross weight	10	81
(T) Lead (recoverable content of ores, etc.) short tons	898	251
Lime thousand short tons	143	1,765
(T) Manganese ore (35 percent or more Mn) short tons, gross weight	W	W
(T) Manganiferous ore (5 to 35 percent Mn) do	2,763	16
(T) Natural gas million cubic feet	25,866	2,173
(T) Petroleum (crude) thousand 42-gallon barrels	34,959	87,543
Pumice thousand short tons		
Sand and gravel do	12,339	10,655
(T) Silver (recoverable content of ores, etc.) thousand troy ounces	2,066	3,203
Stone thousand short tons	4,782	6,037
(T) Zinc (recoverable content of ores, etc.) short tons	3,341	925
(T) Value of items that cannot be disclosed: Antimony (1966–67), barite (1964–66), cement, clays (fire clay 1964, bentonite), fluorspar, gypsum, natural gas liquids, peat, phosphate rock, talc, tungsten (1966–67), uranium ore (1964, 1966), vermiculite, and values indicated by symbol W	XX	22,314
Total	XX	186,524
NEBRASKA		
Clays thousand short tons	126	$142
Gem stones	NA	5
(T) Natural gas million cubic feet	8,453	1,454
Natural gas liquids:		
Natural gasoline thousand gallons	7,805	578
LP gases do	20,738	1,223
(T) Petroleum (crude) thousand 42-gallon barrels	13,373	36,775
Sand and gravel thousand short tons	11,739	10,878
Stone do	4,846	7,483
Value of items that cannot be disclosed: Cement, lime, and pumice	XX	12,330
Total	XX	70,868
NEVADA		
Antimony ore and concentrate short tons, antimony content	53	$35
Barite thousand short tons	154	923
Copper (recoverable content of ores, etc.) short tons	50,771	38,815
Gem stones	NA	100
Gold (recoverable content of ores, etc.) troy ounces	434,993	15,225
Gypsum thousand short tons	409	1,412
Iron ore (usable) thousand long tons, gross weight	641	2,858
Lead (recoverable content of ores, etc.) short tons	1,500	420
Mercury 76-pound flasks	4,703	2,301
Perlite short tons	10,712	94
(T) Petroleum (crude) thousand 42-gallon barrels	279	W
Pumice thousand short tons	105	236
Sand and gravel do	10,566	8,644
Silver (recoverable content of ores, etc.) thousand troy ounces	566	877
Stone thousand short tons	1,375	2,145
Sulfur ore long tons		
Talc and soapstone short tons	2,096	17
Zinc (recoverable content of ores, etc.) do	3,035	840
Value of items that cannot be disclosed: Brucite (1965–67), cement (1965–67), clays, diatomite, fluorspar, lime, lithium minerals (1966–67), magnesite, molybdenum, peat, salt, tungsten, uranium (1964–66), and values indicated by symbol W	XX	15,941
Total	XX	90,883
NEW HAMPSHIRE		
Clays thousand short tons	42	$42
Mica, sheet pounds	16,000	W
Peat short tons	50	(3)
Sand and gravel thousand short tons	8,449	5,137
Stone do	473	2,887
Value of items that cannot be disclosed: Other nonmetals	XX	51
Total	XX	8,117
NEW JERSEY		
Clays thousand short tons	437	$1,189
Gem stones	NA	10
Peat short tons	43,045	542
Sand and gravel thousand short tons	18,626	29,975
Stone do	12,611	28,253
Zinc (recoverable content of ores, etc.) [3] short tons	26,041	7,031
Value of items that cannot be disclosed: Iron ore, lime, magnesium compounds, manganiferous residuum, greensand marl, titanium concentrate, and values indicated by symbol W	XX	5,747
Total	XX	72,747
NEW MEXICO		
Barite thousand short tons		
Carbon dioxide, natural thousand cubic feet	771,516	$57
(T) Clays thousand short tons	46	74
(T) Coal (bituminous) do	3,463	12,641
(T) Copper (recoverable content of ores, etc.) short tons	75,008	57,345
Fluorspar do	W	W
Gem stones	NA	60
(T) Gold (recoverable content of ores, etc.) troy ounces	5,188	182
Gypsum thousand short tons	155	588
Helium, grade A thousand cubic feet	71,200	2,492
(T) Lead (recoverable content of ores, etc.) short tons	1,827	512
Lime thousand short tons	17	243
(T) Manganese ore (35 percent or more Mn) short tons, gross weight	W	W
Maganiferous ore (5 to 35 percent Mn) do	49,323	348
Mica: Scrap short tons	W	W
(T) Natural gas million cubic feet	1,067,510	138,776
Natural gas liquids:		
Natural gasoline and cycle products thousand gallons	338,114	20,730
LP gases do	909,168	40,003
Perlite short tons	346,586	3,424
(T) Petroleum (crude) thousand 42-gallon barrels	126,144	368,340
(T) Potassium salts thousand short tons, K_2O equivalent	2,883	91,098
Pumice thousand short tons	220	639
Salt do	82	1,036
(T) Sand and gravel do	14,672	14,336
(T) Silver (recoverable content of ores, etc.) thousand troy ounces	157	244
Stone thousand short tons	1,391	2,403
(T) Uranium (recoverable content U_3O_8) thousand pounds	11,202	89,615
Vanadium (recoverable in ore and concentrate) short tons	W	W
(T) Zinc (recoverable content of ores, etc.) do	21,380	5,919
(T) Value of items that cannot be disclosed: Cement, fire clay (1964), iron ore, molybdenum, tin (1964–66), and values indicated by symbol W	XX	23,001
Total	XX	874,106
NEW YORK		
Clays thousand short tons	1,506	$1,814
Emery short tons	W	W
Gem stones	NA	10
Gypsum thousand short tons	570	3,118
Lead (recoverable content of ores, etc.) short tons	1,653	463
Lime thousand short tons	1,139	10,570
Natural gas million cubic feet	3,837	1,201
Peat short tons	23,053	232
Petroleum (crude) thousand 42-gallon barrels	1,972	9,026
Salt thousand short tons	5,320	41,568
Sand and gravel do	43,500	44,499
Silver (recoverable content of ores, etc.) thousand troy ounces	31	48
Stone thousand short tons	33,389	56,615
Zinc (recoverable content of ores, etc.) short tons	70,555	19,534
Value of items that cannot be disclosed: Cement, abrasive garnet, iron ore, talc, titanium concentrate, wollastonite, and values indicated by symbol W	XX	110,620
Total	XX	299,318
NORTH CAROLINA		
Barite thousand short tons	1	$6
Clays [2] do	2,977	2,012
Feldspar long tons	265,690	3,113
Gem stones	NA	25
Mica:		
Scrap short tons	69,639	1,751
Sheet pounds	4,500	W
Phosphate rock thousand short tons	W	W
Sand and gravel do	10,014	9,962
Stone do	24,507	41,488
Talc and pyrophyelite short tons	109,393	513
Value of items that cannot be disclosed: Asbestos, cement, clay (kaolin), lithium minerals, olivine, stone (crushed and dimension marble and dimension slate) 1964–66), tungsten concentrate (1964), and values indicated by symbol W	XX	18,224
Total	XX	77,094
NORTH DAKOTA		
Clays thousand short tons	W	W
Coal (lignite) do	4,156	$7,967
Gem stones	NA	1
(T) Natural gas million cubic feet	40,462	6,636
Natural gas liquids:		
Natural gasoline thousand gallons	23,284	1,443
LP gases do	88,665	3,901
(T) Petroleum (crude) thousand 42-gallon barrels	25,315	65,818
Sand and gravel thousand short tons	8,822	9,118
Stone do	596	1,092
Value of items that cannot be disclosed: Lime (1965–67), molybdenum, peat, salt, uranium, vanadium (1965), and values indicated by symbol W	XX	1,562
Total	XX	97,538

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967 Quantity	1967 Value (thousands)
OHIO		
Cement:		
Portland.....thousand 376-pound barrels	14,726	$46,860
Masonry.....thousand 280-pound barrels	946	2,730
Clays.....thousand short tons	4,670	15,185
Coal (bituminous).....do	46,014	176,921
Gem stones	NA	3
Lime.....thousand short tons	3,636	48,817
Natural gas.....million cubic feet	41,315	9,957
Peat.....short tons	7,301	100
Petroleum (crude).....thousand 42-gallon barrels	9,924	31,427
Salt.....thousand short tons	5,407	39,549
Sand and gravel.....do	43,196	52,888
Stone.....do	45,458	72,534
Value of items that cannot be disclosed: Abrasive stone, gypsum, stone (calcareous marl 1964)	XX	1,917
Total	XX	498,888
OKLAHOMA		
Clays [3].....thousand short tons	744	$869
Coal (bituminous).....do	823	4,703
Gypsum.....do	804	2,266
Helium, grade A.....thousand cubic feet	309,100	9,835
(T) Lead (recoverable content of ores, etc.).....short tons	2,727	764
(T) Natural gas.....million cubic feet	1,412,952	202,052
Natural gas liquids:		
Natural gasoline and cycle products.....thousand gallons	568,905	35,846
LP gases.....do	1,005,633	49,276
(T) Petroleum (crude).....thousand 42-gallon barrels	230,749	676,095
Salt.....thousand short tons	10	76
Sand and gravel.....do	4,540	5,280
Stone.....do	16,355	18,932
(T) Zinc (recoverable content of ores, etc.).....short tons	10,670	2,954
(T) Value of items that cannot be disclosed: Clay (bentonite), cement, copper (1965–67), lime, pumice, silver (1965–67), tripoli, and values indicated by symbol W	XX	23,178
Total	XX	1,032,126
OREGON		
Clays.....thousand short tons	[3] 295	[3] $295
Copper (recoverable content of ores, etc.).....short tons		
Diatomite.....do	108	2
Gem stones	NA	750
Gold (recoverable content of ores, etc.).....troy ounces	186	7
Lime.....thousand short tons	99	2,059
Mercury.....76-pound flasks	943	461
Nickel (content of ore and concentrate).....short tons	15,287	W
Peat.....do	W	W
Perlite.....do	8	[2]
Pumice.....do	834	1,195
Sand and gravel.....do	19,630	25,250
Silver (recoverable content of ores, etc.).....thousand troy ounces	[2]	[2]
Stone.....thousand short tons	13,201	20,256
Tungsten concentrate.....short tons, 60-percent WO_3 basis		
Value of items that cannot be disclosed: Cement, clay (fire clay 1967), iron ore (pigment material 1965–66), lead (1964–65), talc (1967), uranium (1964), vanadium (1964), zinc (1964–65), and values indicated by symbol W	XX	16,285
Total	XX	66,560
PENNSYLVANIA		
Cement:		
Portland.....thousand 376-pound barrels	40,197	$114,592
Masonry.....thousand 280-pound barrels	2,929	7,948
Clays [3].....thousand short tons	2,994	16,703
Coal:		
Anthracite.....do	12,256	96,160
Bituminous.....do	79,412	419,345
Copper (recoverable content of ores, etc.).....short tons	4,401	3,365
Gem stones	NA	4
Lime.....thousand short tons	1,719	24,716
Natural gas.....million cubic feet	89,966	25,280
Natural gas liquids:		
Natural gasoline.....thousand gallons	1,167	77
LP gases.....do	1,757	114
Peat.....short tons	39,505	437
Petroleum (crude).....thousand 42-gallon barrels	4,387	19,701
Sand and gravel.....thousand short tons	17,479	29,614
Stone.....do	60,155	103,157
Zinc (recoverable content of ores, etc.) [3].....short tons	35,067	9,468
Value of items that cannot be disclosed: Clays (kaolin), cobalt, gold, iron ore, scrap mica, pyrites, pyrophyllite, silver, and tripoli	XX	27,718
Total	XX	898,398
RHODE ISLAND		
Sand and gravel.....thousand short tons	2,334	$2,416
Stone.....do	481	1,618
Value of items that cannot be disclosed: Other nonmetals	XX	1
Total	XX	4,035
SOUTH CAROLINA		
Clays.....thousand short tons	1,733	$8,048
Sand and gravel.....do	5,248	7,178
Stone.....do	[4] 8,310	[4] 12,366
Value of items that cannot be disclosed: Barite (1964–66), cement, feldspar, kyanite, scrap mica, peat, pyrites, stone (crushed limestone 1964–65 and dimension granite 1965, 1967) and vermiculite	XX	20,682
Total	XX	48,274
SOUTH DAKOTA		
(T) Beryllium concentrate.....short tons, gross weight	W	W
(T) Cement:		
Portland.....thousand 376-pound barrels	1,406	$4,815
Masonry.....thousand 280-pound barrels	54	178
(T) Clays.....thousand short tons	199	799
(T) Coal (lignite).....do	5	27
(T) Feldspar.....long tons	61,411	420
(T) Gem stones	NA	30
(T) Gold (recoverable content of ores, etc.).....troy ounces	601,785	21,062
(T) Gypsum.....thousand short tons	12	49
(T) Lithium minerals.....short tons	W	W
(T) Mica: Scrap.....do	W	W
(T) Petroleum (crude).....thousand 42-gallon barrels	211	502
(T) Sand and gravel.....thousand short tons	13,463	13,737
(T) Silver (recoverable content of ores, etc.) thousand troy ounces	121	188
(T) Stone.....thousand short tons	1,866	9,694
(T) Value of items that cannot be disclosed: Columbium-tantalum concentrates (1967), lime, molybdenum, tin (1966), uranium, vanadium, and values indicated by symbol W	XX	1,117
Total	XX	52,618
TENNESSEE		
Barite.....thousand short tons	15	$235
Cement:		
Portland.....thousand 376-pound barrels	8,062	25,548
Masonry.....thousand 280-pound barrels	1,092	2,992
Clays.....thousand short tons	1,574	5,152
Coal (bituminous).....do	6,832	26,974
Copper (recoverable content of ores, etc.).....short tons	14,600	11,162
Gold (recoverable content of ores, etc.).....troy ounces	181	6
Lead (recoverable content of ores, etc.).....short tons		
Natural gas.....million cubic feet	58	11
(T) Petroleum (crude).....thousand 42-gallon barrels	7	W
Phosphate rock.....thousand short tons	2,992	22,571
Sand and gravel.....do	7,975	10,679
Silver (recoverable content of ores, etc.).....thousand troy ounces	130	202
Stone [4].....thousand short tons	31,463	41,958
Zinc (recoverable content of ores, etc.).....short tons	113,065	31,303
Value of items that cannot be disclosed: Clay (fuller's earth) (1964, 1966–67), lime, pyrites, stone (crushed sandstone, dimension sandstone 1967), and values indicated by sumbol W	XX	10,779
Total	XX	189,572
TEXAS		
(T) Cement:		
Portland.....thousand 376-pound barrels	31,944	$99,329
Masonry.....thousand 280-pound barrels	888	2,847
Clays.....thousand short tons	4,497	8,081
Gem stones	NA	150
Gypsum.....thousand short tons	984	3,419
Helium: Crude.....thousand cubic feet	977,600	10,246
Grade A.....do	335,900	9,900
Lime.....thousand short tons	1,564	20,713
(T) Natural gas.....million cubic feet	7,188,900	948,935
Natural gas liquids:		
Natural gasoline and cycle products.....thousand gallons	4,031,589	277,105
LP gases.....do	7,449,439	320,326
Perlite.....short tons	W	W
(T) Petroleum (crude).....thousand 42-gallon barrels	1,119,962	3,375,565
Salt.....thousand short tons	8,344	36,435
Sand and gravel.....do	31,398	39,170
Stone.....do	49,424	61,577
(T) Sulfur (Frasch process).....thousand long tons	3,448	111,931
Talc and soapstone.....short tons	90,836	356
Values of items that cannot be disclosed: Native asphalt, barite (1964–65), bromine, clays (fuller's earth 1964–65, kaolin 1964), coal (lignite), graphite, iron ore, magnesium chloride (for metal), magnesium compounds (except for metal), mercury (1965–67), pumice, sodium sulfate, uranium, vermiculite (1967), and values indicated by symbol W	XX	80,286
Total	XX	5,406,371

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION[1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967 Quantity	1967 Value (thousands)
UTAH		
Carbon dioxide, natural thousand cubic feet	65,664	$5
Clays[2] thousand short tons	114	288
Coal (bituminous) do.	4,175	24,281
(T) Copper (recoverable content of ores, etc.) short tons	168,609	128,905
Gem stones	NA	80
(T) Gold (recoverable content of ores, etc.) troy ounces	288,350	10,092
(T) Iron ore (usable) thousand long tons, gross weight	1,708	11,916
(T) Lead (recoverable content of ores, etc.) short tons	53,813	15,068
Lime thousand short tons	169	3,182
(T) Natural gas million cubic feet	48,965	6,463
Perlite short tons	W	W
(T) Petroleum (crude) thousand 42-gallon barrels	24,048	63,221
Salt thousand short tons	403	3,525
Sand and gravel do.	9,412	8,631
(T) Silver (recoverable content of ores, etc.) thousand troy ounces	4,875	7,556
Stone thousand short tons	1,831	4,108
Sulfur ore long tons, gross weight		
(T) Uranium (recoverable content (U_3O_8)) thousand pounds	1,287	10,300
Vanadium (recoverable in ore and concentrate) short tons	471	2,024
(T) Zinc (recoverable content of ores, etc.) do.	34,251	9,483
Value of items that cannot be disclosed: Asphalt (gilsonite), cement, clays (fire clay, kaolin 1965–67), fluorspar, gypsum, magnesium compounds (1966–67), molybdenum, natural gas liquids, phosphate rock, potassium salts, pumice, pyrites (1966–67), tungsten concentrate (1967), and values indicated by symbol W	XX	45,349
Total	XX	354,477
VERMONT		
Peat short tons	280	$4
Sand and gravel thousand short tons	3,718	2,178
Stone do.	2,761	20,520
Value of items that cannot be disclosed: Asbestos, clays, gem stones, lime, and talc	XX	4,566
Total	XX	27,268
VIRGINIA		
Clays thousand short tons	1,382	$1,623
Coal (bituminous) do.	36,721	171,183
Gem stones	NA	7
Lead (recoverable content of ores, etc.) short tons	3,430	960
Lime thousand short tons	829	10,345
Natural gas million cubic feet	3,818	1,149
Petroleum (crude) thousand 42-gallon barrels	3	W
Sand and gravel thousand short tons	9,863	12,494
Soapstone short tons	W	W
Stone thousand short tons	31,324	52,470
Zinc (recoverable content of ores, etc.)[3] short tons	18,846	5,088
Value of items that cannot be disclosed: Aplite, cement, feldspar, gypsum, iron ore (pigment materials), kyanite, salt, titanium concentrate, and values indicated by symbol W	XX	28,366
Total	XX	283,685
WASHINGTON		
Barite thousand short tons	(5)	$1
Carbon dioxide thousand cubic feet	W	W
Cement:		
Portland thousand 376-pound barrels	5,614	20,581
Masonry thousand 280-pound barrels	65	200
Clay[2] thousand short tons	139	203
Coal (bituminous) do.	59	517
Copper (recoverable content of ores, etc.) short tons	21	16
Gem stones	NA	$75
Lead (recoverable content of ores, etc.) short tons	2,762	773
Peat do.	40,608	181
Sand and gravel thousand short tons	28,164	27,520
Stone do.	14,454	19,099
Talc and soapstone short tons	4,916	26
Zinc (recoverable content of ores, etc.) do.	21,540	5,964
Value of items that cannot be disclosed: Clays (fire clay, bentonite 1965), diatomite, gold, gypsum (1966–67), lime, pumice, magnesite, mercury (1965), olivine, silver, tungsten (1965, 1967), uranium (1964–66), vanadium (1966), and values indicated by symbol W	XX	6,911
Total	XX	82,067
WEST VIRGINIA		
Clays[2] thousand short tons	245	$254
Coal (bituminous) do.	153,749	800,683
Lime do.	217	3,099
Natural gas million cubic feet	211,460	50,962
Petroleum (crude) thousand 42-gallon barrels	3,561	14,244
Salt thousand short tons	1,127	5,137
Sand and gravel do.	5,827	12,167
Stone[4] do.	9,445	16,447
Value of items that cannot be disclosed: Calcium-magnesium chloride, cement, clay (fire clay), gem stones, natural gas liquids, stone (dimension sandstone) and values indicated by symbol W	XX	34,865
Total	XX	937,858
WISCONSIN		
Clays thousand short tons	89	$112
Iron ore (usable) thousand long tons, gross weight		
Lead (recoverable content of ores, etc.) short tons	1,596	447
Lime thousand short tons	212	3,414
Peat short tons	1,823	W
Sand and gravel thousand short tons	42,542	32,955
Stone thousand short tons	17,122	24,863
Zinc (recoverable content of ores, etc.) short tons	28,953	8,016
Value of items that cannot be disclosed: Abrasive stones, cement, gem stones, and values indicated by symbol W	XX	9,805
Total	XX	79,612
WYOMING		
Clays thousand short tons	1,495	$14,313
Coal (bituminous) do.	3,588	11,876
Copper (recoverable content of ores, etc.) short tons		
Gem stones	NA	125
Gold (recoverable content of ores, etc.) troy ounces		
Iron ore (usable) thousand long tons, gross weight	1,854	19,186
(T) Natural gas million cubic feet	240,074	35,051
Natural gas liquids:		
Natural gasoline thousand gallons	99,180	6,447
LP gases do.	173,821	7,648
(T) Petroleum (crude) thousand 42-gallon barrels	136,312	351,685
Sand and gravel thousand short tons	8,181	8,253
Stone do.	1,246	2,375
Uranium (recoverable content U_3O_8) thousand pounds	4,655	37,243
Vanadium (recoverable in ore and concentrate) short tons	W	W
Value of items that cannot be disclosed; Beryllium concentrate (1964–65), cement, feldspar (1965–67), gypsum, lime, phosphate rock, pumice (1964, 1967), silver (1964–65), sodium carbonates and sulfates, vermiculite (1967 and values indicated by symbol W	XX	36,494
Total	XX	530,696

e Estimate. r Revised. NA Not available. W Withheld to avoid disclosing individual company confidential data. XX Not applicable.

[1] Production as measured by mine shipments, sales, or marketable production (including consumption by producers).

[2] Excludes certain cement, included with "Value of items that cannot be disclosed."

[3] Excludes certain clays, included with "Value of items that cannot be disclosed".

[4] Excludes certain stone, included with "Value of items that cannot be disclosed."

[5] Less than ½ unit.

[6] Final figure, supersedes figure given in commodity section volume I–II.

[7] Excludes shipments from Nye Metals, Inc., included with "Value of items that cannot be disclosed."

[8] Excludes salt in brine, included with "Value of items that cannot be disclosed."

[9] Recoverable zinc valued at the yearly average price of Prime Western slab zinc, East St. Louis market. Represents value established after transportation, smelting and manufacturing charges have been added to the value of ore at mine.

Mr. METCALF. While the increase in tax receipts which would be permitted under this bill is relatively minor in comparison with the yield of existing State taxes, in some States it might be of strategic importance. In the poor but mineral rich States of Appalachia, for example, interstate competition has prevented the States from deriving tax revenues from mineral operations. This has been true even though the profits from these operations have often been a principal benefit to the residents of other States. Under this bill these States would be able to derive greater benefit from the mineral wealth within their borders.

I would not expect all the States to take immediate action to impose their own severance tax once this bill became law. In some cases their reaction would be delayed a few years, so that the Federal Government would derive some revenue from the tax. These amounts would be enough, I believe, to defray any administrative costs. For this reason it is reasonable to permit the entire amount of the tax to be offset by a credit for State tax. Under the bill, a mineral property would be defined to include the same properties as those eligible for percentage depletion deductions under the Federal income tax.

The 5-percent severance tax would apply to the gross income received by the owner of the working interest in a mineral property. That is, gross income

would be the same for the purposes of this tax as the figure which forms the basis for computing Federal percentage depletion deductions in cases in which there were no royalty payments or production payments. Gross income would be defined differently when there was a royalty or a production payment: There would be no exclusion for rent or royalties or bonuses paid with respect to the property; any amount paid to the holder of a production payment would be included in computing the gross income of the owner of the working interest; finally, any amount received from the sale of a production payment would be excluded in computing gross income.

The State severance taxes which could be credited against the tax imposed by this bill would have to be based on the gross income derived from the property located within the State. The credit could not be taken for taxes paid with respect to crops or timber grown on the surface of a mineral property and no credit could be taken for taxes paid with respect to minerals that are not eligible for a Federal percentage depletion allowance. Finally, the tax would have to be a severance tax, it could not be a general sales tax or an income tax applied generally to the income from most sources. Any severance tax paid by a holder of a royalty or other nonoperating interest would be treated as if it had been paid by the holder of the working interest.

The bill provides for the exchange of information between the States and the Federal Government. That is, upon request, the Internal Revenue Service would inform a State of the amount claimed by the taxpayer as his gross income from a mineral property located within the State.

Mr. President, this bill would permit the States to utilize an important source of tax revenue which they now are inhibited from using because of interstate competition. The bill, at little or no cost to the Federal Government, would provide much needed assistance to the States. I hope my colleagues in the Senate will give it their support. I ask unanimous consent that the bill be printed at this point in the RECORD.

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

The bill (S. 910) to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 42—SEVERANCE TAX

"Sec. 4941. Imposition of severance tax on minerals.

"(a) IMPOSITION.—There is hereby imposed on the severance of minerals from a mineral property located within the United States an excise tax equal to 5 percent of the gross income from the property during the taxable period.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person who holds the working interest in the mineral property.

"Sec. 4942. Definition and rules.

"For purposes of this chapter—

"(a) MINERAL PROPERTY.—The term 'mineral property' has the same meaning as the term 'property' has for the purposes of section 613 (relating to the allowance for percentage depletion), and any election made under section 614 to treat several mineral properties as a single property, or to divide one mineral property into separate properties, shall be effective for purposes of this chapter.

"(b) GROSS INCOME FROM THE PROPERTY.—The term 'gross income from the property' means the gross income from the property derived by the holder of the working interest during his taxable period, computed in accordance with the provisions of section 613 subject to the following modifications:

"(1) There shall not be excluded any amount on account of rent or royalties or bonuses paid in respect of the property.

"(2) There shall be included in computing such gross income from the property an amount equal to any amount paid to the holder of a production payment in satisfaction or reduction of the production payment.

"(3) There shall be excluded in computing such gross income from the property any amount received from the sale of a production payment.

The provisions of paragraphs (1) and (2) shall not apply with respect to any amount paid to the United States, or to any State or political subdivision thereof.

"(c) WORKING INTEREST.—The term 'working interest' in a mineral property includes only an interest which is an operating mineral interest as defined in section 614(d).

"(d) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any mineral property, the taxable year (as defined in section 7701(a)(23)) of the person who holds the working interest in such property.

"(e) PERSON.—The term 'person' includes a trust, an estate, and a partnership (including a joint venture whose members have made the election provided for in section 761(a)).

"(f) STATE.—The term 'State' includes the District of Columbia.

"Sec. 4943. Credit against tax.

"(a) SEVERANCE TAXES PAID TO A STATE OR POLITICAL SUBDIVISION.—

"(1) The taxpayer may, to the extent provided in this section, credit against the tax imposed by section 4941 with respect to any mineral property the amount of severance taxes paid by him to any State or political subdivision as severance taxes with respect to such mineral property.

"(2) The credit shall be permitted against the tax for the taxable period only for the amount of severance taxes paid with respect to such period. The tax imposed by section 4941 on the gross income from one mineral property shall in no case be credited with severance taxes paid with respect to another mineral property.

"(3) The credit against the tax for any taxable period shall be permitted only for severance taxes paid on or before the last day upon which the taxpayer is required under section 6071 to file a return for such period; except that credits shall be permitted for severance taxes paid after such last day, but such credit shall not exceed 90 percent of the amount which would have been allowable as a credit on account of such severance taxes had they been paid on or before such last day.

"(4) For purposes of this section the term 'severance tax' includes a tax based on the gross income from the property (as defined in section 4942(b)) derived by the holder of the working interest in such property, but such term does not include—

"(A) any tax based on the severance of minerals from a mineral property located outside the territorial boundaries of the State or political subdivision imposing the tax,

"(B) any tax imposed on the severance of timber, or of any crop grown on the surface of the mineral property, or of any mineral with respect to which an allowance for percentage depletion is not allowable under section 613,

"(C) any tax imposed generally on gross sales or gross receipts, or

"(D) an income tax applied generally to income from all or most sources.

"(5) Any severance tax paid by the holder of a royalty or other nonoperating mineral interest with respect to production from a mineral property shall be treated, for the purposes of paragraph (1), as having been paid by the holder of the working interest.

"Sec. 4944. Information to states.

"The Secretary of his delegate shall, upon the request of any official of a State or political subdivision thereof lawfully charged with the administration of a severance tax imposed by such State or political subdivision, furnish to such official a copy of any schedule or statement filed by any taxpayer, with respect to the taxes imposed by chapter 1, which discloses the amount claimed by the taxpayer under section 613 as his gross income from a mineral property located within such State. The information so obtained may be used only for the administration of the severance tax imposed by such State or political subdivision."

SEC. 2. The amendment made by this Act shall apply only to the severance of minerals after December 31, 1968.

S. 911—INTRODUCTION OF BILL RELATING TO SHARING OF REVENUES FROM THE FEDERAL INDIVIDUAL INCOME TAX WITH THE STATES

Mr. HOLLINGS. Mr. President, the first piece of legislation that I presented before this body was the tax sharing measure of 1967. The events of the past year have shown us that the tax sharing principle has become one of the most vital areas for immediate legislative action. I do not overstate the problem when I say that time is fast running out. I speak now not only as a South Carolinian who has dealt with the plight of the States as Governor of my own State but also as a U.S. Senator. As Senator, I have seen the dilemma of two entire school districts in the State of Ohio which had been closed for several months last year because there were no funds available to continue the educational program.

In 1959 as a legislator, I chaired the committee that proposed the existing sales tax program for my State. And as Governor I recommended an additional revenue plan that took South Carolina out of the red and put it in the black.

In 1968, as U.S. Senators each of you must have been moved and perhaps even shocked by one simple but awesome fact; police protection and law enforcement, sanitation, street maintenance, and all the other things that together with housing and schooling spell the difference between a decent and squalid environment, between safe neighborhoods and explosive ghettos—these are specifically the things which will either make or destroy

America. These are the things that must be handled at the local level and if we neglect them we do so at our own peril. And this is one of the reasons why Federal revenue sharing is so crucially important today.

People seem to quite conveniently forget that there are a great many commonplace services provided by State and local governments on their own account with little or no Federal help and these services form an integral part of the healthy environment in which we all seek to live.

The substantive point in all of this being that State problems can and must be solved at the State level. To say that State efforts have not been enough is meaningless in that the reason they have not been sufficient has been the lack of adequate resources, not the lack of talent or desire. This problem we can begin to solve today. No one can rightfully say that the States have not tried. In the past 10 years alone they have increased their budgets by well over $46 billion. And yet today, as I have said, they find themselves with too little in the way of available resources. When we take up this challenge, then we can build up the efficiency, vitality, and independence of these State and local governments. We can begin immediately to relieve some of the pressures on State and local treasuries, and even more important we can make revenues more responsive to economic growth.

My plan is not the first of its kind nor will be the last of the revenue sharing measures. But I welcome them all because we must do something to provide an open grant, broadly based and free of onerous strings. The particular form is not important but the principle is vital.

I can remember from my own personal experience as far back as the mid-1950's, recommending a similar plan to the South Carolina delegates during their annual hearings. And even then the idea was not a completely new one. The reason that the idea has persisted so stubbornly is that the Federal approach simply has not worked. I do not deny that a great deal of good has been done under the present system but we are now racing toward the point of diminishing returns.

The Federal bureaucratic monolith has grown too large. The principle of helping those, who for one reason or another cannot help themselves, has been lost in the maze of building corridors and the nameless, faceless legions that are our Federal structure. And so it is, Mr. President, that we must realize that the States must be given a chance if our federal system is to survive at all. It stands to reason that as the States have developed so have their financial burdens. Today these problems, multiplied by 50 States are far too large for any one central entity to solve—no matter how magnanimous, well disposed, or well financed.

And, Mr. President, there is ample proof that the States are better able to administer the programs of this Congress than is the Federal bureaucracy. In my own State, for example, we have instituted a program of technical training. That program has been praised by State and Federal authorities all over this Nation for its efficiency and effectiveness. With State-managed programs such as these we can begin to arrest the trend toward slowly but constantly growing centralized government by reducing its involvement at every local level. And perhaps most importantly, by working together, the States and the Federal Government can revive the role of American federalism which the Founding Fathers conceived.

And so today I am again introducing for appropriate reference the Federal Tax Sharing Act of 1969. It is my fervent hope that hearings will begin in the immediate future on this proposition of tax sharing so that we may take the first step toward true financial independence for our State and local governments.

I ask unanimous consent that a chart, prepared by the Legislative Reference Service, be printed in the RECORD.

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

The bill (S. 911) to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Finance.

The chart presented by Mr. HOLLINGS is as follows:

ESTIMATED DISTRIBUTION BY STATE OF $1,846,000,000 UNDER THE FEDERAL TAX SHARING ACT

State	State and local revenue from own sources fiscal year 1966	Adjusted gross income calendar year 1965	Revenue effort ratio (col. 2÷3)	Relative State effort ratio (col. 4÷16.3)	Total resident population, July 1, 1967	State population as a percent of total population	Allotment of 80 percent of fund $1,477,000,000	Per capita personal income calendar year 1967	Per capita income deficiency factor ($3,137÷col. 9)	Weighted population of income deficient states (col. 6×10)	State percentage of weighted population total	Allotment of 20 percent of fund ($369,000,000 ×col. 12)	Total allotment, $1,846,000,000 (col. 8+col. 13)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	millions	millions			thousands		thousands			thousands		thousands	thousands
Alabama	$864.3	$5,100.1	16.9	103.7	3,540	1.79	$27,107	$2,166	1.4483	5,127	5.06	$8,671	$45,778
Alaska	127.2	623.8	20.4	125.2	272	.14	2,560	3,629					2,560
Arizona	597.3	2,890.8	20.7	127.0	1,634	.83	15,393	2,681	1.1701	1,912	1.89	6,974	22,367
Arkansas	456.5	2,495.7	18.3	112.3	1,968	.99	16,235	2,090	1.5010	2,954	2.91	10,738	26,973
California	9,010.4	48,212.7	18.7	114.7	19,153	9.68	162,138	3,660					162,138
Colorado	828.7	4,196.2	19.7	120.9	1,975	1.00	17,655	3,086	1.0165	2,008	1.98	7,306	24,961
Connecticut	1,066.3	8,215.2	13.0	79.8	2,925	1.48	17,247	3,865					17,247
Delaware	225.9	1,416.0	16.0	98.2	523	.26	3,728	3,700					3,728
District of Columbia	299.1	1,968.3	15.2	93.3	809	.41	5,586	4,268					5,586
Florida	1,957.7	11,115.3	17.6	108.0	5,995	3.03	47,787	2,796	1.1220	6,726	6.63	24,464	72,251
Georgia	1,208.2	7,546.6	16.0	98.2	4,509	2.28	32,695	2,513	1.2483	5,629	5.55	20,480	53,175
Hawaii	327.5	1,589.4	20.6	126.4	739	.37	6,830	3,326					6,830
Idaho	248.1	1,220.4	20.3	124.5	699	.35	6,363	2,608	1.2028	841	.83	3,063	9,426
Illinois	3,767.6	28,551.4	13.2	81.0	10,893	5.51	65,175	3,725					65,175
Indiana	1,735.3	10,939.1	15.9	97.5	5,000	2.53	36,022	3,241					36,022
Iowa	1,064.6	5,593.2	19.0	116.6	2,753	1.39	23,667	3,093	1.0142	2,792	2.75	10,148	33,815
Kansas	832.8	4,273.3	19.5	119.6	2,275	1.15	20,085	3,009	1.0425	2,372	2.34	8,635	28,720
Kentucky	795.5	4,853.0	16.4	100.6	3,189	1.61	23,652	2,387	1.3142	4,191	4.13	15,240	38,892
Louisiana	1,206.2	5,469.1	22.1	135.6	3,662	1.85	36,633	2,445	1.2830	4,698	4.63	17,085	53,718
Maine	290.9	1,794.9	16.2	99.4	973	.49	7,113	2,620	1.1973	1,165	1.15	4,244	11,357
Maryland	1,264.1	9,473.0	13.3	81.6	3,682	1.86	22,164	3,434					22,164
Massachusetts	2,067.4	13,394.4	15.4	94.5	5,421	2.74	37,812	3,488					37,812
Michigan	3,252.6	20,959.1	15.5	95.1	8,584	4.34	60,272	3,393					60,272
Minnesota	1,495.4	7,448.5	20.1	123.3	3,582	1.81	32,590	3,111	1.0084	3,612	3.56	13,136	45,726
Mississippi	569.8	2,472.4	23.0	141.1	2,348	1.19	24,520	1,895	1.6554	3,887	3.83	14,133	38,653
Missouri	1,347.5	9,615.3	14.0	85.9	4,603	2.33	29,228	2,993	1.0481	4,824	4.76	17,564	46,792
Montana	261.8	1,335.4	19.6	120.2	701	.35	6,144	2,759	1.1370	797	.79	2,915	9,059
Nebraska	467.9	2,860.7	16.4	100.6	1,435	.73	10,724	2,938	1.0677	1,532	1.51	5,572	16,296
Nevada	202.9	1,155.3	17.6	108.0	444	.22	3,469	3,626					3,469
New Hampshire	195.8	1,417.9	13.8	84.7	686	.35	4,330	3,019	1.0391	713	.70	2,583	6,913
New Jersey	2,365.2	18,661.0	12.7	77.9	7,003	3.54	40,271	3,624					40,271
New Mexico	388.5	1,698.7	22.9	140.5	1,003	.51	10,463	2,462	1.2742	1,278	1.26	4,649	15,112
New York	8,814.1	48,886.4	18.0	110.4	18,336	9.27	149,448	3,726					149,448
North Carolina	1,281.9	7,893.6	16.2	99.4	5,029	2.54	36,868	2,396	1.3093	6,584	6.49	23,948	60,817
North Dakota	253.6	1,060.4	23.9	146.6	639	.32	6,851	2,485	1.2624	807	.80	2,952	9,803
Ohio	3,145.7	24,083.3	13.1	80.4	10,458	5.29	62,109	3,212					62,109
Oklahoma	793.1	4,244.9	18.7	114.7	2,495	1.26	21,105	2,623	1.1960	2,984	2.94	10,849	31,954
Oregon	760.5	4,246.2	17.9	109.8	1,999	1.01	16,195	3,055	1.0268	2,053	2.02	7,454	23,649
Pennsylvania	3,603.5	26,677.5	13.5	82.8	11,629	5.87	70,977	3,149					70,977
Rhode Island	294.2	2,066.0	14.2	87.1	900	.45	5,724	3,238					5,724

ESTIMATED DISTRIBUTION BY STATE OF $1,846,000,000 UNDER THE FEDERAL TAX SHARING ACT—Continued

State	State and local revenue from own sources fiscal year 1966	Adjusted gross income calendar year 1965	Revenue effort ratio (col. 2÷3)	Relative State effort ratio (col. 4÷16.3)	Total resident population, July 1, 1967	State population as a percent ot total population	Allotment of 80 percent of fund $1,477,000,000	Per capita personal income, calendar year 1967	Per capita income deficiency factor ($3,137÷col. 9)	Weighted population of income deficient states (col. 6×10)	State percentage of weighted population total	Allotment of 20 percent of fund ($369,000,000 ×col. 12)	Total allotment, $1,846,000,000 (col. 8+col. 13)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	millions	millions			thousands		thousands			thousands		thousands	thousands
South Carolina	$588.8	$3,595.5	16.4	100.6	2,599	1.31	$19,245	$2,167	1.4476	3,762	$3.71	$13,690	$32,935
South Dakota	234.6	1,041.4	22.5	138.0	674	.34	6,852	2,550	1.2302	829	.82	3,026	9,878
Tennessee	947.2	6,222.0	15.2	93.3	3,892	1.97	26,840	2,369	1.3242	5,154	5.08	18,745	45,585
Texas	3,101.7	18,976.9	16.3	100.0	10,869	5.49	80,170	2,704	1.1601	12,609	12.44	45,903	126,073
Utah	354.9	1,893.8	18.7	114.7	1,024	.52	8,709	2,617	1.1987	1,227	1.21	4,465	13,174
Vermont	139.8	720.9	19.4	119.0	417	.21	3,649	2,775	1.1305	471	.46	1,697	5,346
Virginia	1,203.7	8,498.4	14.2	87.1	4,536	2.29	29,127	2,776	1.3100	5,126	5.06	18,671	47,798
Washington	1,305.8	7,039.8	18.5	113.5	3,087	1.56	25,856	3,481					25,856
West Virginia	486.9	2,888.0	16.2	99.4	1,798	.91	13,209	2,341	1.3400	2,409	2.38	8,782	21,991
Wisconsin	1,687.6	9,118.4	18.5	113.5	4,189	2.12	35,138	3,153					35,138
Wyoming	146.7	643.9	22.8	139.9	315	.16	3,269	2,997	1.0467	330	.33	1,218	4,487
Total	69,915.5	428,353.5	16.3	100.0	197,863	100.00	1,477,000	3,137		101,403	100.0	369,000	1,846,000

S. 912—INTRODUCTION OF BILL RELATING TO FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

Mr. ALLOTT. Mr. President, today I introduce, on behalf of myself and my distinguished colleague (Mr. DOMINICK), legislation to establish the Florissant Fossil Beds National Monument in Colorado.

This bill is identical to S. 3524 which Senator DOMINICK and I introduced during the 90th Congress. It is designed to set aside 6,000 acres of the distinctively preserved insect and leaf fossils located within the ancient Florissant Lake beds in Teller County, Colo., for the future enjoyment of all our citizens.

The introduction of this legislation during these first days of the 91st Congress dramatizes the deep commitment and sense of urgency which is felt regarding the creation of this national monument. The Florissant fossil beds are without question the most famous fossil deposits of their kind in the Nation. They have been more thoroughly studied, perhaps, than any other single deposit in the Rocky Mountain region and, for that matter, perhaps in the world. Located just west of Pike's Peak and 35 miles from Colorado Springs, these fossil beds offer a kaleidoscopic display of paleontologic interest. This area has for decades provided a classical classroom of geologic study the world over for geologists, botanists, and entomologists, as well as the everpresent and enthusiastic amateur rockhounds. The 60,000 specimens of over 1,000 different species of life which have been extracted here have been acclaimed as a benchmark of the Oligocene period of geologic history.

Mr. President, I had the pleasure of conducting an on-site investigation of this area on May 10, 1968, in the company of some of the leading members of the scientific and conservation organizations in our State. This on-site investigation reinforced my conviction that the 6,000 acres which this legislation would set aside are absolutely essential to protect the best preserved and most famous fossil-bearing lake shales in the area. This investigation also increased my awareness that there is a sense of urgency about the passage of this bill. Presently there are at least two housing developments which are beginning to threaten the area to be set aside for the creation of this national monument. In this instance, time is of the essence. We must act now to be certain that the Florissant Fossil Beds National Monument which will be authorized by the passage of this bill will preserve intact the best fossils for the scientific and educational interests of the people of this Nation.

I have received assurance from the distinguished chairman of the Parks and Recreation Subcommittee (Mr. BIBLE) that we may anticipate early field hearings in Colorado on this legislation. It is my earnest hope that at that time the views of all those who have a deep interest in the creation of this national monument might appear and testify before the members of the subcommittee. These field hearings will certainly enable the broadest spectrum of local opinions regarding concepts on the maximum use of the 6,000 acres in question. My personal hope is that the ultimate preservation of this area will be accompanied by imaginative planning appropriate to the uniqueness of this area. I can well visualize that this approach would lead to the possibility of creating a living museum out of the Florissant fossil beds dramatizing new ways of displaying these fossils without necessarily incurring prohibitive expense for the construction of buildings and roads. The entire effort should be one of developing an overall concept of interpretative interest which is appropriate to the unique scientific treasure house which is part and parcel of the Florissant fossil beds.

Mr. President, I have been most encouraged with the cooperation which has been displayed by members of the National Park Service in working with me and the members of my staff during the preparation of this legislation. I have also received expressions of support from the locally elected representatives of Teller County concerning the size and scope of the national monument which is proposed by the legislation I am introducing today. I have also received a good deal of constructive assistance and encouragement from Mr. Roger Hansen, the executive director of the Colorado Open Space Foundation, as well as Dr. Beatrice E. Willard, the vice president of the Thorne Ecological Foundation, during the initial planning stages leading to the development of this legislation.

Mr. President, there has also been a good deal of comment from those members of the scientific community who are knowledgeable in paleontologic matters. These scientists have enthusiastically supported the concept that is embodied in the legislation that I am introducing today and have actively encouraged the preservation of the national paleontologic heritage which exists in the form of the Florissant Fossil Beds. This support is exemplified in the following paragraph of a letter which I received from the members of the Department of Entomology of the American Museum of Natural History which reads as follows:

> Florissant is a magic word known to scientists throughout the world for one of America's treasures. It identifies a site with unparalleled fossil wealth from which has come almost all knowledge of fauna and flora for a great period in our past history, the Oligocene epoch. In this small area are preserved in readily available form more species of terrestrial fossils than are known from anywhere else in the world. The Florissant insects are classical fossils that give us deep insight into the evolution of these dominant invertebrates. The area, as a reserve available to a mature scientific community, would continue to bring to light a wealth of new information.

Mr. President, it is my hope that after the local hearings have been completed on this legislation that this Congress will move as quickly as possible to authorize the creation of this national monument. In this regard, it is my intention to do all I can to assist the distinguished Chairman of the Parks and Recreation Subcommittee, Mr. BIBLE, and the other members of our Interior and Insular Affairs Committee to enable the passage of this bill at the earliest practicable time during the present session of the 91st Congress.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD at this point.

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

The bill (S. 912) to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado, introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), 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. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the protection, controlled collection, and scientific interpretation of the unique insect and leaf fossils and related objects of scientific value which have been preserved in the ancient Florissant lakebeds in Teller County, Colorado, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map entitled "proposed Florissant Fossil Beds National Monument", numbered NM–FFB–7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map, not exceeding, however, six thousand acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the area designated, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Colorado which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums, but not more than $3,200,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.

Mr. DOMINICK. Mr. President, I am delighted to join in sponsoring the bill to authorize the Florissant Fossil Beds National Monument. The importance of this area goes far beyond any local or State interests. It is of great scientific and historical significance.

Florissant, Colo., is a small community about 35 miles west of Colorado Springs and flanks Pikes Peak. The beds themselves lie in a broad grassy valley at an elevation of 8,200 feet. After the birth of the Rocky Mountains, 60 million years ago, erosion took place to the extent that, 20 million years later, the mountains in this region were reduced to rolling hill country. Volcanic eruptions covered the region with ash and other material, blocking the drainage and forming a large lake, Florissant Lake.

The shores were covered with trees and vegetation and habited by numerous varieties of birds, insects and, in the lake itself, fish and mollusks.

Great volcanic eruptions, most probably from the Guffey Volcano 15 miles southwest, covered the lake and surrounding countryside with ash and mud. The mud buried the lakeshore trees which gradually petrified. Leaves, insects, fish and other forms of life were carried to the bottom. There was thus preserved between layer upon layer of volcanic ash, in delicate detail, an impressive record of the life of the area.

The beds were discovered by Dr. A. C. Peale of the Hayden Surveys in 1877 and were investigated by Dr. S. H. Scudder, the world's leading authority on fossilized insects of his time. Since that time, the site has been visited and collections taken by the University of Colorado, Denver Museum of Natural History, Princeton University, American Museum of Natural History, and the British Museum to name only a few. Over 60,000 specimens of insect and plant fossils have been collected here. The beds are known by paleontologists, historical geologists and entomologists the world over.

This site, in terms of numbers of fossils collected, ranks second only to the Baltic Amber site. Almost all fossil butterflies have come from this site. There is no other locality in all the world where so many species of one time have been preserved.

I wish to stress, the rare value of these beds lies in the delicacy and detail of preservation of fragile insects, foliage and other forms of life which occur nowhere else in the world. Florissant depicts in an extremely accessible locality, the environmental conditions, geologic history, the life forms—the whole story of a period in the evolution of our planet which occurred over 40 million years ago.

Encroaching civilization and real estate development threaten to destroy this area forever.

Only Congress can now preserve the Florissant Fossil Reds.

The bill proposes to preserve 6,000 acres which contains a sample of each significant area of fossilization in its environmental setting. It covers only the southern arm of the Florissant Lake which is relatively undamaged by erosion and curio seekers. It covers only the purchase of land and necessary development expenses. It will allow continued scientific study yet preserve the history of this area for generations to come.

My colleagues are aware that I have strongly supported the conservation of our country's natural resources. The preservation of the Florissant Fossil Beds is conservation of the highest order. These beds are unique in all the world yet readily accessible by major highways to any visitor to the Rocky Mountain region. Hundreds of thousands of visitors each year pass this area in Colorado.

This project was proposed by the National Park Service in 1962 and again in 1965.

This bill, in a revised form, was passed by the House in the 90th Congress and on coming to the Senate was referred to the Interior Committee. Hearings were not possible because of the rush of adjournment and the election.

Mr. President, I wish to make my position very clear at this point. The major revision of the bill by the House in the last Congress cut back the acreage from 6,000 to 1,000 acres. This move was prompted by economy but, in my opinion, from the studies and reports made of this site, this type of economy would destroy the importance of this monument. If necessary, I would urge that we first and foremost preserve the total proposed site; purchase the 6,000 acres and develop the museum, service buildings, and roads at a later date. We must act now, affirmatively and effectively, or the opportunity may well be lost.

Mr. President, I propose that the committee not only hold hearings in Washington, but also recommend that field hearings be held in Colorado.

We can no longer ignore the preservation of this unique and historical site. It is a priority of the first order in the conservation and scientific community. It should be preserved and protected for all the people of this great country.

S. 914—INTRODUCTION OF THE NORTHEAST RAIL AUTHORITY ACT

Mr. PELL. Mr. President, in the few short months since the 90th Congress adjourned, there have been noteworthy developments in rail passenger service in the northeast corridor—that string of seaboard cities rapidly melding into a true megalopolis.

Perhaps the most noteworthy of these developments was the final and long-awaited inclusion of the bankrupt New Haven Railroad into the merged Penn Central system.

In addition, we have seen substantial progress in the demonstration rail passenger programs planned by the Department of Transportation under the High Speed Ground Transportation Act of 1965. I had the great pleasure in October of attending the ceremony at which the Department of Transportation accepted the United Aircraft turbotrains to be used in the New York-Boston passenger service demonstration, and last month I rode the Penn Central's Metroliner on its inaugural trip from Washington to New York.

All of these developments are heartening, particularly when we consider the rather precarious position of rail passenger service in recent years, particularly on the New Haven lines. The very existence of rail service, both passenger and freight, has been a matter of constant concern and anxiety for years to the four States served by the New Haven lines.

The joining of the mordant remains of the New Haven to the strong and viable Penn Central system guarantees at least that the wheels shall continue to roll over the rails in southern New England. Considering the almost monthly crises—the Perils of Pauline existence—of this rail service in recent years, that measure of security is welcome indeed.

I believe the Interstate Commerce Commission, the governments of the

four States served by the New Haven, and indeed, all of those who have patiently and persistently worked for the inclusion are to be commended and congratulated.

I would particularly like to express admiration for the outstanding contributions of my senior colleague from Rhode Island. As always, Senator PASTORE's ability to determine what is both desirable, just and possible and his vigorous pursuit of these goals has been a source of strength to all of us concerned with the New Haven Railroad problem.

Despite these heartening developments I have mentioned, I think it would be a dangerous delusion to believe that rail passenger service problems have been resolved completely by the Penn Central takeover of the New Haven.

There remains a wide gap between existing rail passenger service in this area and what this service should be to meet reasonable standards. An even wider gap exists between current service and the true high-speed ground transportation service that, I am convinced, will be required to meet passenger transportation needs in the coming decades.

I am confident that the Department of Transportation passenger demonstration programs will show the way to substantial improvements in the near future.

In the longer run, we know that there must be very large investments in public transportation facilities in the Northeast Corridor to meet the rapid growth in travel demands.

Whether this growing demand is met with additional air facilities, highways or new high-speed ground transportation systems, or a blend of all of these, the investments required will be large, and inevitably will involve some form of Government financial participation.

Mechanisms have already been established for Government financial participation to provide facilities for passenger transportation via air and highways. But there is no existing means of Government participation in providing facilities for intercity high-speed ground transportation.

Today, Mr. President, I am introducing a bill designed to establish a framework for such assistance, specifically for passenger rail transportation service in the four States served by the Penn Central Railroad's New Haven lines. The bill is a revised version of legislation I have introduced in each of the last two Congresses. Basically, it gives the consent of the Congress to the States of Massachusetts, Rhode Island, Connecticut, and New York to establish by compact a Northeast Rail Authority, with power to own, lease or otherwise acquire the right to operate a rail passenger service.

The Federal Government participation in the authority would be limited to guaranteeing a portion of the bonds issued by the authority, up to a limit of $1 billion. To protect the Federal Government's interest, the Secretary of Transportation would be represented on the authority, with veto power over issuance of any bonds to be guaranteed by the Federal Government.

For several years, these four States have contributed regularly and substantially to the passenger service deficit incurred by the New Haven Railroad through agreements with the New Haven. The authority would provide a formal and regular basis for participation of State governments in the provision of this vital service.

Mr. President, I have been heartened by increased interest shown in recent years in high speed ground transportation, both generally and by the New England states specifically.

In November, the New England Regional Commission adopted as a priority legislative recommendation a proposal that the Secretary of Transportation be authorized to guarantee obligations of private investors for development of a high speed rail service between Boston and New York. I ask unanimous consent that the text of the Commission recommendation be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PELL. Mr. President, the recommendation is backed up by a comprehensive study conducted for the Commission by Systems Analysis & Research Corp. of Cambridge, Mass. The study concluded that high speed rail passenger service between Boston and New York is the most urgent transportation need for the region. I ask unanimous consent that a report of the study from the New York Times of January 18 be printed in the RECORD.

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

REPORT SUPPORTS FAST RAIL TRAINS—SAYS SERVICE IS PRIMARY NEED OF NEW ENGLAND

(By Farnsworth Fowle)

A massive report on transportation needs of the six New England states has singled out high-speed passenger train service between Boston and New York as the area's most urgent requirement.

This would relieve pressure on air and highway services between the two cities, the report said.

It would also make possible a new international jetport approximately midway on the rail line—somewhere around New London, Conn.—to relieve the long-range strain on airports serving New York, Boston and Hartford.

"Trans-Atlantic SST's would be over water almost immediately upon take-off, probably before reaching supersonic speed and creating sonic boom," the report contended.

Also cited as a "matter of urgent Government concern" was the stimulation of "the essential rail commuting service to Boston and that portion of New York which serves Connecticut."

A LENGTHY REPORT

The 340-page report to the New England Regional Commission, released yesterday, was prepared by Systems Analysis and Research Corporation of Cambridge, Mass. The commission is a Federal-state entity created under the Public Works and Economic Development Act of 1965 for planning and carrying out regional and social development.

A foreword signed by John J. Linnehan, Federal co-chairman of the commission, and Gov. John W. King of New Hampshire, the co-chairman for the governors of six states, cautioned that the recommendations, dated November 1968, "do not represent commission policy." The report is released, they said, "to make available for public discussion much useful information and data."

The consultants' report urged a feasibility study of a highway link that would also carry high-speed rail vehicles between Orient Point at the east end of Long Island and Graves Neck in Rhode Island, by way of Plum and Fisher Islands.

Noting that reports to the New York State Department of Public Works had found that this route would not sustain itself as a highway toll facility, it said that an integrated rail system would have "potential funding advantages."

SPAN OVER SOUND LINKED

Such a Long Island-New England bridge could be, it said, "an entirely new link in the ground transportation network of the northeast corridor and would effect substantial change in travel patterns."

For the Boston-New York high-speed rail services, the consultants called for at least 10 trains daily on a two-and-a-half-hour schedule or faster.

They suggested electric operation with equipment similar to the Metroliners already running in the lower section of the Northeast Corridor, between New York and Washington. But they said incorporation of the new suspension device that lets the new Turbo-Train hit greater speed around the curves of New England might prove advantageous.

If the jet-powered Turbo-Trains, scheduled for testing on the New York-Boston run, are selected for the route rather than electrification, "it will not negate the results" of this recommendation, the consultants added.

Northern New England, according to the report, needs an "East-West Highway" from Maine across New Hampshire and Vermont to the Albany area as part of the Federal interstate highway system. It suggested three possible corridors, northern, central and southern, without expressing any preference.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 914) to encourage the preservation and development of a modern and efficient passenger rail transportation service in the northeastern seaboard area by granting the consent and approval of Congress to the States of Massachusetts, Rhode Island, Connecticut, and New York to negotiate and enter into a compact to create their own Northeast Rail Authority, and by guaranteeing certain loans and other credit to such authority, introduced by Mr. PELL, was received, read twice by its title, and referred to the Committee on Commerce.

EXHIBIT 1

NEW ENGLAND REGIONAL COMMISSION LEGISLATIVE RECOMMENDATION

(1) Guarantees for Financing the Boston-New York High Speed Train: The Commission recommends that the Secretary of Transportation be authorized to guarantee obligations issued by private investors, in order to help finance the development and initiation of high-speed rail service between Boston and New York. Prior to making any commitment to guarantee obligations, the maximum extent of which would be on the order of $400 million, the Secretary would be required to determine if (1) the proposed Boston-New York high speed rail service was economically and technologically feasible, (2) the proposed plan for the service is a practicable one and can be carried out expeditiously, and (3) the States involved in carrying out the public actions required by the plan have approved the plan and certified that it is consistent with existing comprehensive transportation policies.

S. 915—INTRODUCTION OF BILL TO PROVIDE FINANCIAL ASSISTANCE TO CERTAIN SMALL BUSINESS CONCERNS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill sponsored by me, together with Senators GOODELL, BROOKE, RANDOLPH, KENNEDY, PELL, SCOTT, SCHWEIKER, and MATHIAS, which would provide emergency loans, at low interest rates, to small businesses facing severe economic injury from the longshoremen's strike, but which are not actually parties to the dispute.

During the last several weeks my office has received many letters, wires, and phone calls from small businessmen who have been adversely affected by the labor-management dispute in the longshoremen's industry, now in its 46th day. Many of the persons affected have gone to the trouble of telephoning my office to explain in detail that the continuance of the strike meant economic ruin for them. The concerns most drastically affected have been small trucking companies and warehouses dependent on the flow of goods to and from the docks; manufacturers whose business depends on imports of raw materials or exports of finished products; and those in the export-import business. Newspaper accounts of the strike have also reported that numerous businesses were faced with ruin because of the strike, although they were not parties to the underlying labor dispute.

The bill I have introduced today would in no way interfere with the settlement of the dispute by the parties to it. Indeed, I have received assurances from both the labor and management parties to the dispute that they support the bill. As I stated on the floor last week, the parties to this dispute have a heavy obligation to the Nation to come to a settlement promptly. Happily, some progress has been reported in the negotiations, but at last report there remained issues upon which the parties were deadlocked, particularly in the port of Philadelphia.

The bill I am introducing today would specifically exclude actual parties to the dispute from those eligible for assistance. It would extend emergency economic aid only to the innocent victims. These small business concerns faced with economic ruin as a result of a labor dispute not of their own making, are in precisely the same position as small business concerns that suffer severe economic injury because of natural disasters over which they likewise have no control. Thus, it is a logical extension of the principles underlying the existing disaster loan provision of the Small Business Act to authorize loans to be made available, under the same authority, to small business concerns that have suffered severe economic injury because of the longshoremen's strike.

I trust that the Subcommittee on Small Business of the Committee on Banking and Currency, which has jurisdiction over this legislation, will give it prompt consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD, along with my remarks.

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

The bill (S. 915) to authorize the Small Business Administration to provide financial assistance to certain small business concerns suffering substantial economic injury as a result of the current work stoppage at east and gulf coast ports, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Small Business Administration is authorized to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as it may determine to be necessary or appropriate to small business concerns suffering substantial economic injury as a result of the work stoppages which have occurred on and after December 20, 1968 at ports along the East and Gulf Coasts in connection with a labor dispute between certain members of the International Long Shoremen's Association and their employers; except that no assistance under this Act shall be made available to any such concern which is a party to such dispute.

(b) The disaster loan fund, established under section 4 (c) of the Small Business Act, shall be available for providing the assistance authorized by this Act, including administrative expenses in connection therewith, in the same manner and to the same extent as if such assistance was provided under section 7(b) (2) of such Act.

SEC. 2. The authority conferred by this Act shall terminate upon the expiration of one year after the date of its enactment; except that such termination shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to this Act prior to the date of such termination.

S. 916—INTRODUCTION OF BILL TO BE KNOWN AS THE INTERSTATE TAXATION ACT

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, the Interstate Taxation Act, a bill to simplify the present chaotic system of State taxation of interstate commerce.

The first two-thirds of the 20th century have seen an unprecedented trend of growth in our economy. This growth is, in large part, due to the development of a great national market within the United States. Modern communication and transportation systems have bound this Nation into a dynamic economic unit. Fostered by the unimpeded flow of trade among the States, this internal growth has laid the foundation of our present position of unrivaled worldwide economic strength.

Our Constitution gave to Congress the power to regulate interstate commerce. It was recognized by the framers of the Constitution that Congress, with its overview of the national economy, could best protect the national welfare. We have, in essence, created a common market among our 50 States where manufacturers, wholesalers, and retailers from all parts of the country have free access to every State.

Others have learned from us. In Europe the European Economic Community has created a common market in an effort to compete with our great economic strength.

Recent developments, however, have threatened this free market within the United States. The wide proliferation of State taxation programs has increased manifold the difficulties of conducting an interstate business—particularly when the business is small or middle sized.

The growth of our society has placed increasing demand on our States and local governments. Population growth, particularly in our cities and towns, has burdened local jurisdictions with demands for increased public services—in the form of schools roads, sewers, fire, and police protection. State and local governments, in meeting these demands, have had to open new sources of revenues.

Various tax programs have been established to meet these rising costs. These include income taxes, and sales and complementary use taxes. The multitude of various tax and collection procedures in each State is overwhelming.

The sales tax is collected for the State by the seller. However, when a seller sells in 40 States he is faced with an array of conflicting rules, regulations, forms and procedures imposing an almost insuperable barrier to compliance. Indeed, compliance may be impossible. Often the work to comply costs far more than the actual tax itself. For instance, a toolmaker in Connecticut reports spending several hundred dollars to meet a $53 tax bill.

State income taxes require a business to apportion its income among the States where it must file returns. The apportionment is based on many factors such as the amount of payroll, property or sales in the State. Compliance with these many formulas again requires innumerable accounting techniques. The small businesses are particularly burdened by these costs.

These chaotic conditions unfortunately foster noncompliance with State tax laws. There is a wide gap between the law and actual practice. The State suffers, business suffers, our tax morality suffers.

In my own State of Connecticut, this problem is reaching critical proportions. I have received pleas for action from businesses of all sizes. Products manufactured by Connecticut concerns—many numbering less than 25 employees—travel all over the country. But the present system of State taxation is so unwieldly, so cumbersome, that many companies, particularly smaller ones, simply do not have the ability to meet the taxing requirements of all the jurisdictions in which their goods are sold. I might also add that individuals face many of the same problems. It is imperative that these companies and private citizens be given relief and allowed free access to the single national market which we have developed.

Mr. President, the bill I introduce today is essentially the same as the one I introduced in the 90th Congress, S. 968. Last year, a companion bill, H.R. 2158 passed the House of Representatives by an overwhelming margin. Several constructive amendments were added during consideration by the House which I have incorporated into this bill.

In addition, I have added three changes to the House-passed bill which will strengthen the purpose of the legislation and provide for greater equity.

This new bill, like the original, would establish uniform jurisdictional rules for State and local taxes of all types. For income tax purposes, companies would be subject to tax only in those States in which they have a business location, that is, States in which they own or lease property, or have one or more employees, or regularly maintain a stock of goods for sale in the ordinary course of business. It would also continue the jurisdictional protection of Public Law 86–272, which provides that mere sales solicitation is not a sufficient factor to give the State or locality jurisdiction to tax.

It also provides guidelines for State sales and use taxes. No State or local government could require collection of sales or use taxes unless the seller has a business location in that State, or regularly makes household deliveries in the State.

In any event, the seller would be relieved from collecting sales and use taxes on sales to business purchasers who are already registered with the State to collect sales and use taxes themselves.

A gross receipts tax could be levied only on those sellers having a business in the State.

Out-of-State audit charges would be prohibited and there would be an amnesty of unassessed back liability where no business location was maintained in the State.

Further, the bill would provide for a continuing evaluation by the Congress of the progress made by the States in resolving any remaining difficulties.

The first new amendment I have included would eliminate a discrimination in the previous bill regarding the application of these jurisdictional rules by making a distinction between large and small corporations. The old bill would have applied the new income tax jurisdictional provisions only to corporations with $1 million of average annual income or less. This distinction between large and small corporations was made partly in light of the suggestion of tax administrators who, during the hearings of the House Judiciary Subcommittee on State Taxation of Interstate Commerce, said they wanted more time to resolve the problem of the large corporations. However, considerable time having elapsed since then without action having been taken by the States to remedy the problem of double taxation, it now seems appropriate for the Congress to eliminate the distinction between large and small corporations and to treat them with the same jurisdictional rules. It makes increasing sense as time goes on to include the large corporations as well as smaller ones in the jurisdictional sweep of Federal legislation. It is relevant to note that the proposed multi-State tax compact suggested initially by many State tax administrators does not include provisions on income tax jurisdiction for large or small corporations. Although the proposed contract has not been approved by the Congress, it illustrates how unrealistic it is at present to expect the State tax administrators to agree on jurisdictional limitations that will apply to all taxpayers.

The present bill, however, would continue to provide substantial relief for smaller businesses, those whose average annual income is $1 million or less, by providing the option of using a standard two-factor formula based on property and payroll for apportioning their income among the States in which they are subject to tax.

The second amendment contained in the bill relates to what is called the unitary business concept of applying State income taxes. This practice requires a company within the taxing jurisdiction of a State to include in the measure of its tax income from an affiliate which is not itself subject to the jurisdiction of the taxing State. The unitary business concept has been used extensively by the State of California and, in fact, has become commonly known as the California practice. In my opinion, the unitary concept is open to many questions—economic, as well as legal and constitutional.

A major objection to the unitary concept is that the California practice requires the inclusion in unapportioned tax base of "foreign source income" which is earned in countries outside of the United States and which is not even included in the measure of the Federal income tax imposed by the United States. For example, under the California practice, a Connecticut corporation—with an affiliate in California and other affiliates in such countries as Holland, France, Japan, and so forth—is required to include in the measure of the California tax the income of the foreign affiliates as well as the income of the California affiliate and the Connecticut corporation. Besides being highly inequitable, this practice conflicts directly with international tax policies of the Federal Government and, if permitted to continue, can result in a situation in which various States of the United States are formulating their own international tax policies without taking into account the international trade policies of the Federal Government.

Still another objection to the California practice is that it clearly departs from the present practice of an overwhelming majority of the other States of the United States. As was brought out in the cross-examination of the California tax administrator at the hearings held by the Special Subcommittee on State Taxation of Interstate Commerce—pages 132 and 136 of volume 1 of the hearings on H.R. 17798—the State of California clearly intends to continue the practice despite the fact that the State legislature has enacted the Uniform Division of Income and Tax Purposes Act, which was incorporated in the multi-State tax compact. Since the other States which have enacted this act do not apply the unitary rule, there is, in fact, an extraordinarily high degree of nonuniformity between the California practice and the records required by it and the practice of the other States. At the same time, if each of the other States were conceivably to adopt the unitary practice, the result would be complete chaos, since each tax administrator of each State would be called upon to exercise his own individual discretion with respect to the circumstances in which the unitary rule would be applied, as well as the manner of applying the rule to the complex relationship that exists among multicorporate enterprises. Indeed, the only practical way in which the unitary concept could be applied in a manner that is uniform among all of the States would be for the Federal Government to establish a single Federal authority for making administrative determinations regarding the taxation of multicorporate enterprises. The establishment of such an authority is strongly opposed by both the State tax administrators and the overwhelming majority of taxpayers.

One of the most constructive amendments added by the House of Representatives last year was the provision to extend the protection of this legislation to the individual. Some individuals are presently subject to double taxation on the same income. I strongly endorse the purpose of this provision and have included it in the bill I present today.

A third amendment alters title III of the bill which passed the House last year to make clear that the jurisdictional standards set out in section 101 are not undercut by interstate tax collection agreements which require a seller to pay or collect a sales or use tax in any case where section 101 would forbid subjecting the seller to such responsibilities. Additionally, in section 305 language has been added to clarify the purpose of the section as laid out in the House Judiciary Committee report, pages 9–10. Section 305 is intended to prevent a seller from being forced to collect local sales and use taxes in the situations described in the report.

Mr. President, the problems of dealing with the wide and increasing variety of State and local taxes are reaching critical proportions. This bill answers a crying need to bring order out of chaos. Each State and locality will be able to legitimately tax those interstate businesses within their borders but only under reasonable and commonsense rules which will drastically reduce the formidable and nonsensical paperwork and redtape presently needed to comply with the laws.

This bill will increase taxpayer compliance, and reduce the cost of such compliance.

Public expenses have risen rapidly in recent years and so necessarily has the tax burden. But in addition to the financial levy of the various tax programs, there has developed an unnecessary and highly inefficient barrier of administrative detail coupled with the payment of the many taxes. Congress can perform a great public service by acting quickly to eliminate this additional and unnecessary burden on the economy.

This legislation has long had the support of many major national organizations. A representative list of these national groups follows:

National Association of Manufacturers.
National Association of Wholesalers.
International Ladies' Garment Workers Union.
U.S. Chamber of Commerce.
National Council of Salesmen's Organizations.
American Society of Nurserymen.
Magazine Publishers Association.
American Textile Manufacturers Institute.
Direct Mail Advertising Association.
Manufacturing Chemists Association.
National Small Business Association.
Printing Industries Association.
National Food Brokers Association.
Automotive Services Industries Association.
Financial Executives Institute.
Apparel Industry Association.
National Frozen Food Association.
North American Heating and Air Conditioning Wholesalers Association.
National Candy Wholesalers Association.
Laundry and Cleaners Allied Trades Association.
National Equipment Distributors Association.
National Association of Electrical Distributors.
Wholesale Stationers' Association.
National Association of Sporting Goods Wholesalers.
Southern Industrial Distributors' Association.
Association of Institutional Distributors.
National Building Material Distributors Association.
American Movers Conference.
Movers' and Warehousemen's Association of America.
Society of American Florists.
Point-of-Purchase Advertising Institute.
Automotive Wholesaler Trade Association Executives.
Farm Equipment Wholesalers Association.
National American Wholesale Lumber Association.
Air Conditioning and Refrigeration Wholesalers.
Screen Process Printing Association.
Food Services Equipment Industry Association.
American Advertising Federation.
National Electronic Distributors Association.
American Institute of Supply Associations.
Manufacturers Agents National Association.
American Textbook Publishers Institute.
National Kitchen Distributors Association.
Laundry and Cleaners Allied Trades Association.
National Sash and Door Jobbers Association.

In addition, it has the support of scores of State and local groups, including the Manufacturers Association of Connecticut and the Small Business Association of New England.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

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

The bill (S. 916) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 916

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

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TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power—

(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL TWO-FACTOR FORMULA.

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation or a corporation which has an average annual income in excess of $1,000,000, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except—

(1) property which has been permanently retired from use, and

(2) tangible personal property rented out by the corporation to another person for a term of one year or more.

(c) EXCLUSION OF PERSONALITY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

(2) LEASED PROPERTY.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

(e) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semi-annual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

SEC. 203. PAYROLL FACTOR.

(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) EMPLOYEES NOT LOCATED IN ANY STATE.—If an employee is not located in any State, the wages paid to the employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

(d) DEFINITION OF WAGES.—The term "wages" means wages as defined for purposes

of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

SEC. 204. ZERO DENOMINATORS.

If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both the property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

SEC. 205. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

SEC. 206. LOCAL TAXES.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 202(c) and 203(c), as a reference to location in the political subdivision.

TITLE III—SALES AND USE TAXES

SEC. 301. REDUCTION OF MULTIPLE TAXATION.

(a) LOCATION OF SALES.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a State or political subdivision for which the tax is required to be collected.

(b) IMPOSITION OF USE TAX.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall affect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

(c) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

(d) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) MOTOR VEHICLES AND MOTOR FUELS.—

(1) VEHICLES.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

"SEC. 302. EXEMPTION FOR HOUSEHOLD GOODS, INCLUDING MOTOR VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

SEC. 303. TREATMENT OF FREIGHT CHARGES WITH RESPECT TO INTERSTATE SALES

Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

SEC. 304. LIABILITY OF SELLERS ON SALES TO BUSINESS BUYERS

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

SEC. 305. LOCAL SALES TAXES.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE IV—EVALUATION OF STATE PROGRESS

SEC. 401. CONGRESSIONAL COMMITTEES.

The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for four years following the enactment of this Act evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this Act, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

TITLE VI—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Part A—Definitions

SEC. 501. NET INCOME TAX.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to partciular transactions.

SEC. 502. CAPITAL STOCK TAX; CAPITAL ACCOUNT TAX.

(a) CAPITAL STOCK TAX.—A "capital stock tax" is any tax measured in any way by the capital of a corporation considered in its entirety.

(b) CAPITAL ACCOUNT TAX.—A "capital account tax" is any capital stock tax measured by number of shares, par or nominal values of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

SEC. 503. SALES TAX.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 504. USE TAX.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 505. GROSS RECEIPTS TAX.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

SEC. 506. EXCLUDED CORPORATION.

(a) IN GENERAL.—An "excluded corporation" is any corporation—

(1) more than 50 percent of the ordinary gross income of which for the taxable year—

(A) is derived from regularly carrying on any one or more of the following business activities:

(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

(ii) the furnishing of—

(I) telephone service or public telegraph service, or

(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

(iii) the sale of electrical energy, gas, or water;

(iv) the issuing of insurance or annuity contracts or reinsurance; or

(v) banking, the lending of money, or the extending of credit;

(B) is received in the form of one or more of the following:

(i) dividends;

(ii) interest; or

(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543(a)(5)(B) of the Internal Revenue Code of 1954); or

(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

(2) which is a "personal holding company" as defined in section 542 of the Internal Revenue Code of 1954 or a "foreign personal holding company" as defined in section 552 of such Code;

(b) ORDINARY GROSS INCOME.—The term "ordinary gross income" means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(1) all gains and losses from the sale or other disposition of capital assets, and

(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

SEC. 507. AVERAGE ANNUAL INCOME.

(a) A corporation's "average annual Income" with respect to any taxable year (in this subsection referred to as the "computation year") shall be determined as follows:

(1) The period to be used in making the determination (in this subsection referred to as the "averaging period") shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

(2)(A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

(B) If for any portion of its averaging period the corporation's income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

(C) If any taxable year in the corporation's averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

(4)(A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purposes of subparagraph (A), and paragraph (2)(B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

(b) AFFILIATED CORPORATIONS.—For purposes of subsection (a), two or more corporations are "affiliated" if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an "excluded corporation" shall not be taken into account in determining whether two or more other corporations are "affiliated".

SEC. 508. SALE; SALES PRICE.

The terms "sale" and "sales price" shall be deemed to include leases and rental payments under leases.

SEC. 509. INTERSTATE SALE.

An "interstate sale" is a sale with either its origin or its destination in a State, but not both in the same State.

SEC. 510. ORIGIN.

The origin of a sale is—

(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

SEC. 511. DESTINATION.

The destination of a sale is in the State or political subdivision where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

SEC. 512. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State, or

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor; and property which is in the hands of a purchaser under a sale or return arrangement shall not be considered as stock maintained by the seller.

(b) EXCEPTION.—If a corporation's only activities within a State consists of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 101, to own or lease real property within that State for purposes of section 202, or to have an employee located in the State for purposes of section 203.

(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State or regularly maintain a stock of tangible personal property in any State for sale in the ordinary course of its business (or in a case described in the last sentence of section 204), that person shall be considered to have a business location only—

(1) in the State in which the principal place from which its trade or business is conducted is located, or

(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

SEC. 513. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

(b) RENTED-OUT PERSONALTY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee is in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

(d) COMBINATION OR CONSOLIDATION OF INCOME.—A State or political subdivision thereof may not require a corporation with a business location in the State to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within that State. However, if a corporation with a business location in the State has entered into any non-arms length transactions with a corporation which does not have a business location in that State, nothing in the preceding sentence shall prohibit the taxing State from requiring that adjustments be made with respect to such transactions so as clearly to reflect the income which would have been earned by the corporation with a business location in the taxing State had such transactions been conducted at arms length.

(e) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) BASE OF OPERATIONS.—The term "base of operations", with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

(A) in the case of rented-out property, it is not in the possession of a lessee, or

(B) in the case of moving property which is not rented out, it is not in operation.

regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

SEC. 514. LOCATION OF EMPLOYEE.

(a) GENERAL RULE.—An employee shall be considered to be located in a State if—

(1) the employee's service is localized in that State, or

(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

(b) LOCALIZATION OF EMPLOYEE'S SERVICE.—Service of any employee shall be considered to be localized in a State if—

(1) the service is performed entirely within that State, or

(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

(c) EMPLOYEE'S BASE OF OPERATIONS.—The term "base of operations", with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employee regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

(e) EMPLOYEES OF CONTRACTORS AND EXTRACTORS.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

(f) The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

SEC. 515. HOUSEHOLD DELIVERIES.

A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in that State or subdivision.

SEC. 516. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 517. STATE LAW.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

SEC. 518. TAXABLE YEAR.

A corporation's "taxable year" is the calender year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

SEC. 519. VALUATION DATE.

The "valuation date", with respect to a capital stock tax, is the date as of which capital is measured.

Part B—Miscellaneous Provisions

SEC. 521. PERMISSIBLE FRANCHISE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 522. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 523). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 523. APPLICABILITY OF ACT.

Nothing in section 101 or in any other provision of this Act shall be considered—

(1) to repeal Public Law 86–272 with respect to any person;

(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation; or

(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act.

SEC. 524. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies, including a net income or capital stock tax imposed on an excluded corporation.

SEC. 525. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

(2) a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

SEC. 526. EFFECTIVE DATES.

(a) CORPORATE NET INCOME TAXES AND CAPITAL STOCK TAXES.—Title II of this Act, and the provisions of section 101 and this title (except section 525) insofar as they relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this Act, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this Act. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this Act, effective for the first taxable year to which title II applies.

(b) OTHER PROVISIONS.—The remaining provisions of this Act shall take effect on the date of the enactment of this Act.

TITLE VI—TAXATION OF INDIVIDUALS

SEC. 601.

(a) No State or political subdivision thereof shall have the power to impose for any taxable year ending after the date of the enactment of this Act an income tax on the income or to establish the rate of taxation on the income of any individual—

(1) which was earned or derived during any period while the individual was not domiciled in the State except to the extent the income was earned from sources within the State, or

(2) which was earned or derived from sources without the State during any period while the individual was domiciled in the State except to the extent the tax exceeds any income tax paid on such income to the State (or political subdivision) in which the income was earned or derived.

(b) For purposes of this Act—

(1) the term "State" shall include the District of Columbia, and

(2) "earned" means to acquire by labor, service, or performance and does not include the mere receipt of interest or dividend payments which are merely a return upon an investment and are not paid as a result of labor, service, or performance rendered.

S. 918, S. 919, AND S. 920—INTRODUCTION OF DEPARTMENTAL PROPOSALS OF INDIAN LEGISLATION

Mr. McGOVERN. Mr. President, at the request of the Department of the Interior, I am introducing, for appropriate reference, three separate bills designed to facilitate increased economic development of Indian reservations. If the Indian tribes and the Indian people are to benefit from the many general and specific programs now offered by the Federal Government, they must have the funds and means available to take advantage of these programs. Many of the legal mechanics which have correctly been established by the Congress to protect the Indian people and tribes from their own improvidence and from the avarice of

outside interests have, unwittingly, become roadblocks in the path of determined tribal enterprise for economic development. Past mistakes in Indian policy, such as the concept of allotment of Indian land, have come back to haunt efforts of the tribes to raise the standard of living for their people. The pivotal question is how can we continue to protect the interest of the Indian people and yet permit them to use what wealth and resources they have in a competitive world.

Two of the three bills I am introducing were formerly a part of omnibus Indian legislation, the proposed Indian Resource Development Act, which was introduced in the 90th Congress. That bill failed of enactment primarily because of considerable Indian opposition to certain parts of it that they felt impaired statutory safeguards.

The first bill would expand sources of credit available to Indian tribes and individuals by, first, increasing the level of authorization of funds for the Indian revolving loan fund; second, by providing for Federal insurance and guaranty of loans made to Indian tribes and individuals by private lenders; and third, by authorizing the issuance of tribal bonds, the interest on which is tax exempt, for purposes related to the governmental affairs or operations of the tribes.

The second would authorize the Secretary of the Interior to issue corporate charters to Indian tribes, other Indian organizations, and groups of Indian individuals acting with the approval of the governing body of the tribe for the purpose of promoting the economic development of the reservation. The activities of such corporations would be limited to the reservation and to areas nearby.

The third bill is designed to meet the challenge inherent in the fractionated ownership of Indian lands. Because of the nature of the trust allotments of Indian individuals, the inheritance of undivided interests in such land has resulted in fractionation of ownership to the point that such interests are of little economic value. This bill attempts to provide for the consolidation of these interests into economically viable units while, at the same time, safe-guarding the land base of the Indian tribes.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills, introduced by Mr. McGOVERN, by request, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 918. A bill to be cited as the "Indian Financing Act of 1969";

S. 919. A bill to provide for the establishment of Indian corporate entities for the economic development of Indian Tribes and other organizations of Indians, and for other purposes; and

S. 920. A bill to provide for the resolution of the Indian fractionated ownership problem, and for other purposes.

SENATE JOINT RESOLUTION 41—INTRODUCTION OF JOINT RESOLUTION TO DESIGNATE NEGRO HISTORY WEEK

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the President to proclaim that each year the 7-day period, from Sunday to Saturday during which February 12 and February 14 fall, be designated Negro History Week.

Negro History Week has been observed in many communities throughout our Nation since 1926. A committee of the National Education Association together with the Association for the Study of Negro Life and History sponsor Negro History Week in February during the period embracing Lincoln's Birthday and Frederick Douglass' Birthday, February 12 and 14 respectively. This year, Negro History Week begins on Sunday, February 9 and will be the 43d observance.

Racial prejudice is the product of ignorance. Now the task before America is of reeducation. The difficulty lies in the unlearning of traditional myths in order to learn truth. On January 15, which is Dr. Martin Luther King, Jr.'s birth date, I introduced a bill to establish a Commission on Afro-American History and Culture (S. 14). Negro History Week and the work of the Commission on Afro-American History and Culture can lead to better interracial understanding in America.

I ask unanimous consent that the text of the joint resolution to proclaim Negro History Week, and some background information from The National Education Association's PR&R Committee on Civil and Human Rights of Educators be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and background information will be printed in the RECORD.

The joint resolution (S.J. Res. 41) requesting the President to issue an annual proclamation calling upon the people of the United States to observe the 7-day period which includes February 12 and February 14 as Negro History Week, 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.J. RES. 41

Whereas Negroes have made outstanding but little known contributions to the History of the United States;

Whereas an appreciation of this heritage and contribution is essential to the development of a sense of worth and pride in any group;

Whereas an understanding of the contribution of all peoples is essential to the development of better intergroup relations on the part of Americans;

Whereas Negro History Week has been observed throughout the United States since 1926 during the period which includes the birthdays of Abraham Lincoln and Frederick Douglass, February 12 and February 14 respectively: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period from Sunday to Saturday during which February 12 and February 14 fall, be designated "Negro History Week".

The President is authorized and requested to issue an annual proclamation calling upon the people of the United States to observe such week with appropriate activities.

The material presented by Mr. SCOTT is as follows:

WHY NEGRO HISTORY WEEK?

Periodically we pause and specifically turn our attention to activities which will enrich our appreciation of various segments of our daily life which are taken for granted or little understood. We recognize achievement, we renew our dedication to certain guiding principles, we pay homage to our leaders, we reassess our values, we acquire new insights, understanding, and appreciations.

Some evidences of this are shown in the observance of American Education Week and National Brotherhood Week. The implication is not that we concentrate on education, brotherhood and the library only during this time; rather we develop broader concepts of the importance of these things in insuring democratic freedom.

We must be committed to a belief in the true brotherhood of man if we are to live up to our democratic ideals. The most effective way to develop this commitment in our multi-ethnic country is through an understanding and appreciation of individual worth and racial contributions. These understandings and appreciations tend to increase as we discover our similarities, our differences, and our interdependence.

Negro History Week is observed each year during the week in February which includes the birthdays of Abraham Lincoln and Frederick Douglass.

The guiding philosophy of every local association is to attract and hold members. It should also, in the interest of self preservation, seek to give each member a sense of "belonging." This recognition of personal dignity should permeate its educational activities and encompass every member.

Significant progress can be made in building good human relations and the establishment of inter-group understanding through activities centered around contributions of Negro Americans. The substitution of facts for myths can set the stage for wholesome growth and development in racial understanding and appreciation.

The local association is in a strategic position to enhance the development of this appreciation of the diversity of our citizenry through creative approaches to the observance of Negro History Week.

Through the years the American Teachers Association and the Association for the Study of Negro Life and History have cooperated in the sponsorship of Negro History Week.

Since the historic merger of the American Teachers Association and the National Education Association in Miami during July 1966, the NEA–PR&R Committee on Civil and Human Rights of Educators has assumed the ATA's role in helping ASNLH promote the observance.

Educationally, Negro history is or should be taught in its proper historical sequence yearly, but the week which includes the birthdays of Frederick Douglass and Abraham Lincoln is an ideal time for schools, churches and communities to develop creative approaches to the problem of building racial unity through understanding.

The Association for the Study of Negro Life and History selects this week each year to commemorate the democratic ideals of Frederick Douglass and Abraham Lincoln, and in recognition of the contributions of Negroes. This week should be a selective celebration dedicated to publicizing these contributions at the national, state, and local levels.

ADDITIONAL COSPONSORS OF BILLS

Mr. ANDERSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the senior Senator from Arizona (Mr. FANNIN) be added as a cosponsor of the bill (S. 201) to make Indian reservations eligible for assistance under Section 117 of the Housing Act of 1949.

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

Mr. MONTOYA. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), and the Senator from New York (Mr. JAVITS) be added as cosponsors of my bill (S. 413) to authorize the Secretary of Agriculture to cooperate with and furnish financial assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas.

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

Mr. MONTOYA. I ask unanimous consent that, at its next printing, the names of the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of the bill (S. 740) to establish an Interagency Committee on Mexican-American Affairs.

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

Mr. MONTOYA. I ask unanimous consent that, at its next printing, the names of the Senator from Rhode Island (Mr. PASTORE), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Montana (Mr. METCALF) be added as cosponsors of the bill, (S. 421) to provide increased annuities under the Civil Service Retirement Act; and the bill (S. 422) to provide that the first $5,000 received as civil service retirement annuity be excluded from gross income for tax purposes; and the bill (S. 423) to provide minimum annuities for civil service retirees.

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

Mr. BYRD of West Virginia. Mr. President, at the request of Senator DODD, I ask unanimous consent that, at its next printing, the names of the senior Senator from Nevada (Mr. BIBLE) and the senior Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Concurrent Resolution 8, calling for a cease-fire in Biafra.

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

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at its next printing, the name of the Senator from Rhode Island (Mr. PASTORE) be added as a cosponsor of the bill (S. 1), the Uniform Relocation Assistance and Land Acquisition Act of 1969, and the bill (S. 11) known as the Intergovernmental Personnel Act of 1969.

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

Mr. WILLIAMS of New Jersey. I also ask unanimous consent that, at its next printing, the name of the junior Senator from Iowa (Mr. HUGHES) be added as a cosponsor of the bill (S. 11) the Intergovernmental Personnel Act of 1969.

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

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that the name of the Senator from Oklahoma (Mr. HARRIS) and the Senator from Nebraska (Mr. HRUSKA) be added as cosponsors of the bill (S. 1) the Uniform Relocation Assistance and Land Acquisition Act.

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

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE) I ask unanimous consent that, at its next printing, the name of the senior Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 7) the Water Quality Improvement Act of 1969.

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

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from North Dakota (Mr. BURDICK) I ask unanimous consent that, at its next printing, the names of the Senators from Montana (Mr. MANSFIELD and Mr. METCALF) be added as cosponsors of the bill (S. 773) to exempt certain private aircraft entering or departing the United States on flights between the United States and Canada at night, Sundays, or holidays from paying overtime services of customs officers and employees.

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

REMOVAL OF COSPONSORS OF BILL

Mr. McGEE. Mr. President, last week I introduced a bill (S. 726) to establish the Fossil Butte National Monument, and I inadvertently placed the name of my colleague from Wyoming (Mr. HANSEN) on the bill as a cosponsor.

I ask unanimous consent that Mr. HANSEN's name be removed from sponsorship of S. 726.

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

SENATE RESOLUTION 85—RESOLUTION CONCERNING NATIONAL COMMITMENTS

Mr. FULBRIGHT. Mr. President, I resubmit today a sense-of-the-Senate resolution which came to be known in the last Congress as the "national commitments" resolution.

This resolution was the subject of extensive public hearings before the Foreign Relations Committee in the summer of 1967 and was then approved by unanimous vote of the committee. I submit it today not in the rather complex form in which it was adopted by the committee but in the simple and concise language preferred by constitutional historians who commented on the resolution both in the hearings and by other informal means. In its simpled and, in my opinion, better form, the resolution would express the sense of the Senate:

> That a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

This resolution is concerned particularly but not exclusively with the commitment of American Armed Forces to hostilities abroad. In this respect, it deals with the war power, which, of all foreign policy powers, is the one vested most explicitly in Congress by the Constitution. It is also concerned, however, with the variety of arrangements—be they treaties, laws, executive agreements, or simple executive declarations—by which in current practice the United States commits itself to the defense, military support or other forms of assistance to foreign nations.

Lacking the force of law, this resolution would express a judgment on the part of the Senate that, with full allowance for the right—indeed the duty—of the President to repel an attack on the United States, all significant foreign commitments, military or nonmilitary, immediate, prospective or conditional, ought to be made in accordance with constitutional procedures, these requiring explicit authorization on the part of Congress.

It would not affect our current military involvement in Vietnam. Nor would it prevent or in any way hinder the President from responding immediately and appropriately to an attack on the United States, it being universally understood that the President has not only the right but the duty to take appropriate action to repel an attack on the United States.

What the resolution would do, if honored, would be to inhibit the President from making politically significant foreign commitments solely on his Executive authority, and initiating hostilities, limited or unlimited, with any foreign country or organized force without the prior and explicit authorization of Congress.

In no sense would this resolution alter the language or intent of the Constitution. It purports indeed to bring practices which have strayed far from that intent back into compliance with it. It was the clear intent of the framers, expressed in the language of article I, section 8, of the Constitution, that the authority to initiate war would be exercised by Congress, which was empowered not only to "declare war," but also to "raise and support armies," "provide and maintain a navy," and "make rules for the Government and regulation of the land and naval forces." It was also the clear intent of the framers, sanctioned by usage until recent years, that all significant foreign engagements be contracted by treaty or legislation and that only routine, essentially nonpolitical engagements be left to the sole discretion of the Executive.

In recent years, more by force of circumstance than by deliberate design, these powers have passed largely into the hands of the Executive. All that is required to restore a proper balance is for Congress to reassert its own constitutional authority.

Napoleon is credited with the maxim that "the tools belong to the man that can use them." No Executive can be expected to restore as a free gift powers which Congress has lost by its own default. Nor is that necessary. It is entirely within our competence to recover congressional authority in foreign relations, first and foremost by asserting our intent

to exercise it. That is the purpose—indeed the sole purpose—of the present resolution.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 85) was referred to the Committee on Foreign Relations, as follows:

S. RES. 85

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

SENATE RESOLUTION 86—RESOLUTION TO PRINT A REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ON "NATURE AND CONTROL OF AIRCRAFT ENGINE EXHAUST EMISSIONS" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 86); which was referred to the Committee on Rules and Administration:

S. RES. 86

Resolved, That there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Nature and Control of Aircraft Engine Exhaust Emissions", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 87—RESOLUTION TO PRINT A REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ON "PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 87); which was referred to the Committee on Rules and Administration:

S. RES. 87

Resolved, That there be printed with illustrations as a Senate document the second report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 88—RESOLUTION TO PRINT A REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON "AIR POLLUTION ABATEMENT BY FEDERAL FACILITIES" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 88); which was referred to the Committee on Rules and Administration:

S. RES. 88

Resolved, That there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Air Pollution Abatement by Federal Facilities," submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 89—RESOLUTION TO PRINT ADDITIONAL COPIES OF "THE NEW LEFT"

Mr. DODD submitted the following resolution (S. Res. 89); which was referred to the Committee on Rules and Administration:

S. RES. 89

Resolved, That there be printed as a Senate document a study entitled "The New Left," prepared at the request of Senator Thomas J. Dodd for the Senate Subcommittee on Internal Security; and that there be printed three thousand eight hundred additional copies of such document for the use of the Committee on the Judiciary.

SENATE RESOLUTION 90—RESOLUTION TO PROVIDE FOR THE ANNUAL APPOINTMENT OF THE SENATE CHAPLAIN

Mr. WILLIAMS of New Jersey. Mr. President, today I am submitting a resolution to amend the Standing Rules of the Senate to provide for the annual appointment of the Senate Chaplain and I ask unanimous consent that the full text of the resolution be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, the idea of Congress electing chaplains to open the daily sessions with prayer no doubt raised a few brows when it was first proposed. The reasons most generally urged for this wave of opposition were the danger of a union of church and state and the diversity of religious views prevalent in the country at that time. In his later years, and subsequent to the adoption of the Bill of Rights, James Madison opposed the system of Chaplains saying that it violated the "no establishment" principle forbidden by the first amendment. Madison also expressed the view that the system of electing chaplains by majority vote was a palpable violation of civil rights and unfair to minorities since some groups like Catholics and Quakers could hardly be elected to the office.

Be that as it may, the Congress established the office of Chaplain in each House on April 15, 1789, when it enacted a law providing each Chaplain with a $500 annual salary. Nevertheless, I believe the First Congress was cognizant of the diverse religious views prevalent in the country and made an attempt to insure fair representation in the office. This is evident from the fact that the committee report required that the two Chaplains be of different denominations and alternate weekly between the two Houses.

The promise that all denominations would have a representative serve as chaplain has not been kept and Madison was aware of this at an early date in our history. In fact only eight denominations have been represented in the office in the Senate. The total number to date by denomination is:

Methodist	16
Episcopalian	15
Presbyterian	12
Baptist	6
Unitarian	2
Lutheran	1
Roman Catholic	1
Congregationalist	1

The religious complexion of the Nation, and the Congress in particular, has undergone considerable change over the years, however. The strongest represented religious group in both Houses of today's Congress, for example, is Roman Catholic with a plurality of 111. The largest Protestant grouping in Congress is the Methodist with a total of 90. In the Senate no less than 16 various religious denominations are represented. The different denominations are as follows:

1. Methodist	23
2. Episcopal	15
3. Roman Catholic	13
4. Presbyterian	13
5. Baptist	10
6. United Church of Christ	6
7. Latter-Day Saints	4
8. Unitarian-Universalist	4
9. Lutheran	3
10. Jewish	2
11. Protestant	2
12. Church of Christ	1
13. Christian Science	1
14. Christian Church Disciples	1
15. Reformed Church in America	1
16. Schwenkfelder	1

Mr. President, I believe the time is ripe for us to reflect the religious changes that have occurred over the years and particularly those that have taken place in our own Senate body. The resolution I am submitting today is directed to that end. I would continue the services of the Senate Chaplain. However, a new Chaplain would be appointed by the President of the Senate at the beginning of each annual session of the Congress. In making the appointments, the President of the Senate would determine the three major faiths and denominations—that is, Catholic, Jewish, Protestant—represented in the Senate by its elected Members and rotate the chaplaincy accordingly on an annual basis.

Floating the office of Chaplain among the various religious denominations in my opinion, would further the cause of the "no preference" doctrine that has always prevailed in the United States with respect to religion. By passing this resolution, we in the Senate would also foster an attitude that shows no partiality to any one group and one that would let each flourish in the best of our traditions. I enlist the support of all Senators to ensure early passage of this resolution so that its provisions might go into effect at the beginning of the next session.

The resolution (S. Res. 90) was referred to the Committee on Rules and Administration, as follows:

S. RES. 90

Resolved, that the Standing Rules of the Senate be amended by adding at the end thereof a new rule to read as follows:

"The term of office of the Chaplain of the

Senate shall be for one year and shall rotate among the three major faiths represented in the Senate by its elected members. Effective at the beginning of the next session of Congress, and at the beginning of each session thereafter, the Chaplain of the Senate shall be appointed by the President of the Senate in accordance with the terms of this rule."

SENATE RESOLUTION 91—RESOLUTION RELATING TO THE "LOST BATTALION" OF WORLD WAR I

Mr. JAVITS. Mr. President, I rise to submit a resolution that would result in the creation of a battle monument, honoring the "Lost Battalion" of World War I.

The September to November 1918 Meuse-Argonne campaign constituted the greatest battle in American history up to that time. More than 1,200,000 Americans took part in this 47-day campaign along a front that extended from southeast of Verdun at the Argonne Forest. Out of this battle action emerged the legend of the "Lost Battalion." For 5 days, a valiant detachment of American soldiers, under constant enemy fire and lacking food, water, and medical supplies, held fast even though completely surrounded by German forces.

On October 2, 1918, Maj. Gen. Robert Alexander, commander of the 77th Division, ordered the understrength 1st and 2d Battalions of the 308th Infantry Regiment to the attack. Maj. Charles Whittlesey, commanding the 1st Battalion, led the assault. The offensive, of which this attack was a part, failed everywhere, but Major Whittlesey and his men reached a ravine just south of their objective.

Thus began the legend of the "Lost Battalion." Cut off from the other U.S. forces—sewed up in a pocket approximately 300 yards long and 60 yards wide—Major Whittlesey's men dug into the thickets of the Argonne Forest to secure their positions.

Attempts made to reach the "Lost Battalion" were repulsed by the Germans. By October 5, Major Whittlesey and his men were suffering severely, having been isolated for 3 nights and lacking sufficient food, water, and medical supplies, and they were surrounded by a fresh German division, the mortars, machineguns, flamethrowers, and rifles of which lashed at them relentlessly.

On October 7, Major Whittlesey received a surrender message from his German counterpart. He sent no reply. The Germans launched a fierce attack with flamethrowers, and were repulsed. Paralleling this action, a major American attack was launched, and the "Lost Battalion" was reached.

The "Lost Battalion," in reality, consisted of the 1st Battalion of the 308th Regiment and elements of the 307th and the 306th Machinegun Company. It would have been lost to the enemy, save for the heroism and tenacity of the American fighting men involved. Published figures vary, but of the 550 men sealed off in the pocket, one source lists 252 survivors, 107 dead, 190 wounded, and 63 missing. Major Whittlesey, Captain McMurty, and Captain Holderman each received the Congressional Medal of Honor and the survivors of the "Lost Battalion" volunteered to remain on the front line.

The deeds of the men of the "Lost Battalion" constitute a legend and a symbol, equaling such other moments in American history as the Alamo, when Americans have done that which has been necessary regardless of the cost to themselves. It is only fitting, therefore, that the Nation should honor the men of the "Lost Battalion" in like manner.

I request that this resolution be referred to the Senate Committee on Interior and Insular Affairs for their consideration.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the resolution will be referred to the Committee on Interior and Insular Affairs; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 91) was referred to the Committee on Interior and Insular Affairs, as follows:

S. RES. 91

Whereas the Lost Battalion, portions of two battalions of the Seventy-seventh Division, United States Army, fought heroically during the Battle of the Argonne Forest, in October 1918, for approximately five to six days while being without food, water, and medical supplies, and being completely surrounded by a German division; and

Whereas the Lost Battalion refused to surrender, and suffered great losses, including one hundred and seven killed, one hundred and ninety wounded, and sixty-three missing; and

Whereas it is appropriate to honor the members of the Lost Battalion following the fiftieth anniversary of their acts of bravery: Now, therefore, be it

Resolved, That the American Battle Monuments Commission, with the consent and cooperation of the Secretary of the Army, is urged to erect an appropriate memorial at Arlington National Cemetery, Virginia, to honor the Lost Battalion for its heroism and bravery in October 1918, during the Battle of the Argonne Forest.

SENATE RESOLUTION 92—RESOLUTION RELATIVE TO OCEAN SPACE TREATY

Mr. PELL submitted a resolution (S. Res. 92) relative to Ocean Space Treaty, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. PELL, which appears under a separate heading.)

MONTANA LEGISLATURE PASSES 19-YEAR-OLD VOTE BILL

Mr. MANSFIELD. Mr. President, I am happy to report to the Senate that Montana is the first State this year to pass a measure in its legislature lowering the voting age from 21 to 19. The Montana House of Representatives approved the measure by a vote of 84 to 17. The Montana State Senate approved the bill by a vote of 46 to 7 on Monday a week ago. On Friday last, Gov. Forrest Anderson signed the measure in Helena.

I should like to extend congratulations to the Montana Legislature and to the Governor of our State for the steps they have taken which will bring this long-sought goal closer to reality. Although only three constitutional amendments will be allowed on the general election ballots in 1970, it is my hope that this amendment will be on the ballot at that time so that the younger citizens of our State will be able to participate in the presidential election of 1972.

I am indeed happy, Mr. President, that at long last my own State has seen fit to accept the realities of our times, and has expressed its approval in such a convincing manner. It is my hope that this is an augury of its final success when it comes before the electorate of Montana.

This is a proposal which I hope will receive the most serious consideration of other States at the earliest opportunity so that these younger citizens will have the right to participate in the making of decisions as well as the responsibility, which is theirs, to carry out these decisions.

Mr. President, I ask unanimous consent that an article published in the Montana Standard of January 28, 1969, be printed at this point in the RECORD.

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

LEGISLATURE PASSES AMENDMENT—19-YEAR-OLD VOTE ISSUE SEEMS HEADED TO POLLS

(By Hugh Van Swearingen)

HELENA.—Montana voters who believe the voting age should be lowered apparently will get the chance to make their feelings known at the polls.

The Montana Senate approved by a 46–7 vote Monday a bill for a constitutional amendment to lower the voting age to 19. The measure previously received an 84–17 approval in the House.

If Gov. Forrest H. Anderson, who called for such legislation in his state-of-the-state mesage, signs the bill as expected, the proposal will be submitted to the voters.

A similar bill was approved in the Senate during the 1967 session but met death in the House.

Since only three constitutional amendments are allowed on general election ballots, it is not certain that the measure will appear on the 1970 general election ballot.

About a dozen amendment proposals are being studied by the legislature.

Among seven bills receiving final senate approval was a measure requiring that the highest treatment facilities technically available be used on new sources of sewage and industrial waste introduced in certain waters.

Another increases hospitalization and other medical benefits to $5,000 from $2,500 for workers covered by the Workmen's.

POLLUTION IN MONTANA

Mr. MANSFIELD. Mr. President, every city and town seeks national publicity. It is most desirable in developing new businesses, tourism, and general good will. Occasionally, however, national publicity can be an embarrassment, but an embarrassment with a purpose.

Yesterday I picked up the latest issue of Life magazine and read their feature on pollution, a problem which has plagued this country for many years, the problem we have ignored and quietly hoped would disappear. Unfortunately, polluted air and water are becoming far more serious and yet very little is being done to stop it. Life magazine features color photographs of some of the Nation's finest cities, each covered with a thick smog and contaminated horizon. Among those photographed is Missoula, Mont. Missoula on a bright, clear day, which is not often, is one of the most

beautiful little cities in the United States. It is nestled in a valley with rugged mountains in every direction. It has a moderate climate, it is the home of the University of Montana, and is a sportsmen's paradise. Missoula is also where its people are trapped in a valley of smog. The air pollution created by pulp and sawmills blacks out the sun for approximately a third of the year. This is not the kind of publicity that we like in the Big Sky country, but unfortunately it hits home and reminds us of one of the most serious problems we have in this country today. We have moved forward, but there is still much to do in developing a National and State program with adequate air and water pollution control.

The program we have today is due in a large part to the untiring efforts of our able colleague, the Senator from Maine, Mr. MUSKIE. This is only one of the many domestic problems we face here at home, but it is something which demands immediate attention. We can no longer overlook and ignore a situation which could become deadly.

Mr. President, I ask unanimous consent to have printed in the RECORD the Life magazine article, written by Richard Hall, and the captions from the photographs by Martin Schneider, which I believe will also be of interest to the Senate.

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

POLLUTION: IS THIS THE AIR YOU WANT TO BREATHE?

(By Richard Hall, photographs by Martin Schneider)

This picture (photo caption: Smogbound at rush hour: a 5 p.m. view from the top of the Washington Monument) should stir the feelings of any patriotic American. Washington at dusk: a truly lovely sight. Street lamps like beads of light, the marble of great buildings glowing, all space and nobility. Whether the viewer feels pride, however, or nausea depends on his understanding of that bitter haze through which the moon is trying to shine. The city may seem an enchanted place, but the pall which envelops it is a disgusting mixture of exhaust fumes, smoke and dirt. Polluted air has been with man since the first fire, but in recent years its noxious substances have come to blanket most of us. A peculiar product of our civilization and of our carelessness, it is simply human litter and it is heaved into the atmosphere by all of us—from automobile tail pipes, from incinerator stacks, from power stations and home chimneys. Last year over 143 million tons of it went up and fell right back down on Beautiful America, and there will be more next year. The debris of pollution costs us an estimated $11 billion a year in property damage and it contributes to the illnesses and deaths of many. Yet practically nothing is being done to stop it. Technology exists to control pollution, and there is legislation designed to make us employ that technology. What is obviously lacking is will, the national will to admit that we are *all* to blame, to spend the money and enforce the laws, and possibly, just possibly, save ourselves from choking to death.

Washington, D.C. (Photo caption): To the casual eye, Pennsylvania Avenue looks gleaming clean enough on this cold December morning—you can see the traffic all the way to the Capitol building. But the camera, whose color film here was exposed for half an hour, records a dreadfully different view. The clear scene practically vanishes in a sea of yellowish-brown smog. The cars are lost because their motion leaves only smeared ghost images on the film. But their fumes are most certainly present, on film and in the atmosphere, gassily helping Washington maintain its reputation for some of the dirtiest air in the nation.

Missoula, Mont. (Photo caption): A sunlit grain field almost makes the Hoerner Waldorf pulp mill look beautiful. Some Missoula residents call the mill "Little Hiroshima"; it is the biggest single contributor to their polluted air.

But Missoula is a lumber town, the largest in the state. Fifty-six percent of the people depend, directly or indirectly, on the lumber business. As big as Missoula's big sky is, the smoke from the pulp mill—and the waste burners of the six sawmills inside the city limits—often blacks it out. For at least a third of the year the town—cradled at the foot of the Bitterroot Mountains—is covered by a lid of warm air that traps fumes and people in a valley of smog. As they drive to work through it—sometimes with their car lights turned on in broad daylight—Missoulians complain a lot.

East Chicago, Ind. (Photo caption): No housewife would be well advised to leave the washing on the line for a month and a half, especially in East Chicago, Ind. East Chicago is a typical U.S. steel town, no worse than many others. The bedraggled laundry at right—brand-new to start with—was hung on the roof of the Baltimore Hotel (*at left above*) for 48 days, just to see what would happen to it. It faded, became coated with grit, lost its elasticity, deteriorated and tore in the wind. Surely much of the destruction was caused by the fumes which spew out of the great stacks of works like that of the Inland Steel Company (*above right*) and sift slowly down in the form of dull-red dust over the houses, the trees, the parks where children play. Everything in East Chicago is slightly red. The mills in Chicago, Ill., a few miles away, are under orders to clean up *their* pollution by 1970; very little is being done in East Chicago.

Los Angeles (Photo caption): Viewed from a Hollywood hillside, a layer of the world's most celebrated smog loiters at 1 a.m. During the preceding day it had made its regular trip northeast into the San Gabriel Valley, blown by prevailing winds, and then crept back over the city at nightfall. Thanks to stringent control efforts, the average Los Angeles smog siege—considered as the time smog exceeds the eye-irritation level—has been reduced from eight hours to four. This may be comforting.

Polk County, Fla. (Photo caption): Across a man-made lake, a fertilizer-producing phosphate plant lights up the night sky burning off wastes, including fluoride compounds. When the fluorides hit the ground they contaminate it, stunting and killing citrus trees and softening the bones of grazing cattle. In the last 20 years, pollution from phosphate plants in Polk and Hillsborough counties has cost citrus growers and cattlemen about $14 million in damages. People living there are reluctant to grow vegetables because of this rain of chemicals. Many of them go around all day with sore throats.

New York City (photo caption): Central Park goes dim under a clammy cloak of polluted air as, at left, skaters at Wollman Memorial Rink try bravely for a pleasant afternoon on the ice. Such noxious accumulations are often locked in place over the city during autumn warm spells; on Thanksgiving weekend in 1966 one stayed four days; the death rate went up almost 10% on account of pollution.

ALL AROUND US AND SO EASILY OVERLOOKED

(Photo caption: Surgical masks and a sign plead for clean air in Sewaren, N.J.)

Compared to constant annoyances like taxes and commuter traffic, or apocalyptic horrors like the threat of nuclear war, air pollution is relatively easy to take for granted—and consequently overlooked. This may explain why we are not doing more to put an end to it. If the photographs on the preceding pages fail to point up the seriousness of the problem, consider the following:

Carbon monoxide is a colorless, odorless gas—and a deadly poison. Air containing 80 parts per million of CO breathed over an eight-hour period is enough to render 15% of the body's hemoglobin temporarily useless. Hemoglobin is the oxygen-transporting agent in the body, and the loss of 15% of it is equivalent to the loss of over a pint of blood. In severe traffic jams the carbon monoxide level from automobile exhausts sometimes reaches 370 ppm inside waiting cars.

On Staten Island, N.Y., people are subjected to a prevailing westerly wind that blows smoke from the Bayonne-Elizabeth industrial complex in New Jersey over the northern portion of their island. A study has shown that in northern Staten Island respiratory cancer kills 55 men per 100,000 over 45. Just a few miles south, where the air is cleaner, the rate is only 40 per 100,000. The death rate among women from respiratory cancer in the northern area is exactly double that of women in other sections.

A Public Health Service study showed that polution is actually cutting down on the amount of sunlight reaching us on earth. New York, for example, loses almost 25% of its light to smoke and smog, while Chicago loses about 40%.

Air pollution comes from two major sources—stationary emitters, such as factories, power plants and home heating units; and automobiles. So far most of our efforts to clean up U.S. air have been aimed at the stationary offenders. In 1968, for example, American industries spent no less than half a billion dollars to control pollution. The Manufacturing Chemists Association alone claims that 125 of its 180 members have invested collectively $500 million in control programs since World War II, and are currently spending $35 million a year to operate them. Impressive amounts—yet the National Center for Air Pollution in Washington, D.C. estimates that even if every industry in the country agreed to cooperate, it would still take 10 years and $2.5 billion more than is now being spent to do the job adequately.

Cities such as Los Angeles and Chicago have shown that stationary sources can be controlled by stringently enforcing existing air pollution laws. In Los Angeles, pollution officials got tough with industry and forced it to clean up virtually overnight. Forty since 1954; they include steel mills, oil refineries—not to mention the 1.5 million smoky backyard incinerators that were shut down. L.A. County got convictions in 96% of the cases. Today, industry in Los Angeles is the cleanest anywhere in the country (perhaps in the world).

But there is a catch. In Los Angeles, industry accounts for only 10% of the bad air. The other 90% comes from L.A.'s four million automobiles. Even if stationary sources across the U.S. were to stop polluting immediately, our air would still contain some 86 million tons of contaminants by the end of 1969—all from tailpipes, crankcases, carburetors and fueltank evaporation. There are over 90 million motor vehicles on the road today and every year 2.8 million are added, a growth rate three times greater than that of the nation's annual population increase.

Especially in the last three years, Detroit has been struggling sincerely with the problem of reducing contaminants in automobile exhaust. Manufacturers claim that their '68 and '69 engines are meeting the recently adopted federal emission standard of 275 ppm of hydrocarbons. But the increasing numbers of cars threaten to cancel out the reduction.

California's example is instructive. Beginning with 1966 models, state laws set exhaust emission standards at 275 ppm hydrocarbons and 1.5% carbon monoxide and, at least in theory, permitted no cars to be sold in the state which exceeded these limits.

Test facilities were set up to check sample lots of new cars and highway patrolmen were empowered to stop smoke-belching vehicles and give their drivers $25 summonses. Despite these stringent measures, the soaring car population in Los Angeles has all but nullified their effectiveness. Automobiles still spew 12,000 tons of wastes into the L.A. air each day, as against 13,000 tons a day when the program began. "If it weren't for the automobiles," says Louis J. Fuller, head of L.A. County's air pollution agency, "we'd have the finest air quality of any major metropolitan area in the world." Right now, Los Angeles has the fourth dirtiest air in the nation behind New York, Chicago and Philadelphia.

In Washington, D.C.—where the number of cars per square mile is one and a half times as great as in metropolitan L.A.—automobiles account for more than 50% of the bad air. And in New York the figure is about 33%. Every city in the U.S. with a population of over 50,000 has—or is about to have—a photochemical smog problem due to its automobiles.

Thus the pollution problem could eventually come to be synonymous with the automobile. To expect American society to give up its automobiles is absurd, and it tends to divert attention from what really can be done.

The first hope is that Detroit will be able to develop a truly pollution-free automobile engine. Electric, gas, turbine, steam or some as yet unknown system—the choice will be determined by many factors, not the least of them economic. But laws, public demand and government encouragement all can help speed the day when cars are clean.

In the meantime, as city planners have been telling us for years, private automobiles have no place in the center of most cities. Rail transportation is cheaper, less congesting and far cleaner. The trouble is that there isn't enough of it and what there is has been allowed to deteriorate. But so long as pollution follows the automobile—which will probably be quite a while—we should be doing all we can to keep cars out of urban areas that are already overcrowded with people and bad air.

SENATE JOINT RESOLUTION 39—INTRODUCTION OF JOINT RESOLUTION DESIGNATING THE MARIGOLD AS THE NATIONAL FLORAL EMBLEM

Mr. DIRKSEN. Mr. President, for some years I have been carrying the flag in a cause, and that cause is to have the American marigold officially designated by the Congress as the national floral emblem of the United States.

Incidentally, Mr. President, the American marigold is so rugged that it can resist almost any insect, and it defies air pollution.

I am fully sensible of the fact that all persons, young and old, male and female, rich and poor, have their own preferences when it comes to a flower. But mine goes for the marigold for a variety of reasons. It is actually an American native and really not native to any other place on earth. It is grown in great profusion in every one of the 50 States and strangely enough it is not the official flower of any State. Long ago it was acknowledged as a symbol of religious faith and graced the altars both at home and abroad.

One of the outstanding characteristics of the marigold is its robustness and rugged character. If there is any flower that can resist the onslaught of the insect world better than the marigold, I would not know what it was. I grow thousands of them every year for my own delight and the delight of my neighbors, and I know what this flower will do.

I class it, therefore, with the American eagle when it comes to a symbol of our country that manifests stamina; and when it comes to beauty, I can think of nothing greater or more inspiring than a field of blooming marigolds tossing their heads in the sunshine and giving a glow to the entire landscape.

Today, therefore, I again introduce this joint resolution, stating very simply that the American marigold shall be designated and shall be adopted as the national floral emblem of the United States, and that the President be requested to declare that fact by proclamation.

Mr. President, doubtless to flower growers it will be of interest to note the national flowers of different countries. I believe there are 32 or 33 countries on the appended list and I ask that it be printed in the RECORD. In addition every State has a State flower and that list I also append with the request that it be printed in the RECORD. I also ask that a copy of the joint resolution be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the lists will be printed in the RECORD.

The joint resolution (S.J. Res. 39) designating the American marigold—*Tagetes erecta*—as the national floral emblem of the United States, introduced by Mr. DIRKSEN, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 39

Whereas the peoples of the world have from time immemorial adopted emblems—flags, birds, flowers—for their countries, representative of their national virtues; and

Whereas the people of the United States have similarly adopted emblems—the American flag and the American eagle—to represent the virtues of this country; and

Whereas each of the fifty sovereign States of the United States, in addition to its State flag has a floral emblem which it cherishes as its own; and

Whereas the United States is the only major country in the world without a floral emblem; and

Whereas the American marigold represents the character of the United States more appropriately as an emblem than does any other flower in that it is an American native and native of nowhere else in the world; grown in abundance in the home gardens of every State in the Union yet not the floral emblem of any State in the Union; grown easily and quickly from seed; already acknowledged as a symbol of religious faith; a flower in its very appearance representing not just beauty but a rugged humility of character; and, like the American eagle and the American flag, an exclusively American emblem, unclaimed by any foreign nation: Therefore be it

Resolved by the Senate and House of Representatives of America in Congress assembled, That the flower commonly known as the American marigold is hereby designated and adopted as the national floral emblem of the United States, and the President is requested to declare such fact by proclamation.

The lists ordered to be printed in the RECORD are as follows:

NATIONAL FLOWERS OF OTHER COUNTRIES

Argentina: Ceiba (By presidential decree in 1942).
Australia: Wattle, Acacia.
Canada: Sugar Maple Leaf.
Chile: Chilean-bellflower.
China: Narcissus; often Tea is listed.
Costa Rica: Cattleya Orchid.
Ecuador: Chinohona tree (source of quinine).
Egypt: Egyptian Lotus (water lily).
England: Red Rose.
France: Fleur-de-Lis (Iris).
Germany: Cornflower, Kaiserblume, Centaurea cyanus.
Greece: Violet; listed also is the Olive which was sacred to Athena.
Guatemala: Lycaste (Epiphytic and terrestrial orchids).
Holland: Tulip.
Honduras: Rose.
India: Lotus.
Ireland: Shamrock.
Italy: Lily, Violet, Daisy.
Japan: Chrysanthemum is the Imperial emblem but Cherry is the favorite of the people.
Lithuania: Rue.
Luxembourg: Rose.
Mexico: Prickly pear.
Newfoundland: Pitcherplant (Sarracenia).
Norway: Heather (Calluna).
Nova Scotia: Trailing Arbutus.
Panama: Dove Orchid.
Persia: Rose.
Peru: Sunflower.
Salvador: Yucca elephantipes.
Scotland: Thistle.
Spain: Pomegranate.
Sweden: Twinflower, Linnaea.
Wales: Leek.

STATE FLOWERS

The different states in the Union have chosen floral emblems, sometimes by the legislature, sometimes by vote of the school children, or by suggestions from garden clubs:

Alabama: Goldenrod (Solidago).
Alaska: Forget-me-not (Myosotis).
Arizona: Giant Cactus (Carnegiea-gigantea) Saguaro.
Arkansas: Apple Blossom (Malus pumila).
California: California Poppy (Eschscholtzia Californica).
Colorado: Blue Columbine (Aquilegia coerulea).
Connecticut: Mountain Laurel (Kalmia latifolia).
Delaware: Peach Blossom (Prunus Persica).
District of Columbia: American Beauty Rose (Rosa var.).
Florida: Orange Blossom (Citrus sinensis).
Georgia: Cherokee Rose (Rosa laevigata).
Hawaii: Hibiscus (Hibiscus Arnottianus).
Idaho: Mock Orange (Philadelphia lewisi).
Illinois: Native Violet (Viola).
Indiana: Zinnia (Zinnia elegans) & Tuliptree, Carnation.
Iowa: Wild Rose (Rosa).
Kansas: Sunflower (Helianthus).
Kentucky: Bluegrass and Trumpetcreeper (Campsis radicans).
Louisiana: Magnolia grandiflora.
Maine: White Pine (Pinus strobus).
Maryland: Black-Eyed Susan (Rudbeckia hirta).
Massachusetts: Trailing Arbutus, Mayflower (Epigaea).
Michigan: Apple Blossom (Malus pumila).
Minnesota: Pink Moccasin Flower (Lady Slipper) Cypripedium acaula.
Mississippi: Magnolia grandiflora.
Missouri: Hawthorn (Crataegus).
Montana: Bitter-root (Lewisia rediviva).
Nebraska: Goldenrod (Solidago).
Nevada: Sagebrush (Artemisia tridentata).
New Hampshire: Purple Lilac (Syringa).
New Jersey: Violet (Viola).
New Mexico: Spanish Bayonet—Yucca aloifolia & filamentosa.
New York: Wild Rose (Rosa).

North Carolina: Common White or Oxeye Daisy (Chrysanthemum leucanthemum).
North Dakota: Wild Rose (Rosa).
Ohio: Red Carnation (Dianthus caryophyllus).
Oklahoma: Mistletoe (Phoradendron flavescens).
Oregon: Oregon Hollygrape (Mahonia aquifolium & nervosa).
Pennsylvania: Mountain Laurel (Kalmia latifolia).
Rhode Island: Violet (Viola).
South Carolina: Carolina-Yellow Jessamine (Celsemium sempervirens).
South Dakota: Pasqueflower (Anemone Pulsatilla).
Tennessee: Passionflower or Maypop (Passiflora incarnata).
Texas: Bluebonnet (Lupinus subcarnosus).
Utah: Glove Tulip (Calochortus).
Vermont: Red Clover (Trifolium pratense).
Virginia: Flowering Dogwood (Cornus florida).
Washington: Rhododendron (Rhododendron californicum).
West Virginia: Great Laurel, Rhododendron (R. maximum).
Wisconsin: Violet (Viola).
Wyoming: Indian Paintbrush, painted cup (Castilleja parviflora californica).

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, in honor of what the distinguished minority leader just said, I would like to yield myself 3 "blooming" minutes on another matter.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

DEMOCRACY IN LATIN AMERICA: BRAZILIAN RETREAT

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the junior Senator from New York (Mr. GOODELL).

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

STATEMENT BY SENATOR GOODELL

On December 15, 1968, a correspondent of the New York *Times* in Rio de Janeiro sought to telephone a despatch to his newspaper.

"In a weekend of perfervid activity," the correspondent began, "President Arthur da Costa e Silva re-established a military dictatorship in Brazil after four years of attempting a transition to democracy.

"The President, with the backing of the armed forces . . ." At this point, after a sentence and a half, the transmission ended abruptly, apparently cut off by censors at the source.

To all who have watched from abroad with sympathetic interest the effort of Brazil to master its gigantic internal problems, the incident which I have described must cause anxiety and misgivings. It is disturbing that the correspondent of a great and responsible newspaper interprets recent events in Brazil as a re-establishment of military dictatorship. It is equally disturbing to find that censors interfered with the correspondent, as though to prove him right in his interpretation.

I can speak about the alterations of the political system of Brazil, not as an expert; but as one who has some understanding of the problems and personalities instrumental in bringing about recent changes in that country, and as one who has always believed that a close and cordial relationship between the United States and Brazil is essential to the safety and progress of this hemisphere. In short, I speak as a friend of Brazil.

Somewhat more than two years ago, after the close of the 89th Congress, I made a study tour of Brazil. During a period of two weeks in November and December 1967, I visited that great nation to take a crash course in Brazil in order to understand its problems, its institutions, its customs and to become acquainted with its leading public figures.

My tutors in this crash course were 171 Brazilian and American citizens with whom I held discussions in depth that covered the major problems that confront the government and the people of Brazil. Among those 171 tutors was the incumbent president of Brazil, then President-elect, Arthur da Costa e Silva.

My discussions with President Costa e Silva were informative and encouraging. They deepened my awareness of the difficult internal problems facing the incoming administration. They encouraged me to believe that the new President would meet those problems effectively and humanely. I came away from that conference with the conviction that democratizing the political order would be one of the chief concerns of the new administration.

When I reported on my tour of Brazil to the House of Representatives on June 21, 1967, I gave my impressions of the present President of that nation and my expectations about his administration in these words:

"I was impressed at the then President-elect's detailed grasp of Brazilian problems. The Costa e Silva government promises to provide a fascinating new chapter in Brazilian development.

"Mr. Costa e Silva expresses a strong belief in free government. He said there would be no further limitation of political rights after his inauguration. He flatly assured me there would be political freedom. He said, 'There will be no return to the old ways. There will be a new constitution. We will have democracy.'

"It is my impression that the Marshal is capable of providing the leadership needed by Brazil. . . ."

I remember clearly the emphasis which President Costa e Silva placed on the words "We will have democracy" as he spoke them to me. And, remembering the man and his words and his air of earnestness and conviction, I find myself bewildered and saddened as I read press reports of recent events in his country.

Let me review the events in Brazil since December 13 which led the correspondent of the New York *Times* to conclude that a military dictatorship has been re-established there.

On December 13, 1968, President Costa e Silva signed the Fifth Institutional Act, conferring on himself broad powers to govern without regard to many limitations of the Brazilian Constitution. As the title of the Acts suggests, assumption of such power by the President is not unprecedented. Similar enlargement of executive authority had been provided for by previous Institutional Acts since 1964.

The Fifth Institutional Act invests in the President the following powers:

1. To recess the National Congress, as well as state and local legislative bodies, and to exercise all powers of the legislature during a recess.

2. To replace governing officials of states and municipalities.

3. To suspend the political rights of any citizen for ten years.

4. To confiscate the wealth of any person who has illicitly enriched himself through public office.

5. To suspend the right of habeas corpus for crimes.

6. To exclude from judicial review any actions performed under the authority of the Institutional Act.

In the exercise of these powers, President Costa e Silva has recessed the National Congress, has issued a number of legislative decrees, and has taken action against many whom he has accused of participation in "an alliance between corruption and subversion."

In the first four days after the issuance of the Fifth Institutional Act, a government spokesman announced that 200 people had been taken into custody. Many were released within a few days. Those placed under arrest have been prominent critics of the government including former President Juscelino Kubitschek, Carlos Lacerda (former Governor of the State of Guanabara, including Rio de Janeiro), and Darci Ribeiro (Chief of Cabinet under former President Goulart).

Several journalists were among those reported arrested, including three top officials of the newspaper *Jornal do Brasil*—Jose Sette Camara (its director and former delegate to the United Nations), Carlos Castelo Brance (chief political columnist), and Alberto Dines (its editor).

Censorship was clamped on the press, radio, and television. It was enforced during its initial stage by military personnel who were stationed in the offices of newspapers and other communications media. Apparently, censorship of dispatches of foreign correspondents was terminated in a few days.

According to the New York *Times* of December 21, 1968, censorship extends to the following matters: arrests made by the military following the suspension of Congress, dissension and differences of opinion in the Armed Forces, criticism of the regime's acts, and the existence of censorship itself.

The Brazilian government has released two lists of citizens whose political rights have been suspended for ten years, and it is reliably reported that a third such list may be published at any time. On the two lists made public to date are the names of 5 people, including two Senators and 46 Congressmen. In addition, three Justices of the Supreme Court were summarily removed from office—the first time in the history of Brazil that such action has been taken against the highest court in the land. The penalty of deprivation of political rights amounts to banishment from public life, denying those on whom it is imposed the right to speak or to publish as well as to run for or to hold political office.

The restrictions on the Congress, the press, and the political opposition imposed after December 13 were occasioned by a defeat which the government suffered in the Congress on December 12. The government asked the Congress to suspend the immunity of one of its members, Congressman Marcio Moreira Alves, so that he might be brought to trial. The offense which led to the government's request was a speech delivered by Congressman Alves—a persistent critic of the Brazilian military—three months earlier strongly attacking the military establishment and urging the public to boycott the military parades held on Independence Day, September 7. By a vote of 216 to 141, the Chamber of Deputies rejected the government's motion to lift the parliamentary immunity of Congressman Alves.

This incident provoked an overreaction on the part of the government in the issuance of the Fifth Institutional Act and the repression based upon it.

In justification of the repressive measures put into effect, the government has suggested that they were necessary to avert disorder and civil war. No convincing case has been made that Brazil was in fact in so desperate a crisis. No convincing case has been made that there was not a wiser and more lawful way to deal with the difficulties faced by the government.

It is undoubtedly true that the situation which impelled the government's action was more than an isolated speech by a single Congressman and more than the rebuff which the Congress administered to the government on December 12. For a number of reasons, good and bad, the government and the

military establishment had come under increasing criticism in 1968 from sources such as the press, the schools, and some religious leaders. Dissatisfaction with the government seemed to become more widespread. Certainly it became more vocal.

I have observed that the Fifth Institutional Act has precedents in recent Brazilian history. In the current situation, however, there is something especially dismaying in the vigorous crackdown on the press.

One of the inconveniences with which democratic government must learn to live is criticism. Freedom of speech and press are essential elements of democracy, and the fact that these freedoms are used to condemn the government is not a valid reason for abolishing them.

One advantage of free speech and a free press is the fact that it provides an avenue for constructive change and nonviolent outlet for dissatisfaction. Suppression of these rights by government runs the risk of hardening dissatisfaction and turning critics into violent revolutionaries. As one of the critics of the Brazilian regime—Alberto Dines, editor of *Journal do Brasil*—said in a speech which led to his arrest, "The engine without an escape valve that they are building in Brazil is ready to explode. Violence is a lesson easily learned. And once learned, it is not forgotten."

The frequency of military coups throughout Latin America has been a disturbing feature of the history of that part of the world. Since 1961, there have been 16 coups in Latin America resulting either in replacement of governments or suspension of constitutions. In the past six months, Panama and Peru as well as Brazil have experienced such upheavals.

The United States must give all the encouragement possible to the development of democratic systems in Latin America. What the United States can do to influence internal policy in these nations is always limited. But neither the United States nor our Latin American partners can treat as empty verbiage the goals and pledges contained in the charter of Punta del Este of 1961 establishing the Alliance for Progress. In the Declaration to the Peoples of America, signed by 20 American Republics in August 1961, the pledge was made "to improve and strengthen democratic institutions through application of the principle of self-determination by the people."

This is a condition on which the aid given by the United States to Latin America is based. When regression from the goals of the Alliance takes place in any nation, as has happened in Brazil, a careful reassessment of aid is in order to determine whether our aid in fact supports repression and whether termination or modification of aid would be efficacious in inducing a return to the principles of the Alliance.

In acting on forthcoming proposals for any aid, I hope and expect that the Congress will carefully evaluate developments in Brazil in the weeks and months ahead and will scrutinize closely the uses proposed for such aid funds.

I am not prepared to make definite recommendations at this time, but I must express skepticism about the wisdom of providing aid for the purpose of enabling any Latin American country to acquire military hardware.

Though I am deeply disappointed about what has happened in Brazil, I am not yet sure that Brazil is irrevocably committed to its present course. There are some hopeful signs that the door is not closed to change.

The government has manifested embarrassment about what it has done and uncertainty about what it will do next. It has hinted that the Congress will be reconvened. It has relaxed somewhat the censorship of communications media imposed after December 13. It has so far moved with some caution in the exercise of its power to deprive citizens of their political rights. It appears to have retreated somewhat from the policy of arresting people merely because they were opponents of the regime.

Brazil is a great country with massive resources, but its patient and talented people will not reach their true destiny under a repressive and undemocratic system of government.

I hope that President Costa e Silva still cherishes the goal he expressed when he said to me, "We will have democracy." I trust that progress toward this goal will be speedily resumed and that such progress will be facilitated by wise policy on the part of the new administration in the United States.

For the Nixon administration, Latin America presents a number of urgent problems. It is essential that Latin American affairs not be put on the back burner to simmer while the administration's attention is monopolized by problems of Southeast Asia, the Middle East, or Europe. The Nixon administration must speedily make clear its policy toward Latin America and must assign the best talent that it can muster to the formulation and execution of this policy.

It is particularly important that closest attention be given to Brazil by the new administration. An ambassador of top competence, who knows the country and its leaders, should be designated without delay. And he should go to his post with clear instructions to convey the disappointment of the government of the United States about Brazil's drift away from the basic practices of democracy and to work to influence a different direction for the future.

FEDERAL FUNDS TO SCHOOL DISTRICTS

Mr. SCOTT. Mr. President, last week the new administration faced a crucial policy decision in the area of civil rights and education. It responded by enforcing title VI of the Civil Rights Act of 1964, cutting off Federal funds to five school districts which failed to comply with the act.

At the same time, however, a unique action was taken which permitted a school district to meet compliance standards within 60 days and receive funds retroactive to the cutoff date. This provision, worked out by Health, Education, and Welfare Secretary Robert Finch in order to give him a chance to establish communications with these five districts, caused some concern and no small amount of confusion as the result of varied interpretations in the press at the time.

I believe the basic point to be kept sight of, is that Secretary Finch did suspend Federal money from these districts and by doing so indicated that a vigorous enforcement policy would continue from administration to administration. To communicate our support for that decision, and to notify the Secretary that we wanted a continuing strong policy made clear to these five and other districts facing action under title VI, five Senators wrote a letter to Secretary Finch last Friday. In addition to the letter, we issued a public statement of essentially the same wording, joined in its introduction by the five signers of the letter and by the senior Senator from New York, who had earlier sent a separate letter to the Secretary.

Mr. President, I ask unanimous consent that a copy of our letter to Secretary Finch be printed in the RECORD as a part of my remarks.

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

JANUARY 31, 1969.

Hon. ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As Senators who deeply believe in equal educational opportunity for every child in this Nation, we believe the Department of Health, Education, and Welfare took the only appropriate action available to it by suspending Federal funds to five school districts which had failed to move toward school desegregation.

We realize that the compliance deadline, set by the previous Administration, thus forcing an immediate action on you, presented unique problems. Therefore, we view your decision to permit a 60-day period in which these five school districts—and only these five—may submit an acceptable desegregation plan to receive suspended funds retroactively to the date of suspension to be, as you indicated in your order, "an opportunity to open communications with each of these school districts."

We feel it is a most generous approach—too generous in any other situation but the one which faced the new Administration.

It must be made crystal clear to all school districts presently in negotiation under desegregation orders, that standards will be strictly enforced by this Administration. We expect it will be made clear that if standards and deadlines are not met by these other school districts, the districts face loss of funds with no retroactive provision. We interpret the document you issued January 29, the "Amendment of Order" relating to the five school districts due to lose funds, as establishing this Administration's intention to insist on compliance with the requirements of desegregaton set down in law.

We request that we be kept advised of the action taken by your Department at the end of the 60-day period.

With all best wishes,

Sincerely,

HUGH SCOTT,
EDWARD W. BROOKE,
CLIFFORD P. CASE,
CHARLES E. GOODELL,
RICHARD S. SCHWEIKER,
U.S. Senators.

THAILAND

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Jack Anderson entitled "Are They Robbing Us Blind in Thailand?" and a letter from the office of the public relations attaché of the Royal Thai Embassy commenting on the article.

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

[From Parade, Dec. 29, 1968]

ARE THEY ROBBING US BLIND IN THAILAND?

(By Jack Anderson)

BANGKOK and WASHINGTON, D.C.—Almost next door to Vietnam, in the lush kingdom of Thailand, we're being robbed of millions of dollars. Day in and day out, through extortion and waste, vast sums go down the drain and we're not doing much to stop it. The reason is there isn't much we can do. Our friends in Thailand—a country which a century ago tried to give Abraham Lincoln elephants to use in the Civil War—have us over a barrel.

With 45,000 U.S. troops to maintain in Thailand, most of them manning seven air bases, and with commitments to train and

advise the Thai military to fight Communist guerrillas and invaders, Washington is stuck with large spending in the Asian kingdom. And the Thai people, from lowly dock workers to top government officials, have some pretty loose morals when it comes to American dollars. It seems that almost anyone who can get his hand in the till is busy doing so. It's vexing but it's the price to be paid for keeping a military presence in a country where graft is a way of life. And, in the case of Thailand, it's probably cheaper to take the losses rather than try to operate from a distant base such as Guam.

At times, though, it seems that the U.S. has learned little from its mistakes in Vietnam. In Thailand American spending has been conspicuous and poorly planned. Just as in Vietnam, our seven air bases are surrounded by pockets of inflation. American-built roads have crumbled because of bad engineering. American-made locomotives have broken down under heavy work because, mistakenly, small switch engines were brought in.

GI spending sprees are also causing the same resentments in Bangkok that eventually forced the Army to withdraw all but "essential" troops from Saigon. Indeed, the U.S. sends GI's from Vietnam to Bangkok for rest and recreation. The requirement that they wear civilian clothes makes the burly, big-spending soldiers no less noticeable as they wander the streets arm-in-arm with pretty Thai girls.

Although the seven bases were constructed at enormous expense to the U.S., the title to them is held by the Thai government. Yet the U.S. not only erected the facilities but also purchased the land. And when the Americans pull out, Uncle Sam has agreed to turn over all surplus equipment to the Thais. The accumulation already is worth millions.

The U.S. started to build one base at Nam Phong, sank $15.2 million into two magnificent concrete runways, four connecting ramps and an aircraft parking area, then abandoned the whole project. The complex now lies deserted among the scrub brush on a lonely flatland. Yet even as work was stopped on this base, other contractors began constructing an enormous airport 40 miles outside Bangkok as a training academy for the Royal Thai Air Force. The Americans couldn't persuade Thai officers to take their flight training at Nam Phong away from the bright lights of Bangkok. Cost to the taxpayers: another $15 million.

A LUST FOR MONEY

If the gentle, gracious Thai people are less avaricious than the Vietnamese, the aid that the U.S. is pumping into Thailand is awakening in them a lust for money. All highway express, for example, is controlled by the Express Transport Organization. The government owns 51 percent of the stock, but the other 49 percent is in the hands of high government officials who make a profit on the government monopoly.

U.S. shipments to Laos must pass through Thailand, and most of the goods are hauled by ETO. Private truckers are permitted to bid only for the jobs that ETO is too busy to handle. Yet the bids from the independent truckers invariably are lower than the ETO price. An aid official has calculated that one dollar out of every eight spent to move supplies across Thailand has gone to line the pockets of a few Thai officials. Some Americans defended the ETO monopoly, however, by pointing out that its trucks and drivers are more dependable.

The corruption extends all the way down to the dock workers who demand $10 to unload American shipments. At each of the four check-points between Bangkok and the Laos border, too, police demand $1 apiece for every truckload of American material. And at the Mekong River, ferry operators want to be tipped up to $20 for every truck they haul across to Vientiane. In the 300 miles between the Bangkok docks and the Laotian capital, at least five percent of the value of American aid is siphoned off by police, laborers and government officials.

Even Thailand's swinging King Bhumibol, a figurehead in this military dictatorship, appears to have prospered from American aid. His holdings are administered by a semi-autonomous government group, called the Crown Property Bureau, which operates, among other things, the Siam Cement Corp.

NO COMPETITION

Unlike the trucking industry, Siam Cement is not a monopoly, and the U.S. is free to purchase cement from any supplier willing to bid. But other businessmen are understandably unwilling to compete against the royal cement works. It may also come as no surprise that Siam Cement has managed to squeeze greater profits out of Uncle Sam than from any other purchasers. Cement shipments recently went from Siam Cement to both Saigon and Singapore for $5 a ton less than the American government pays for cement inside Thailand. All told, the overcharges are figured at more than $200,000 and aid officials are asking for a refund.

If U.S. shipments to Thailand are delivered in a very leaky bucket, the government at least is trying to plug the holes. The Thais, practitioners of a permissive form of Buddhism, don't get as worked up as Americans do over corruption. If the enrichment isn't too blatant, they don't mind that public officials use their political power for personal gain.

Out of concern for American sensibilities, however, some Thai officials have made valiant attempts to change the system. The Prime Minister, for example, ordered his son to give up his directorship of a major bank. The fact that the son refused didn't diminish the Prime Minister's good intention.

In helping Thailand prepare itself against a possibly impending Communist threat, the U.S. is acting under arrangement of the Southeast Asia Treaty Organization. Ironically, the shoe was once on the other foot. During the American Civil War, Thailand became the first nation ever to offer foreign aid to the U.S. King Rama IV—the monarch of *The King and I*—admired Abraham Lincoln and sought to aid the Union army by sending elephants to America. Now Washington is finding that it's quite expensive to help the onetime would-be helper.

OFFICE OF THE PUBLIC RELATIONS ATTACHÉ, THE ROYAL THAI EMBASSY,

Washington, D.C.

Re: Reply to Jack Anderson's Article "Are They Robbing Us Blind in Thailand" in the Parade Magazine of December 29, 1968.

Mr. JESS GORKIN,
Editor, Parade,
New York, N.Y.

DEAR SIR: Jack Anderson in his article entitled "Are They Robbing Us Blind in Thailand" published on December 29, 1968 in Parade Magazine, a Sunday supplement of such American newspaper as the Washington Post, joins Louis Lomax and a few unworthy writers and journalists in bringing discredit and dishonour on the American press and indeed on the whole American nation. There is nothing ethical or moral in propagating blatant falsehoods and those in the United States who come across them can only be pained and perhaps even disgusted to see so sad a specimen of humanity in their midst. This is undoubtedly the case of so much good which has been accomplished by so many brave American soldiers, many competent American diplomats, educators and technicians being undermined and jeopardized by only a few lowly and despicable elements of the American society.

The true facts are that Thailand did not ask either American combat troops or the American rest and recreation soldiers to come into the country. They can also leave as soon as they wish. Nor did Thailand ask for military installations to be constructed on its soil. Furthermore, when the United States Government requested for the permission to build them, Thailand acceded to the request without asking for substantial compensations as has been the case with many European nations which granted bases to the United States. In fact, the United States save hundreds of millions of American taxpayers' dollars. The spending of the United States military fund is controlled entirely by American authorities. If there are irregularities, those responsible can be easily traced and they will be found only among Americans.

Thailand has preserved her own cherished heritage of freedom and independence throughout the centuries by relying on her own efforts. Thus the Thai Government and people are combating communist insurgency in certain remote parts of the country with our own men and our own resources. No American life has been risked and no American life has been lost in the defense of Thailand.

The author even has the impertinence to impugn the dignity and reputation of our beloved sovereign. This deliberate and degrading act serves only to place the author in utter contempt of scores of millions in Southeast Asia who know how energetically and selflessly His Majesty has performed his tasks, often beyond the call of his duty, for the welfare and progress of the Thai people as well as of the regional community of which Thailand is a part. Experience of the past few years has taught the Thai people to be wary of those who pretend to be friends but abuse our hospitality and cowardly disparage what the Thai nation holds dear and in deep respect. Even our foes have not committed such dastardly act.

Under the false pretense of freedom of the press, Jack Anderson has been abusing and misusing it and has turned it into a freedom to mislead and indeed to poison the minds of the public. In fact, he may well have been hired by certain political organizations. The man himself must be a sick man, physically, intellectually and morally, who together with some of his sick confreres have been spreading this kind of sickness which has afflicted the United States for the past year or so. We sympathize with the American people who have to live and put up with these sub-human species. We also commiserate with the newspaper whose standing and prestige must have been lowered by the publication of one of the most sickening press materials ever produced.

Sincerely yours,

PRACHA GUNAKASEM,
Information Department,
Ministry of Foreign Affairs.

BANGKOK, THAILAND.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning at the hour of 2 o'clock p.m. there be a time limitation on the pending resolution for a period not to exceed 3 hours, the time to be equally divided between the majority leader, the Senator from Montana (Mr. MANSFIELD), and the distinguished senior Senator from Delaware (Mr. WILLIAMS), the sponsor of the resolution; that if any amendments or motions are offered, that there be a time limitation of 20 minutes thereon, the time to be equally divided between the sponsor of the amendment or motion and the distinguished senior Senator from Delaware.

The VICE PRESIDENT. Is there objection?

Mr. AIKEN. Mr. President, reserving the right to object, will I be given sufficient time to ask the Senator from Delaware about 30 or 40 questions?

Mr. MANSFIELD. The Senator will be given more than enough time.

Mr. AIKEN. Very well.

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

CEYLON'S 21ST ANNIVERSARY OF INDEPENDENCE, FEBRUARY 4, 1969

Mr. AIKEN. Mr. President, the people and the Government of Ceylon are today celebrating their 21st anniversary as an independent nation, and I think it is fitting that this important occasion be brought to the attention of the Senate.

The people of Ceylon are good friends of the people of the United States, and our two governments maintain very cordial and mutually helpful relations.

Ceylon is one of the most stable parliamentary democracies in Asia.

Her record of expanding and protecting the political freedom and economic well-being of her people compares favorably with that of countries which have enjoyed independence over a much longer period of time.

Under her constitution the rule of law is firmly established and the will of the people's representatives in Parliament is controlling, as is proper in a democratic nation.

The people of the United States are proud to be associated with the development program of this industrious and enterprising country in a number of areas.

For example, our two governments signed an investment guarantee agreement in 1966.

During the coming year, partly as a result of this agreement, we look forward to an expanded participation by private American capital in the economic growth of Ceylon.

The World Bank has also demonstrated its confidence in the efforts of the people of Ceylon to further accelerate the growth of their economy and consequently to add to their prosperity.

During the past 2 years, the Bank has granted Ceylon credits of $9.8 million to help the Government improve highways so that the country's important exports of tea, rubber, coconuts, and other products can more quickly reach the ports.

These new roads will also accelerate other economic development projects.

In addition, the Bank last year granted credits of $2 million for a new irrigation system, and of $4 million to finance private industrial development.

In all, Ceylon has received $15.8 million from the Bank since 1967 for development purposes, and the rate of economic growth was 7 percent in 1968, a figure which would be commendable even for a much longer established member of the community of free nations.

It is also satisfying to be able to note that Ceylon has been determined to link progress in the material sense with progress in meeting human needs and fulfilling the personal aspirations of her people.

Education has been brought within the reach of all, and as a result the literacy rate of the population is higher than in many of the other countries in the region.

Medical services have also been greatly expanded and the death rate has been slashed while life expectancy has been increased to 62 years.

Ceylon enjoys a higher living standard than many other Asian countries, and malnutrition is far less common.

For all of these examples of patriotism, industry, humane government and prudent management, we congratulate our friends in Ceylon today, and wish them well in the years to come.

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

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I join the distinguished senior Senator from Vermont, the ranking Republican in the Senate, in what he has had to say about the 21st anniversary of Ceylon's independence.

Ceylon is a small country, it is a beautiful country, and it is a country which has remained nonalined, trying to achieve on the basis of what it can itself do; receiving assistance from outside institutions such as the World Bank, but maintaining respect for and understanding of the problems confronting the rest of the world.

I am happy to join with the distinguished Senator in extending best wishes on this occasion, to this fine republic, this member of the British Commonwealth, this country which does so much under such adverse conditions to make its freedom viable and to keep its people hopeful and prosperous in the days ahead.

Mr. AIKEN. I thank the Senator from Montana for the words he has just spoken.

TEXTILE TRADE POLICIES

Mr. TALMADGE. Mr. President, in recent weeks there has been considerable publicity about rising textile imports and the impact they are having throughout our economy.

It has been gratifying to me, as one who has long labored to restore orderly trade in textiles, to note a growing awareness that our textile trade policies are at cross-purposes with efforts to maintain a high level of employment and a sound economy here at home.

In spite of the fact that the flood of low-wage textile imports is recognized as a major national problem, our outdated trade policies permit them to enter this country in greater and greater volumes each year.

Import statistics compiled by the U.S. Department of Commerce for the first 11 months of 1968 indicate that last year was an alltime record year for textile imports. The volume was in excess of 3 billion square yards, double what it was 5 years ago, and more than five times the level 10 years ago.

In addition to their sheer volume, textile imports are contributing substantially to our balance-of-payments deficit. The United States has not had a favorable textile trade balance since 1957, and the 1968 deficit is estimated at $990 million. In 1967, the textile trade deficit amounted to one-fourth of our entire balance-of-payments deficits.

This tremendous volume of textile imports is particularly devastating when it is viewed in terms of employment. In Georgia 110,000 people depend on the textile industry for a livelihood. An additional 65,000 are employed by the apparel industry. The combined payroll is in excess of $725 million.

It has been estimated that the current level of imports is displacing the equivalent of more than 200,000 jobs in textile and apparel mills throughout the country. Cotton textile imports are the equivalent of more than a million bales of cotton. In addition, imports of textiles of other fibers are equivalent to three-quarters of a million bales of cotton.

While the direct impact of imports has hurt textile and apparel employment, the continuing rise in textile imports is foreboding for the cotton industry. The 1968 cotton crop was just under 11 million bales. This was an increase of 46 percent over the 1967 crop, but it is considerably below the 1962–66 acreage.

Foreign production of cotton is increasing by more than a million bales annually, and domestic mill consumption this year is expected to be the smallest since the 1963–64 crop year.

With cotton facing these severe competitive pressures, it is adding insult to injury to leave the floodgates open to more and more textile imports which sell in the country—not because they are any better, not because they are more attractive, not because they are more efficiently produced, but simply because they are made at wage scales and under working conditions which would be illegal in this country.

At a time like this when we see the integrity of the dollar in international trade in danger, and we have serious problems of underemployment of our low-skilled workers at home, we must ask ourselves how we ever got into such a posture where trade in textiles is concerned.

How did we ever permit textile imports to triple in 10 years? How did we permit a textile trade deficit year after year after year, until it has reached nearly a billion dollars and one-fourth of our balance-of-payments deficit?

The answer is simply that we have not updated our textile trade policies in light of the realities of today. We are still relying on a basic trade policy which was developed 34 years ago to help us out of the Great Depression.

The wage gap between the United States and other textile-producing nations get wider every year. Other nations subsidize their exports in order to obtain dollars. At the same time, they discourage our exports with a number of nontariff barriers which shelter their markets.

For years, we have done nothing to offset these unfair advantages enjoyed by other nations. Instead, we have progressively lowered our tariffs to the point where in many cases they are meaningless as a device to restrain trade, and we are sacrificing hundreds of thousands of potential American jobs to a blind commitment to free trade.

Back in 1961, when cotton textile imports were getting completely out of

hand, the United States entered into an international agreement governing cotton textile imports. This multilateral agreement is the Long Term Arrangement on Cotton Textiles, and it recently was extended through 1970.

While the Long Term Arrangement has not operated as well as those of us who supported it had hoped, it has had some restraining effect on the flood of cotton textile imports. The Long Term Arrangement has not been overly restrictive. As a matter of fact, it has been too liberal.

At the time it was negotiated, it was anticipated that the Long Term Arrangement would provide for increases of imports of about 5 percent per year. Actually, the increases have been just about double that.

When the Cotton Arrangement was negotiated, imports of man-made fiber textiles were relatively small. But the situation has changed dramatically. The buildup of man-made fiber textile imports has been phenomenal.

In 1960, we imported only 149 million square yards of manmade fiber textiles. In the first 11 months of 1968, manmade fiber textile imports were a staggering 1.3 billion square yards. For the first time in history, imports of manmade fiber textiles exceeded cotton textile imports in July of last year.

The situation is equally serious where wool textiles are concerned. Today, one out of every 4 yards of wool textiles used in this country is imported.

It can be reasonably expected that this relentless rise of imports will continue unless some system of meaningful controls is developed for textiles of all fibers.

During the last session of Congress, I joined with 67 of my colleagues in the Senate in sponsoring a bill which would have brought about orderly trade in textiles. This measure passed the Senate by a vote of 55 to 31. The House failed to act before Congress adjourned.

Now that we have a new Congress and a new administration, this effort to develop fair and realistic controls over textile imports must be renewed. The problem can only get worse unless something is done and done now.

There is no point in talking about "adjustment assistance." Many industries have had long and bitter experience with the adjustment assistance approach to helping an industry and its employees beseiged by imports. Adjustment assistance is a "too little and too late" approach to foreign trade problems.

The only solution to the problem of textile imports lies in a series of quantitative limitations on textile articles of all fibers.

We have had some experience with this approach with regard to cotton textiles. A similar concept must be applied to textiles of all fibers.

Only when order is restored to world textile trade can the textile industry realize its vast potential to create new jobs in areas of the country where employment is needed the most.

Mr. President, the Augusta Chronicle recently carried an editorial commenting on how imports are sapping the economic strength of the textile industry. I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

ADVANCE OVER OBSTACLES

The 1968 record of the U.S. textile industry—90 per cent of which is in the South, and exerting an economic effect vital to the Central Savannah River Area—is one of slow advancement over a tough obstacle of cheap imports.

Sales were up 10 per cent, the American Textile Manufacturers Institute said Wednesday, but earnings on net sales were only three cents on the dollar. Profits remained below the 1966 level in the textile field, and below the average for all manufacturing industries. Meanwhile, employment averaged 934,000, a gain from last year of 32,500 of which about 10,000 reflected the industry attention to equal employment opportunities. The average hourly earning for this year will be about $2.23 for all types of workers, as compared with $2.14 in December 1967.

New capital investment, which reached a peak of $1.1 billion in 1966 was down to $820 million—much of it for modern equipment such as has made possible the price stability of the past decade. Despite six rounds of pay increases since 1962, the textile wholesale price index on a base of 100 in 1957–59 now averages only 100.1. The all-manufacturing index, in contrast, is 108.6.

The obstacle to a complete recovery from the 1967 decline is a flood of imports, estimated this year at $1,646,000,000 worth, as against exports of $654,000,000. Here is a trade deficit for the U.S. of nearly a billion dollars. For the first time, textile imports this year will reach three billion square yards. Only increasing efficiency in the domestic mills has enabled the American industry to compete against the much cheaper foreign labor.

This is the background against which the trade policies of the Nixon Administration will assume paramount importance for the South. Government policies which affect import controls, consumer spending and inflation could mean the difference between economic health, or the lack of it, in the textile field.

ANNOUNCEMENT OF INFORMAL HEARING ON RECENTLY ANNOUNCED INCREASE IN GRAZING FEES ON PUBLIC LANDS

Mr. CHURCH. Mr. President, as chairman of the Senate Subcommittee on Public Lands I would like to announce an informational hearing on the recently announced increase in grazing fees on public lands.

The hearings will be conducted February 27 and 28 in room 3110 of the New Senate Office Building, starting at 10 a.m. each day. They will be open and public.

As you may know, Mr. President, the proposed increases were announced a few weeks ago, prior to the advent of the new administration. The scheduled increases have occasioned extensive protests from the western livestock industry, which alleges they would eliminate many operators.

This new fee schedule was promulgated on the basis of a study undertaken at the direction of the Bureau of the Budget and the Agriculture and Interior Departments. It is the intention of the Senate Subcommittee on Public Lands to look into the study and other aspects involving the increase.

It is also the intent of the subcommittee to hear the views of interested parties, including the livestock industry, conservation groups, and any Senator who would like to express an opinion.

Those wishing to appear and testify should contact the Senate Interior and Insular Affairs Committee staff, room 3106, New Senate Office Building.

FLOOD AVERTED IN IDAHO

Mr. CHURCH. Mr. President, at this moment the State of Idaho, as well as most States in the Northwest, is blanketed by the heaviest snowpack in decades. While so much snow can well be a blessing for our farmers and ranchers if it melts slowly down off the mountaintops, it can also be tremendously destructive if a sudden thaw sends it flooding over river and creek banks. We had the first such touch of disaster 10 days ago in eastern Idaho when rains coupled with a warming trend sent the waters of Willow Creek at Idaho Falls spilling over into residential areas near Idaho Falls. That same scene might have been repeated at Pocatello where, in past years, relatively minor rises in river levels inundated portions of the city.

But it was different this year and the difference was the flood control channel on the Portneuf River just completed by the Army Corps of Engineers. It was a job well done and is deserving of note and praise.

It was also the subject of an editorial in the January 23, 1969 issue of the Idaho State Journal.

I ask unanimous consent, Mr. President, to have the editorial printed in the RECORD.

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

FLOOD PROJECT PAYS DIVIDEND

Any lingering doubts as to the worth of the $5 million flood control project on the Portneuf River in Pocatello should now be dispelled.

The warm weather and rains which continued for several days raised the level of the Portneuf to nearly seven feet in the city. In the past, that would have been enough to inundate flat land south of the city, and threaten the Riverside golf course.

So what happened this time? The river instead slid through the city with no problem whatsoever, comfortably contained in the concrete channel constructed by the Army Corps of Engineers.

The floods of 1962 and 1963 here saw the river reach levels of more than 11 feet and nine feet, respectively, and havoc resulted. Floods of that proportion still would create problems above Pocatello, and perhaps downstream from us, but there appears to be no danger within the city.

A lot of water has gone over the dam, you might say, since 1963. It required a bond election, months of paperwork, and years of construction, but the Portneuf flood project is a reality that this week paid its first dividend.

LET THE MISSILE TALKS BEGIN

Mr. CHURCH. Mr. President, it is the hope and intention of President Nixon that the next few years will be a period of negotiation rather than confrontation. I am sure we all share this hope.

There is no area where a period of negotiation rather than confrontation is

more important than in arms control. I believe that both the United States and the Soviet Union are coming to the realization that ever-increasing investment in offensive and defensive missiles does not bring an increase in security but only makes us poorer and thereby less able to cope with the domestic needs of both countries.

The Soviet Union has recently indicated that it wishes to begin negotiations as soon as possible with the United States in the field of strategic offensive and defensive missiles. According to an excellent article by Victor Zorza, this decision on the part of the Soviet Union came after considerable debate within the Soviet hierarchy. Russia, it seems, also has its hawks and doves. Mr. Zorza points out that the position and credibility of those within the Soviet Government who argue for missile talks will be damaged, perhaps beyond repair, if President Nixon listens to those in the United States who argue against immediate talks on missile limitation.

It is my understanding that a similar debate over immediate missile talks is now in progress within the new administration. I urge President Nixon to give serious consideration to the idea of going ahead immediately with technical missile discussions with the Russians. I can fully appreciate that a new administration might find it difficult to develop a negotiating position within the first few weeks in office. In my view, however, technical discussions, which are the necessary prelude to full-scale negotiations, could begin immediately. If we are to achieve an agreement with the Soviet Union on offensive and defensive missiles we must first establish a technical and factual basis for negotiations. This could be done by beginning missile talks at the earliest possible date.

I urge the President to open the way to these discussions. I would hope the President would announce such a decision as soon as possible. If Mr. Zorza is correct, we run the risk in any further delay of encouraging those in the Soviet Union who oppose any discussions at all.

The time to act is now.

Mr. President, I ask unanimous consent that the article by Victor Zorza, "Nixon Could Aid Soviet Doves by Agreeing to Missile Talks," be printed in the RECORD.

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

NIXON COULD AID SOVIET DOVES BY AGREEING TO MISSILE TALKS

(By Victor Zorza)

LONDON.—The Soviet invitation to President Nixon to enter into missile limitation talks might have been designed as a trap.

Whether it was so designed depends on which of the Kremlin factions inspired it. For in addition to those Soviet leaders who really want disarmament, there are those who believe, as is evident from the Soviet press, that genuine disarmament is unattainable in the present state of the world.

Until the middle of last year, this second group balked the repeated efforts of Premier Kosygin, reflected in his public and private utterances, to accept President Johnson's longstanding invitation to join in missile limitation talks. The Kremlin accepted the invitation only when it became evident that, in the absence of missile limitation, the United States would proceed rapidly to vastly increase its strategic forces.

It is thus arguable that the recent Soviet agreement to join in talks, and the calculated and pressing reminder of this issued in Moscow on the day of Mr. Nixon's inauguration, were inspired not by the disarmers, but by their opponents. They might have finally agreed to the talks in the hope that these might lull American suspicions and delay the American arms drive, while giving the Soviet Union additional time to develop secretly its own strategic strength.

Duplicity of this kind is a habitual tool of Soviet diplomacy. The honeyed words and smiles of the Soviet leaders after the Cierna and Bratislava meetings, just before the invasion of Czechoslovakia, are only the most recent example of this.

An even closer parallel is to be found in the repeated Soviet assurances to President Kennedy that the Soviet Union was not introducing offensive missiles to Cuba—at the very time when the Soviet Union was secretly doing just that.

Less obvious, but even more relevant to the prospect of missile limitation talks, is the Kremlin's apparent duplicity during the first months of the Kennedy presidency, when the Soviet Union and the United States were observing a moratorium on nuclear tests while their delegates were trying to negotiate a permanent ban in Geneva.

President Kennedy insisted that the moratorium must be observed. But the Kremlin used the cover of the Geneva talks to prepare its 60-megaton test with which it prefidiously breached the moratorium, and which was later claimed to have given the Russians a 100-megaton bomb and a vast superiority over the United States.

President Kennedy vowed that he would never again allow himself to be caught "with his trousers down," and President Nixon must now consider whether he ought to expose himself to a similar danger while the missile limitation talks proceed in the usual slow and leisurely way.

Certainly the two situations are not exactly similar, but there are enough parallels to invite comparison, and to draw the obvious lesson. But the less obvious parallels should also be considered. For there was considerable evidence at the time that Premier Khrushchev was engaged in a tough struggle with his opponents in the Kremlin over the resources to be devoted to defense.

Khrushchev's power position was challenged, and in order to survive he had to give them what they wanted in the way of arms or at least to make a 60-megaton bang to show that Russia already had much bigger and better weapons than America.

There was evidence of the challenge to Khrushchev between the lines of the Soviet press, and he even went so far as to drop private hints to Western leaders that, unless they met him half-way on the disarmament questions then under discussion, his position in the Kremlin might be endangered.

His greatest need was for rapid progress at the Geneva talks on the nuclear test ban. An agreement at Geneva which he could present to his Kremlin associates as reasonably satisfactory would have eased the pressures on him, and he would not have had to break the moratorium by ordering the 60-megaton test.

But President Kennedy, too, was under pressure from those who advised against any concessions on security grounds, and from those who confidently ridiculed "the notion that Khrushchev's power is far from absolute or secure." These stories, they explained, were being spread "to pave the way for one-sided concessions by the West."

If the concessions which Khrushchev needed had been made by Mr. Kennedy in 1961—as they were ultimately made in 1963 when the President overcame the opposition from the Joint Chiefs of Staff and from others—the test ban treaty might have been signed two years earlier. Russia's 60-megaton test would have been averted, the whole course of international affairs might have been greatly changed.

Now the Soviet leadership is once again locked in struggle, and powerful voices in the West advise against immediate talks on missile limitation. Melvin Laird, the Secretary of Defense, would like to wait eight or nine months. But the Kremlin could use this waiting period just as effectively to build up its strength as it could use a similar period of talks.

If Mr. Nixon listens to Laird, and to those who once again disregard the evidence of the struggle in the Kremlin, the delay might well enable the Soviet hawks to score the kind of irreversible victory that they won when they brought about the fall of Khrushchev.

The issues in the present struggle (as described in my weekly newsletter) are much the same as in the past. Early talks could give the Kremlin doves the chance they need. Further delays could undermine their already shaky positions.

PRESIDENT NIXON'S SPECIAL MESSAGE ON THE DISTRICT OF COLUMBIA

Mr. HRUSKA. Mr. President, last Friday, President Nixon presented to the citizens of the District of Columbia and the American people a special message on the District of Columbia with special emphasis on its crime and law-enforcement problems. This message was not just a comprehensive detailing of the problems which confront us. It was the first installment of a wide-ranging plan of action—and a personal commitment—from President Nixon to do something about them.

The response was immediate and enthusiastic. Mayor Walter Washington pledged the "full support" of the District government. He called last Friday "an exceedingly bright day for the District of Columbia." The Washington Evening Star commented editorially that the President "is off to an excellent start" in his efforts to curb and turn back the mounting wave of crime in Washington. The Washington Post said that the proposals were a "comprehensive attack" and "offer hope and a checklist against which every citizen can measure in the months to come the performance of District and Federal officials."

This message will be supplemented by specific legislative and budgetary proposals to Congress in the near future. But the principal thrust and outline of the President's response is now recorded. It appears that the problems which have chronically plagued the Nation's Capital will receive top priority and sustained attention at the White House level as was pledged during the course of Mr. Nixon's campaign.

It is clearly and forcefully demonstrated by this message, Mr. President, that President Nixon cares about the problems of the District of Columbia and is willing and ready not only to bring the full resources and prestige of his office to bear on them, but to work with responsible officials and concerned citizens to bring about meaningful progress.

Of course, there must be equal priority and commitment given by the Congress, District officials and citizens, regardless of party affiliation. As a member of the

Senate Judiciary and Appropriations Committees and of subcommittees having jurisdiction over many of the areas covered in the message, I pledge to do all that I can to help. I urge my colleagues in the Congress to join with the President to get this essential job done.

While I shall not today comment on the substantive provisions of the message—they speak for themselves—I do salute the President on his wise choice in naming Mr. Donald Santarelli as special counsel for District of Columbia matters. Having known Mr. Santarelli for 2 years and having worked closely with him on a variety of crime-related issues during his service as Minority Counsel on the House Judiciary Committee and as Counsel to the Senate Constitutional Rights Subcommittee, I can attest to his intelligence, competence, and broad experience. He is a thorough, scholarly, yet practical technician who knows the crime problems of the District of Columbia from first hand, having also served in the U.S. Attorney's office in the District for 2 years. I am confident that he will discharge his new responsibilities in the same efficient and effective way he has during his tenure on Capitol Hill.

Mr. President, I ask unanimous consent that the full text of the President's message be printed in the RECORD.

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

ACTIONS AND RECOMMENDATIONS OF THE PRESIDENT FOR THE DISTRICT OF COLUMBIA

Responsibility begins at home.

The District of Columbia is the Federal city, and the Federal Government cannot evade its share of responsibility for the conditions of life in the District.

For many who live here, those conditions have become intolerable. Violent crimes in the District have increased by almost three times in the last eight years; only two days ago, the local newspapers carried a report that armed robberies had more than doubled in the past year alone.

This violence—raw, vicious violence, hurting most of all those who are poor and work hard—is the surface manifestation of far deeper troubles.

These troubles have been long building. In part, Washington today is reaping a whirlwind sown long since by rural poverty in the South, by failures in education, by racial prejudice, and by the sometimes explosive strains of rapid social readjustments.

Because its roots are deep and closely woven, crime in the District cannot be brought under control overnight. Neither can poverty be ended or hatred eliminated or despair overcome in a year. But we can begin.

In the 11 days since the new Administration took office, I have asked the departments and agencies concerned to make an intensive study—as a matter of first priority—of actions that could be taken now toward curbing crime and improving the conditions of life in the city of Washington.

I wish I could report that we had produced a magic formula that would end crime and sweep away despair overnight. We have not. I have determined on a number of actions and recommendations which will provide a start.

These include:

A swift start on restoring those areas devastated nearly ten months ago.

A package of proposals that can at least help toward restoring the safety of life and property.

A commitment to give the people of the District of Columbia the voice they legitimately should have in the public policies that affect their lives.

Before detailing these measures I would like to make two points, both of which may help set the measures themselves in perspective.

I am pleased to report, first, that Mayor Washington and I, together with key members of our respective Administrations, have established the basis for what I confidently expect will be the most effective cooperation yet achieved in the relations between the Federal and City governments.

The basic framework within which we both intend to operate is one of local initiative and responsibility, and the fullest possible Federal support—not only in terms of the necessary money, but also by involving the vast array of technical assistance available from within the Federal departments and agencies headquartered here.

Second, the great majority of these actions and recommendations are in the fields of crime control and the administration of justice. I recognize full well that crime and violence are only part of the complex interweave of problems the District faces, and that in the long run crime itself also requires much more far-reaching and subtle approaches. But the rapidly mounting urgency of the crime crisis in the District marks immediate, direct anti-crime measures as the first-priority task.

There is another reason for this early and urgent emphasis. Crime in America today is both a primary local responsibility and a primary national concern. Here in the District, the Federal Government bears a special responsibility and has a unique opportunity. By searching for new ways of applying the resources of the Federal Government in the war against crime here, we may discover new ways of advancing the war against crime elsewhere.

These measures are by no means a comprehensive list. They represent things that are clearly needed and can be done now. Other crime-control measures will follow, and also additional measures to meet the vast array of the District's other needs.

RESTORING THE DEVASTATED AREAS

Scarcely any of the shops and homes destroyed during the riots of last April have been rebuilt, and very few of those damaged have been made habitable or usable again. These rotting, boarded-up structures are a rebuke to us all, and an oppressive, demoralizing environment for those who live in their shadow. They remind us again of the basic fact that the principal victims of violence are those in whose neighborhoods it occurs.

It is not enough merely to patch up what now exists: we must truly rebuild.

The people of the District—especially, of course, the people who live in these areas, and those who own the land—must decide the purposes for which these blocks will be used. The Federal Government can, however, pledge its full support for those Federal programs which can enable such redevelopment to proceed, and can further pledge the utmost Executive energy in responding to formal applications from the District.

We have already begun.

Specifically, Secretary Romney informed me today that the Department of Housing and Urban Development has approved a 29.7 million dollar neighborhood development plan for the Shaw area, including the major portion of the 7th Street neighborhood damaged during last April's riots. This plan, the result of several years of preparation, is an accomplishment of which this city can be proud.

It took Secretary Romney's Department less than 24 hours to approve this plan for the Shaw area, once it was approved by the City Council last Tuesday and submitted for Federal approval Wednesday evening. This unprecedented process illustrates the commitment of this Administration to the meeting of the urgent needs of the Capital city.

Mayor Washington has indicated that he intends to seek similar assistance under the Housing and Urban Development Act of 1968 for rehabilitation of the two major areas of riot damage not covered in the Shaw plan—the areas along 14th Street and H Street. I can assure him that this Administration will respond with the same sense of urgency to his request for help in these areas.

He has promised me a tight but serious timetable under which the first construction in these areas would begin next fall.

While the city prepares for this construction—and decides what to do with the 14th and H Street areas—the Department of Housing and Urban Development will make available $1 million in special interim assistance for improvements in some of the blighted areas. This morning, I watched the first cranes at work clearing rubble to make way for a temporary playground. The District has plans for swings, slides and swimming pools where now there is charred rubble. Street lighting will be improved, roads and sidewalks repaired.

Under Section 514 of the 1968 Housing and Urban Development Act, Mayor Washington has undertaken to provide 1/3 matching funds for this $1 million, and the District Government will take the initiative in deciding how this money will be spent. The limited assistance to be provided by the federal government under this interim program cannot by itself remake these areas. But it is a first step toward making them more livable, an earnest demonstration of our concern, and a first sign of hope.

In this connection, I can announce that the 1969 Inaugural Committee, through its chairman, Mr. J. Willard Marriott, has agreed to devote the net proceeds of the Inaugural to the cost of providing playground equipment and other improvements for these parks and playground areas.

CRIME AND ADMINISTRATION OF JUSTICE

A meaningful assault on crime requires action on a broad array of fronts. But in the midst of a crime crisis, immediate steps are needed to increase the effectiveness of the police and to make justice swifter and more certain.

Toward these ends and as a beginning, I have taken or will propose action in twelve major areas.

1. The courts of the District of Columbia

I am asking Congress to provide 10 more judges for the courts of the District of Columbia. I will ask later for more additional judges as they become necessary upon the reorganization of the District of Columbia court system.

As an interim measure, I would hope that the existing visiting judges program would be expanded in the District. The Chief Judge of the District of Columbia circuit here has diligently sought the services of visiting judges. I will encourage and aid him in his effort to obtain the services of more judges.

To improve the administration of justice in the District, I have directed the Attorney General to consult with the bench, the bar and the various interested groups, to assist in the drafting of appropriate legislation providing for a reorganization and restructuring of our present court system toward the eventual goal of creating one local court of general, civil, criminal and juvenile jurisdiction for the District of Columbia. It is consistent with my support for home rule to urge the creation of a local court system similar to that of the States and other large municipalities.

To perform with full effectiveness, a modern court needs modern computer and management techniques. I have asked the Attorney General to offer his department's assistance to the study groups in the District

that are presently seeking to apply such techniques in the court system.

I have asked the Attorney General to submit specific recommendations for such additional court house personnel, including United States Marshals, court clerks, probation officers, law clerks and bailiffs, as are necessary to support not only the present judges but the additional judges that will be requested.

2. U.S. attorney's office

The chronic under staffing of the prosecutor's office has long hampered the efficient administration of justice in the District. It is widely recognized that a ratio of at least two prosecutors for each judge is needed. To achieve that goal, 20 new Assistant U.S. Attorneys are required immediately. With the creation of 10 additional judgeships and the contemplated court reorganization, another 20 prosecutors will be required. Consequently I am recommending the authorization of 40 more Assistant U.S. Attorneys.

A comprehensive reorganization of the Office of the U.S. Attorney is imperative. This should include a restructuring of the office to provide for two-man prosecutor teams in important cases; the development of specialized functions for technical cases such as frauds and other economic crimes; and the creation of a special "violent crimes unit" to handle such crimes as armed bank robberies on a priority basis, as is presently being tried experimentally. In addition, greater emphasis is needed on developing policy guidelines and training programs. On January 14, $120,000 was awarded by the National Institute of Law Enforcement and Criminal Justice for a special study committee. Included in its study is an examination of the prosecutor's office, with a view toward recommending improvements in its operation. I strongly support this study and have instructed the Attorney General to make available the resources of the Department of Justice to assist the committee and to facilitate reorganization found desirable.

In addition, I will seek authorization for the hiring of law clerks and sufficient other personnel for the proper staffing of the U.S. Attorney's office—and for the hiring and use of trained investigators, who are necessary to the effective functioning of the prosecutor's office.

3. Courthouse facilities

The local courts already are overflowing the existing Court of General Sessions buildings. Judges are sitting in three different buildings, and some in temporary courtrooms. With the creation of additional judges and the eventual transfer of greatly expanded jurisdiction to the local courts, a new courthouse complex becomes a pressing necessity. $100,000 has already been utilized for planning for a new courthouse and $3.5 million has been appropriated for site selection. But we must have these facilities now. Consequently, I am vigorously endorsing the requests presently pending before the Congress for $1,240,000 to be used to complete acquisition and for additional planning. The Administration will fully support the Mayor in such additional requests as are needed to speed the building program. Meanwhile, I have instructed the General Services Administration to assist in providing temporary facilities.

4. Bail reform and the bail agency

Problems arising out of the operation of the Bail Reform Act of 1966 are now being considered by the Congress. But substantial changes in this area are needed quickly. Increasing numbers of crimes are being committed by persons already indicted for earlier crimes, but free on pre-trial release. Many are now being arrested two, three, even seven times for new offenses while awaiting trials. This requires that a new provision be made in the law, whereby dangerous hard core recidivists could be held in temporary pre-trial detention when they have been charged with crimes and when their continued pre-trial release presents a clear danger to the community.

Additionally, crimes committed by persons on pre-trial release should be made subject to increased penalties.

Insufficient staffing of the Bail Agency is one of the contributors to crime by those on pre-trial release. I support immediate lifting of the ceiling that now constricts the Agency's funding. I will seek appropriations for an initial expansion of the agency from 13 to 35 permanent positions. If the pre-trial release system is to protect the rights of the community, the agency must have the capacity for adequate investigation and supervision.

5. The District of Columbia Department of Corrections

As the local government is painfully aware, the existing facilities and programs of the Department of Corrections are woefully inadequate. On January 16, 1969, the Director of the Bureau of Prisons submitted a comprehensive report to Mayor Washington identifying the deficiencies and making a number of recommendations. I join with the Mayor in urging immediate implementation of those recommendation, and I will offer whatever Federal assistance is possible in doing so.

All who have studied the problem agree that far-reaching changes are needed in the penal facilities and programs serving the District. I will press vigorously for accomplishment of the needed reforms.

6. Office of Public Defender

The recent bail reform hearings before the Senate Judiciary Subcommittee on Constitutional Rights have emphasized the important contributions skilled defense counsel can make toward expediting criminal trials.

Too often, inexperienced lawyers who are appointed to represent indigent defendants complicate and delay the trial process by their unfamiliarity with the law and criminal practice. Experience has shown that professional public defenders, on the other hand, not only better safeguard the rights of defendants, but also speed the process of justice. The Legal Aid Agency in the District is a pilot project which has given every indication of great success if properly supported. I believe the time has come to convert this project into a full-fledged Public Defender program. To make this project possible, I will support the Legal Aid Agency's 1970 budget request for $700,000 to allow an increase in its staff from 22 to 34 attorneys and to assume responsibility for a successful project in offender rehabilitation. This would allow it to become a full-fledged Public Defenders Office with the capacity to represent almost half of the indigent adult and juvenile defendants in the District.

7. The Metropolitan Police Department

There is no deterrent to crime quite so effective as the public presence of policemen. Several immediate steps are needed to bolster and improve the local police force in the District of Columbia.

The first step is more effective recruitment. Despite diligent recruitment efforts, the police force has hundreds of unfilled vacancies. I have pledged to the Mayor the assistance and full support of this Administration to improve the recruitment process. I will sponsor the establishment of a procedure by which the District can draw upon the experience of other cities. Imaginative and innovative approaches may be necessary.

But even bringing the department up to its presently authorized strength will not secure adequate public protection in these troubled times. Consequently, I am recommending to the Mayor that he request authorization of an additional 1000 police officers for the District, and I will support such a request.

I endorse the Mayor's efforts and those of the police department to reorganize the structure of the department, so as to consolidate functions, reduce duplication and free additional police officers for patrol and enforcement duties. I offer the assistance of the Federal Government in this effort.

I urge our local police officials to give a high priority to planning and development, making use of the increased Federal funds now available for the introduction of new law enforcement techniques.

The police department also needs the increased assistance of competent legal advisers in this era of evermore complicated criminal law and procedures. I laud the Mayor for his recent appointment to the police department of a legal adviser. However, with the increased burdens on the department it seems advisable to increase the staff and capability of such an office. Not only do the police need to be properly advised as to the performance of their duties, but it is also necessary for the police department to be assured of the Government's support of an interest in the officer's performance of his individual duties.

8. Director of public safety

The potential of this office is great. It is presently vacant. The Mayor informs me that he is diligently searching for the right man to fill the job. I have offered the Mayor this Administration's resources to assist him in selecting the best possible Director.

9. Citizen participation

Increased citizen involvement is essential to any program of crime control and prevention; it is also in keeping with the American tradition. I strongly support the Mayor in his plan to appoint a Criminal Justice Coordinating Committee patterned after similar successful programs in other large cities. It is important that the Council be properly staffed. This could be done with help from the recently created Criminal Justice Planning Office and funded under the Law Enforcement Assistance Act, which provides financial support of up to 90% for such planning activity involving citizen participation. Policy making and planning must have citizen participation and coordination if they are to produce programs that are widely acceptable to the community. I pledge the Mayor the support and assistance of the Federal Government in this area.

10. Narcotics

Although the narcotics traffic in the District of Columbia is apparently not dominated by organized crime it has become an acute and growing problem. It is a direct cause of much of the District's crime, by driving the narcotic user to commit crime to support his "habit". Many armed robberies, assaults and bank holdups are directly related to narcotics use.

Consequently, I have instructed the U.S. Bureau of Narcotics and Dangerous Drugs to increase significantly its role in the District of Columbia in enforcing the narcotic and dangerous drug laws. The Bureau has assured me that they will also increase their cooperation with the Metropolitan Police Department in enforcement, training and in making available additional laboratory facilities and expert and technical assistance.

I have also directed the Bureau and the Department of Justice to seek more effective application of the civil commitment provisions of the Narcotics Rehabilitation Act of 1966 which has not yet been widely used.

11. Juvenile crime

In recent years the median age of those charged with crime has been ominously dropping. The National Commission on Violence warned this month: "The key to much of the violence in our society seems to lie with the young. Our youth account for an ever-increasing percentage of crime, greater than their increasing percentage of the population. . . . It may be here, with tomorrow's generation, that much of the emphasis of

our studies and the national reponse should lie."

I strongly support the city government's efforts to draft a new Juvenile Code, and I am making available technical assistance by Federal authorities. The Department of Justice is already cooperating with the Corporation Counsel and other local officials on the project.

Under the proposed court reorganization, the now isolated and undernourished Juvenile Court would be brought into the new District of Columbia court of general jurisdiction. Thus juveniles would have the advantage of the comprehensive facilities of the new court, including family services and probation assistance.

The pilot Group Home Rehabilitation Project, in which juveniles enjoy retention of community ties, close adult supervision and peer-group controls, gives every appearance of success. Expansion of the project as a substitute for institutionalization and as a possible supplement to probation is desirable. I support the Mayor in his request for increased funding and authorization for such facilities.

The lack of sufficient psychiatric services for the youthful disturbed is a serious obstacle to crime prevention. Young minds gone astray must be helped while still malleable. I will assist the Mayor in his forthcoming request for a well-staffed psychiatric care residential facility for adolescent delinquents.

I also urge that the local government, together with local school officials, prepare a plan to provide for the education of those school children whose disciplinary and truant absence from schools for long periods now causes them to reach adulthood educationally stunted. A substitute educational program must be devised for them, lest they become a burden to themselves and the community.

12. New attention to the District

The Attorney General has created a new post within the Justice Department, that of Associate Deputy Attorney General for the Administration of Criminal Justice, with one of the new official's special and continuing responsibilities that of helping improve the administration of justice in the District of Columbia. He has named to the post Mr. Donald Santarelli, a widely experienced expert on the special problems of crime control in the District. One of Mr. Santarelli's functions will be to evaluate and help implement new ideas for more effective anti-crime measures in the District.

HOME RULE AND DISTRICT REPRESENTATION

For more than 20 years I have supported home rule for the District of Columbia. I continue to support home rule, but I consider the timing of that effort the key, as is proven by its past history of failure. For the present, I will seek within the present system to strengthen the role of the local government in the solution of local problems.

Beyond this, I will press for Congressional representation for the District. In accordance both with my own conviction and with the platform pledge of my party, I will support a constitutional amendment to give the 850,000 people of the District at last a voting representative in Congress.

Adding an amendment to our Constitution, however, is a long and difficult process. As an interim measure, I will press this year for legislation that would give the District a non-voting delegate. The District is a Federal city, but it should not be a Federal colony. Nearly 200 years ago, the people of America confronted the question of taxation without representation. It was not acceptable then; it hardly is justifiable today.

I cannot overemphasize the fact that these reforms are not a panacea. They are a beginning. Some will show modest results quickly; others may show greater results over a longer period of time. More must be done. But as the city moves to modernize its own government, as improved Federal cooperation provides the support so desperately needed, as the citizens of Washington develop a greater awareness of ways in which citizen action can make their city safer and more livable, as progress is made in tackling the stubborn social problems that have sapped the spirit of so many of the District's people, I am confident that together we can make measurable progress toward reviving the spirit and restoring the safety of the nation's capitol, and making it once again what it ought to be: a proud, glorious city, cherished by every American as part of his heritage and cherished by those who live here as a place of beauty, neighborliness and decency.

MRS. RITA HAUSER, ADVOCATE OF SENATE RATIFICATION OF HUMAN RIGHTS TRENDS, APPOINTED TO U.N. BY NIXON—XVI

Mr. PROXMIRE. Mr. President, during the past several days I have been speaking out on the floor of the Senate for ratification of the Human Rights Convention on the Political Rights of Women. I congratulate President Nixon on his excellent nomination just made of Mrs. Rita Hauser, a prominent international lawyer, to the post of U.S. representative on the Human Rights Commission of the United Nations Economic and Social Council. This is the third major appointment of a woman by the Nixon administration. In this post, Mrs. Hauser will follow such great and dedicated women as Mrs. Eleanor Roosevelt, Mrs. Mary Lord, and Mrs. Marietta Tree.

Mrs. Hauser is particularly interested in the ratification by the U.S. Senate of the United Nations Human Rights Convention, and Conventions on Genocide and the Status of Women. She has promptly called for the Senate, this body, to ratify them. In keeping with this, one of her first duties will be to attend the 5-week meeting of the Human Rights Commission in Geneva beginning on February 14. If some people mistakenly think that the Human Rights Commission is a general theoretical group of do-gooders, let me point out that the first subject on the Commission's agenda will be the grave event of the Iraqi hanging of the nine Iraqi Jews and five others.

Mrs. Hauser is exceptionally well qualified for this post both for her admirable academic background—she has four college degrees including a doctorate in political economy from the University of Strasbourg—and for her dedicated and sincere concern for human rights. I should like to take this opportunity to wish her well in this post.

PUBLIC HANGINGS IN IRAQ

Mr. KENNEDY. Mr. President, the civilized world has reacted with revulsion to the spectacle of the public hangings in Baghdad.

It is not our intention to comment on the judicial process in other countries, but it is patent from the reports from Iraq that the executions gave expression to violent anti-Jewish hatred, and it is also clear that the 3,000 Jews who still survive in Iraq are in grave danger.

I am glad to see that our Secretary of State, Mr. William P. Rogers, has filed a strong protest with the United Nations' Security Council.

All of us share his view:

The manner in which these executions and the trials which preceded them were conducted scarcely conform to normally accepted standards of respect for human rights and human dignity.

Mr. Rogers noted:

The spectacular way in which they were carried out seems to have been designed to arouse emotions and to intensify the very explosive atmosphere of the suspicions and hostility in the Middle East.

And, he continued:

Repetition of the recent tragic event would be bound to make more difficult efforts within and outside the United Nations toward the goals of peace, tolerance and human understanding among nations and people in the Middle East and throughout the world.

It seems to me that this situation calls for more than protest.

Our existing immigration laws will permit the immigration of Jews from Iraq into this country.

I am sure that many other countries would open their doors to members of the Jewish population of Iraq.

I believe that our Government, in concert with other Governments of the world, should do all it can to facilitate the exodus of these people.

If, as has been clearly stated by the Government of Iraq, the members of the Jewish community are distrusted, it would seem that Iraqi officials would have no objections to the Jewish population leaving at the earliest possible moment.

The United Nations could well play a role, either directly or through utilization of its good offices, in working out a feasible departure plan for those Jews in Iraq who wish to leave.

From the actions and statements of the Government of Iraq, the immigration of these 3,000 people should not be a matter of opposition, but rather an opportunity to eliminate a source of tension and disruption.

BAIL REFORM ACT OF 1966

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I made earlier today before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, with reference to amendments to the Bail Reform Act of 1966.

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

STATEMENT BY U.S. SENATOR ROBERT C. BYRD BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, COMMITTEE ON THE JUDICIARY, U.S. SENATE

STATEMENT RELATING TO AMENDMENTS TO THE 1966 BAIL REFORM ACT

As a result of hearings held before me, as Chairman of the Senate Appropriations Subcommittee for the District of Columbia, in 1967, relating to the costs and problems of mounting crime, I became so concerned about the need for doing something about it that I prepared two amendments to the 1966 Bail Reform Act which I was prepared to submit as amendments to the Safe Streets bill when it was under consideration on the floor of the Senate last fall. However, at the last moment, I agreed to hold these amendments and submit them to the Senate Judiciary Subcommittee on Constitutional Rights where they could receive more deliberate con-

sideration. With the matter of bail reform presently before the Judiciary Subcommittee, I feel that it is important to speak out on this matter.

I had proposed these amendments because I was convinced that the comparatively new Bail Reform Act of 1966—particularly as it has been operating in conjunction with the also relatively new Criminal Justice Act—gives an insupportable advantage to the criminal who makes a business of violent and serious crime. It places the victims of such crimes—and the public—unfairly at the mercy of such criminals, and it places a tremendous and unnecessary additional burden on already over-burdened courts and related law enforcement agencies to a point which threatens a breakdown of the whole federal law enforcement system.

In proposing these amendments, I wish to make it clear that, generally, I am in accord with the objectives of the Bail Reform Act, particularly insofar as it provides a means for the quick and equitable release, pending trial, of the majority of persons, charged with a wide range of miscellaneous offenses, who are not really a part of the criminal element—in other words, those who are not chronic criminals or virtual professionals in the art of violent crime. I believe that if certain changes are made in the law, and if necessary refinements in its administration can be accomplished, it could result in a very substantial forward step in the administration of justice. I am also quite mindful of the fact that the Bail Reform Act of 1966, or the manner in which it has been operating, is certainly not the sole reason for the sharply rising crime rate and the increase in lawlessness. But, when under the 1966 Bail Reform Act—regardless of the gravity and circumstances of the crime, the weight of the evidence, or the past history and dangerous character of the accused—the arraigning magistrate is forced to regularly release back to the streets, on nominal or relatively low bail or on personal recognizance or other seemingly ineffective conditions, perpetrators of the most vicious crimes, to continue preying on the public until trial—often at some far future date—because the prime consideration in setting the amount of bail has become the defendent's visible ability to make the bond—then I believe it is time to amend the law and without further delay. I submit that there has now been sufficient experience under the 1966 law to demonstrate certain of its weaknesses and the fact that it is proving a windfall to the chronic, violent criminal. I feel that the law, as it now stands, may be of more benefit to the habitual criminal than it is to those whom it was designed to benefit, and that it is turning into something of a catastrophe for the victims of this criminal element and for the law-abiding public.

The first of my proposed amendments would amend that part of the 1966 Bail Reform Act which relates to "Release in noncapital cases prior to trial" (subsections (a) and (b) of Section 3146, Title 18, United States Code). In substance, the amendment would give the court, or the arraignment magistrate, in the fixing of bail or other conditions of release of an accused in this class of cases, the discretion to take into consideration the danger which the accused poses to another person or to the community. In other words, in addition to the factor of a reasonable assurance that the defendant will appear in court, the court, in exercising its discretion as to the reasonableness of bail or other conditions of release pending trial or other disposition of a case, could also consider facts relating to the danger which the accused poses to society or to other persons. It would give the judge, or magistrate, in a particular case where the evidence demonstrates that the accused in a non-capital offense has displayed a penchant for violence, greater discretion than is presently afforded in the fixing of bail or other conditions of release. Apart from this one change, this amendment leaves the present legislation intact, including the right of 24-hour review, appeal to a higher court, etc.

The second proposed amendment is to Section 3148(1), Title 18, U.S. Code, which is the section of the Bail Reform Act relating to "Release in capital cases or after conviction." This amendment is confined to cases involving persons accused of "crimes of violence" who have outstanding convictions for crimes of violence. It would give the judge, the court, or the arraignment magistrate, discretion in such a case to detain the accused without bail pending trial, if, under the particular circumstances, there was reason to believe that no one or more conditions of release under present law would adequately protect the interests and the safety of the public.

This amendment defines "crimes of violence" to mean "voluntary manslaughter, murder, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any felony, arson punishable as a felony, or an attempt to commit any of the foregoing.

Of course, Section 3148 of the present Bail Reform Act already provides that in an offense (1) punishable by death or (2) where there has been a conviction in the lower court and the defendant is awaiting sentence or has filed an appeal—the judge, or court, may deny bail and detain the defendant if he poses a danger to any other person or to the community. My amendment would merely extend this discretion, the facts of the particular case warranting, to a third class of cases involving persons accused of a crime of violence, as described therein, who had previously been convicted of a crime of violence.

In discussing why I believe it is not only most urgent but highly appropriate that the present law be amended, I make no pretense of giving an erudite exposition of the history of the law as it applies to bail or pretrial or other release in criminal matters. In fact, it would be presumptuous for me to do so. I simply wish to point out some facts regarding the background and evolution of federal criminal law in this area, which, in my opinion, have been lost sight of and which, if I am correct, make it incumbent upon the Congress to change the bail law without delay.

These proposed amendments obviously bring into issue the right of Congress, by legislation to (1) enumerate elements which a judge or court may consider in the exercise of his or its discretion in fixing bail or other conditions of release, and (2) define the classes of cases in which bail shall be allowed in this country. They also, of course, bring into issue the question of the need for a change in the present law.

Although the right of Congress to enact such legislation seems basic, if I seem overly obvious at times, it is because I feel there is much cloud cover [—if not fog—] surrounding many of the issues involved.

At the outset, I think everyone will agree that the Eighth Amendment to the Constitution deals solely with "excessive" bail and fines and with "cruel and unusual punishment," and that there is no prohibition in the Constitution against detaining without bail persons charged with crimes punishable by death. It is quite important, it would seem, to keep this in mind. The Eighth Amendment merely states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

Now, the very same U.S. Congress which promulgated the Eighth Amendment in 1789, at the same time also enacted a bail statute. Congress made a distinction between capital and non-capital federal crimes and provided for bail at some level in all but capital offenses. The pertinent portion reads:

And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. . . . (1 Stat. 91, Sec. 33)

It was this act of Congress, rather than the Constitution itself, which gave the right to bail in non-capital cases.

But let us look at the Eighth Amendment of the Bill of Rights and this original bail act in the light of history and the conditions of the times in which they were promulgated and enacted.

In this connection, it should suffice merely to point out that at the time the Eighth Amendment to the Constitution was ratified, practically all of the more serious crimes carried the death penalty, and there was an all too recent history of instances of burning people at the stake, breaking them on the wheel, and all sorts of other inhuman treatment, which forms of punishment were inherited from English law although practiced to a lesser degree in the colonies.

As for the severity of the old English law from which our own legal system was derived, it may be said that apparently believing a reign of terror was the most efficient method of keeping the criminal elements under constraint, legislators in those early days inflicted the death penalty indiscriminately upon all classes of offenders. Many of the offenses for which persons were executed were little more than what we know now as misdemeanors. Execution seemed the solution for all crimes.

America inherited this attitude of severity, which continued long after the United States had become a nation. Harsh repression was the primary policy toward crime in the newly-created States.

The same Congress which enacted the original bail law in 1789 also enacted a Crimes Act and prescribed the death penalty for all the more serious crimes over which the federal government had jurisdiction. Accordingly, persons accused of such crimes did not have the right to bail. These crimes under the then rather limited jurisdiction of the federal government included: (1) Murder, (2) treason, (3) robbery, (4) stealing a ship, (5) a seaman laying violent hands on the commander of a ship, (6) revolt on a ship, (7) piracy or robbery under false colors, (8) accessory before the fact of piracy or robbery assisting, counseling, aiding, and advising, and even (9) forgery, counterfeiting or uttering of a public U.S. security. Larceny did not carry the death penalty, but it was provided that those found guilty should be fined not more than four times the value of the property stolen and publicly whipped not more than 39 stripes. (The Crimes Act of 1790, 1 Stat. 112)

At about the time the original U.S. bail law was enacted, the English law, from which our bail provision and Constitutional Bill of Rights admittedly stemmed, listed 240-some offenses which were subject to the death penalty.

Even one hundred years later, in 1891, according to House of Representatives Report No. 108, 54th Congress, 1st Session, 1896, there were 60 crimes punishable under U.S. federal law which carried the death penalty. Eighteen of these offenses for which the penalty of death could be inflicted were in the civil code under the jurisdiction of the federal courts of the United States (as distinguished from military and naval codes).

The history of the law in the respective states more or less paralleled the federal law in the severity of the punishment meted out for most serious criminal offenses, and even well into the present century, the laws of many states still provided for the death penalty in a number of the more serious crimes, such as murder, robbery, rape, treason, arson, burglary, kidnaping, etc. The point is that

this first U.S. Congress, which in 1789 promulgated the Bill of Rights to our Constitution—including the Eighth Amendment, regarding excessive bail and inhuman punishment, and the Fifth Amendment relating, among other things, to due process—and which, at the same time, enacted the first bail law, did so under a far different set of conditions and circumstances than those which exist today.

When that early Congress provided, by legislation, that all crimes which were not punishable by death should be subject to bail—in reality it provided that only relatively minor offenses should be subject to bail and it excluded from mandatory bail provisions most of the serious offenses by making such crimes capital offenses. It would therefore follow—not only as a practical matter, but literally—that in the federal law—from the beginning and continuing for a century or more—there was no right to bail for those accused of the more serious crimes, and the courts, or judges, in arraigning persons accused of all such serious crimes, could exercise discretion "regarding the nature and circumstances of the offense, and of the evidence, and the usages of law," [1] as to whether the accused should be detained pending trial. The result, a harsh reality, was that many of these grievous offenders never had the opportunity to again become a danger to society—for, until their trial, they were detained, and, if found guilty, were hanged. Further, it would seem apparent that the Congress which authored the Bill of Rights and enacted the first bail statute did not consider then that it was infringing upon the rights of those accused in these many serious crimes by denying them the right to bail pending trial.

Another fact which goes to the very crux of the bail issue, but which seemingly is too often completely overlooked, is that Congress from the outset had, and exercised, the authority to determine the penalties for particular crimes, including those offenses for which the penalty of death should or could be inflicted, and had—and exercised—the authority to determine the classes of cases in which bail should or should not be allowed. This is inherent in the very language of the first Bail Act of 1789 and the Crimes Act of 1790, and there has been no change to the present day. This authority perhaps may best be stated in the language of the 1952 Supreme Court decision in *Carlson* vs. *Landon*, 352 U.S. 524, at page 545, in which it was stated:

"The bail clause was lifted with slight changes from the English Bill of Rights Act. In England, that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus, in criminal cases bail is not compulsory where the punishment may be death."

No reasonable interpretation of the language of the Eighth Amendment to the Constitution, or the original bail law, could seem to lead to any other conclusion but that there is no Constitutional right to bail or pretrial release except within the context of the language of Congressional enactment, particularly as it applies to more serious crimes. It would also seem to logically follow that, in spite of frequent references in modern day case law and in legal treatises to the "traditional right to bail," or "Constitutional right to bail," Congress has the right to legislate such conditions as are warranted with respect to pretrial detention, bail, or release of the accused, in serious crimes, who poses a danger to society. And, of course, this is my basic premise in proposing these two amendments.

With the passage of time, much of the harsh, repressive attitude towards crime, which was inherited from the English law but continued long after the United States became a nation, fortunately was swept away by growing humanitarian sentiment, and this eventually resulted in more humane forms of punishment and more compassionate prison methods and the use of such corrective methods as probation, parole, etc. The number of capital offenses was gradually reduced by legislative changes in the statutes to a few of the gravest crimes. However, as previously indicated, it was not until 1892, that the number of capital offenses in the U.S. Civil Code was reduced substantially.

At the time Congress enacted laws reducing the penalties for many of the more serious crimes from death to imprisonment, there was no change made in the law with respect to bail nor would it appear that any legislative consideration was given to bail aspects at the time, the major issue being what effect the removal of the death penalty would have as a deterrent to crime. At least in retrospect, it might even be said that this was a matter of inadvertence. It followed, of course, in accordance with the language of the bail statute, that as soon as the punishment for an offense was reduced from death to a lesser penalty, the offense became bailable at some level.

It does not follow, however, that because Congress changed the penalty for crimes which once carried the death penalty to something less, it could not have changed the bail act to retain the provisions with respect to discretionary detention pending trial which these offenses carried when they were punishable by death. Nor would it seem to follow that if Congress neglected to change the bail act or did not see the need at that time, it foreclosed itself from doing so at a later date when changed condition might warrant it.

Is the crime of rape or robbery, or arson, or burglary, any less serious in its consequences to the victims of such crimes today than it was when the penalty was death? Or must Congress reimpose the death penalty in such cases in order to permit the courts to exercise discretion, where the facts warrant, in detaining an accused in a violent or serious criminal offense if his release poses a danger to society? Does not the public have the same right of protection today from the violently lawless or dangerous criminal that it, in fact, had when our first Bail Act was enacted? Or has the protection afforded under those old laws been lost because Congress removed the death penalty for these serious offenses? Does anyone believe that Congress changed the death penalty to imprisonment in certain cases because it felt that those crimes were not serious—or did it do so for humanitarian reasons? When Congress reduced this penalty, was it acting in keeping with the times in imposing more humane punishment for the particular crimes committed, or was it doing so in order to permit the accused to go free on bail? It would seem that the answer to all of this is obvious.

With federal judges, for over 100 years after the passage of the original Bail Act, having clear discretion to fix or deny pretrial bail in practically all of the more serious and violent crimes because such crimes carried the death penalty, it becomes somewhat academic as to whether the reasons for detention were to prevent flight or to safeguard the community. Further, because the yardstick prescribed in the 1789 Bail Act was that in considering whether or not to allow bail or detain the accused, the judges were to look at "the nature and circumstances of the offence, and of the evidence, and the usages of law," it is not surprising, as recent studies have found, that, for 177 years, bail was set in an amount based largely on the crime rather than in an amount which would reasonably assure the appearance of the defendant in court, and that money bail has also been used consistently as a method of preventive detention of persons charged with crimes where it was deemed that their release before trial would pose a danger to the peace and security of the community.[2]

This is not surprising; first, because federal statutory law in the form of the 1789 Bail Act specifically gave the courts this discretion for a period of 100 years or more, or until the death penalty was changed to imprisonment in many of the more serious crimes, and, secondly, in addition to this precedent, it seems a sound rule to have related the amount of bail to the gravity of the crime, the weight of the evidence, and, among other things, the danger which the accused posed to the peace and security of the community.

Against this background, to now say—in the absence of specific statutory provision to that effect—that the only reason for setting bail in the case of a chronic violent offender is to reasonably assure that the accused will appear in court, is hardly tenable; or to say that the danger of an accused to other persons or to the community is not a reason which should be taken into consideration in fixing bail in a particular case, or is a lesser reason than the possibility of flight by the accused, also seems to me untenable.

Historically, of course, the primary reason for bail, in that class of cases in which release on bail at some level was called for, was the danger of flight from prosecution. In that class of cases, which, in times past and at the time of the enactment of the 1789 Bail Act, included only the less serious offenses, there naturally had to be some responsible relationship, in the fixing of bail, between the gravity of the crime, the weight of the evidence and the particular circumstances of the particular case, and the amount of bail set in each case.

It might be worthy of note that seemingly there were relatively few appeals from rulings of lower federal courts on the matter of bail in the first century and a quarter following the establishment of our federal judicial system, and this would appear to have resulted from the fact that the federal judges had fairly broad discretion in the matter of fixing or denying bail pending trial, particularly in the more aggravated crimes.

Further, even a quick examination of U.S. criminal case law will reflect that the various refinements which began to expand more explicitly the rights of the accused with respect to bail or release, for the most part, resulted from fairly clear abuses of discretion on the part of judges or courts in refusing bail or in imposing excessive bail in cases where an accused was charged with a relatively less serious offense as compared with a serious crime of violence.

Some of these federal decisions dealt with cases where bail had been refused outright in a minor offense; had been imposed at an obviously excessive level in relation to the offense; had been imposed arbitrarily without looking at the facts and circumstances of the defendant's particular situation; etc.

[1] 1 Stat. 91, Sec. 33.

[2] These are exact quotes from page 2 of the May 1968 "Report of the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia", except the report said that for 177 years the theory and meaning of the Eighth Amendment and the 1789 Judiciary Act were ignored (by the courts) by setting money bail in an amount based largely on the crime, etc. Studies by the Senate Judiciary Committee made similar findings regarding the practice relating to pretrial detention and the setting of bond based upon the gravity of the crime.

There were decisions which held that the purpose of bail was to reasonably assure the defendant's appearance at trial and therefore there must be a reasonable relationship between the amount of bail fixed and the possibility that the defendant might flee, all based on the circumstances of the particular case. However, there were also cases which held that the court, in determining reasonable bail, did not have to accommodate itself to the defendant's pocketbook and that if the defendant were unable to make bail set in a reasonable amount, his recourse was to move for trial.

The Criminal Pleadings and Trial Rules Act, enacted June 29, 1940, empowered the Supreme Court to prescribe rules of pleading and practice, which rules were not to take effect until they had been reported to Congress and a full session had elapsed so as to allow Congress to approve or disapprove. If Congress approved, or made no changes, thereafter all laws in conflict therewith had no further force and effect.

Pursuant to this Act, an Advisory Committee on Criminal Rules was appointed under the control of the Court to revise, bring up to date, and codify such rules. In 1946, these Federal Rules of Criminal Procedure were finalized and eventually became law under the Act. With respect to bail, Rule 46 (a), Title 18, U.S. Code, entitled "Right to bail" and dealing with bail prior to conviction, in substance, related the original Bail Act; that is, it provided that persons arrested for an offense not punishable by death shall be admitted to bail, and that persons arrested for an offense punishable by death may be admitted to bail, by any court or judge in the exercise of discretion, giving due weight to the evidence and the circumstances of the offense. More pertinently, Rule 46 (c), dealing with the "amount" of bail, which subsection was included for the first time as a statutory rule, provided that:

"If the defendant is admitted to bail, the amount thereof shall be such as in the judgment of the commissioner, or court, or judge, or justice, will insure the presence of the defendant, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the defendant to give bail, and the character of the defendant."

From this time on, until the passage of the 1966 Bail Reform Act, this was federal statutory law and it clearly stated the purpose of bail prior to trial was to reasonably assure the presence of the defendant and that, among other things, in fixing bail the financial ability of the defendant to give bail was to be considered. In other words, by the enactment of Rule 46(c), Congress, in providing more precise standards for the fixing of pretrial bail, had in effect confined its purpose in all non-capital cases to reasonably assuring the presence of the accused at trial. The 1951 Supreme Court decision in *Stack* v. *Boyle*, 342 U.S. 1, which is much cited, or course, was written within the context of this statutory law. In this case, the Court held that a person arrested for a non-capital offense shall be admitted to bail and cited the Judiciary Act of 1789 and Rule 46(a)(1) as authority. In accordance with Federal Rule 46(c), it also held that "Bail set at higher than an amount reasonably calculated to fufill this purpose is 'excessive' under Eighth Amendment."

It should be noted, however, that this case was actually decided on the fact that the lower court had arbitrarily set very high identical bail ($50,000) for each of a group of persons accused of conspiracy to violate the Smith Act without looking into the circumstances of the case of each accused, and on the basis that other communists in an entirely unrelated case had taken flight after conviction. It would further seem significant that in a separate opinion by Justice Jackson, in which Justice Frankfurter joined, it was stated, in discussing the reasonableness of bail in conformity with Rule 46(c): "This is not to say that every defendant is entitled to such bail as he can provide, but is entitled to an opportunity to make it in a reasonable amount."

There was a substantial increase in the number of appeal cases relating to bail following enactment of Rule 46(c), particularly in the 1950's and '60's. Without doing injustice to the large number of well-written and sound decisions based upon the facts of the particular case, I believe that it might be said that generally as the number of appeals have increased, confusion has increased with respect to the priorities to be given the various elements to be considered in fixing bail or other conditions of release in non-capital cases, with the more liberal courts or judges seemingly placing the greater accent upon the financial ability of a defendant to make bond, his family ties, his appearance in court on previous charges, etc., rather than upon the gravity and circumstances of the crime charged, the weight of the evidence, and the character of the defendant. Some judges have seemingly gone so far as to hold that a person charged with a serious criminal offense not punishable by death, who cannot make bond in any amount, must be released on his personal recognizance because, in his case, any bond would be "excessive" under the Eighth Amendment to the Constitution. This theory, which is strictly contra to the theory of "reasonable bail", as expressed in *Stack* v. *Boyle* by Justice Jackson (referred to earlier) and in a number of other cases, would seem to be carrying the matter of absolute logic to an illogical end.

In hearings held in 1967 before me, as Chairman of the Senate Appropriations Subcommittee on the District of Columbia as to the sharply rising cost of crime and law enforcement, information was developed which would make it appear that the passage of the 1966 Bail Reform Act, while providing an equitable format for quickly releasing the large percentage of persons charged with various types of lesser federal offenses, had resulted in a rapidly worsening situation with respect to serious crime and a sharp increase in lawlessness.

In enacting the 1966 Bail Reform Act, Congress took cognizance of many inequities in the federal bail system and particularly of the problem of the indigent who, when accused, cannot make bail in the usual amount. In essence, it made the same distinction with respect to capital and non-capital offenses as was made in the original Bail Act of 1789 and Rule 46(a)(1) of the Federal Rules of Criminal Procedure. It did not include any provision which would permit consideration of danger to the community in fixing conditions of pretrial release in a non-capital case. However, it permitted consideration of such danger in considering pretrial detention in capital cases and after conviction in non-capital as well as capital cases. In non-capital cases, it placed the accent on "release" rather than "bail" and provided a number of alternatives to bail. It sanctioned pretrial release on personal recognizance or upon execution of an unsecured appearance bond, unless the judge, in his discretion, determined that "such release would not reasonably assure the appearance of the person as required," in which event, he might impose one of five additional conditions, or any combination thereof. These conditions included: (1) Placing the accused under the supervision of another person or agency; (2) placing restrictions on travel, associations, or place of abode; (3) requiring an appearance bond in a specified amount and a deposit of up to 10% thereof in cash or other securities; (4) requiring a bail bond with sufficient solvent sureties or the deposit of cash; and (5) any other condition deemed reasonably necessary to assure the appearance as required, including a requirement that the accused return to custody after specified hours. The law requires the arraigning judge or commissioner to issue an order containing a statement of the conditions imposed and if the accused, after 24 hours from the time of the original hearing, is still unable to meet the conditions of release, he is entitled to have his conditions reviewed by the judicial officer who imposed them and, unless the conditions are amended and the accused released, the judicial officer shall set forth in writing his reasons for continuing the conditions of release, whereupon the defendant may move to have the order amended, which motion shall be determined promptly and if the person is still detained, an appeal may be made to a court having appellate jurisdiction.

I will not take your time in a long documentation as to why the 1966 Bail Reform Act needs to be amended, or why, as it is operating in conjunction with the Criminal Justice Act, it is contributing to the sharp rise in violent crime and an unacceptable breakdown in the administration of justice. There are hundreds of pages of testi[redacted] the 1967 hearings of the Senate D.C. Appropriations Subcommittee with respect to crime, congestion in the courts, lo[redacted] morale and high vacancies on the force, the implementation of the recommendations of the President's Crime Commission, and related matters, which will attest to this. I shall attempt, however, to point out some of the more significant reasons in support of the need for a change in the law.

As a general proposition, under the present 1966 Bail Reform Act, a person who is engaged in serious crime can be—a[redacted] erally is—released almost immediately to the street after being caught and charged with such a crime, if he can show that he is without visible assets, has family ties, or appeared in court on some previous occasion when he was charged with a crime, regardless of the fact that he is a chronic violent offender. Under the Criminal Justice Act, if there is evidence that the accused is without sufficient means to hire a lawyer, he is furnished counsel without charge and other costs of his defense are also provided free. Once back in circulation and free to resume his pursuit of crime, he has little desire to face the consequences of a trial, so it follows that there are motions for this and motions for that—continuance upon top of continuance, on one ground or another—and there are always reasons why the accused could not be in court on the day set, or his rights have not been protected, while the police involved in his apprehension and the victims of, and witnesses to, the crime of which he is accused, together with the Assistant U.S. Attorney charged with the prosecution, come to the court not just one day, but, more frequently, time after time, ready to perform their various responsibilities under our system, only to find that the case has been postponed. The results have been devastating.

Let me cite some of the evidence and facts adduced at our 1967 hearings on specific aspects of the situation, as well as what has been happening since.

Testimony was received to the effect that there was an increase of 37.9% in crime index offenses in the District of Columbia between fiscal year 1966 and fiscal year 1967 (Hearings, p. 2838). This is a tremendous increase in one year. The crime index offenses are: Criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny (over $50), and auto theft. However, the crime of robbery jumped 68.7% in this one year—from 2,905 to 4,903. That is a phenomenal increase in violent crime, and I suggest that it has a direct relationship to the Bail Reform Act and the manner in which it was operating in conjunction with the Criminal Justice Act. This was not just a one-year phenomenon, however. Robberies in fiscal year 1968, according to Police Department figures, jumped another 34.3% over fiscal year 1967. In this two-year period, robberies went from 2,905 to 6,584—for an increase of 3,679 robberies. In other words, the *increase* in robberies during this two-year period was more than the *total* number of

robberies reported in fiscal year 1966. There were 8,921 robberies in calendar year 1968. If you compare this with the 2,905 robberies reported in fiscal year 1966, you have an increase of 207% in robberies over a 2½ year period, or more than three times as many as were reported in fiscal 1966. This is an intolerable situation.

Now, let's take burglary. There was an increase of 38.6% in burglaries reported in fiscal year 1967 over the number reported in fiscal year 1966. There were 9,221 reported in 1966 and 12,789 in 1967 (Hearings, p. 2838). In fiscal year 1968, there were 16,378 burglaries reported, another increase of 27.6%; so, in that two-year period, there was an increase of 7,157 burglaries. According to Metropolitan Police Department figures, in calendar year 1968 there were 17,874 burglaries reported, an increase of 22.3% over calendar year 1967. If you compare the calendar year 1968 figures with the fiscal year 1966 figures for burglaries, the result is a 93.8% increase in the crime of burglary in two and a half years. I don't believe that this just happened. Something in the law enforcement system came apart, and the finger points to the Bail Reform Act.

With respect to the sharp increase in criminal felony cases on the trial calendar of the U.S. District Court for the District of Columbia, testimony was received from the office of the U.S. Attorney for the District of Columbia, that as of October 3, 1966, there were 761 criminal cases pending, being handled by 15 Assistant U.S. Attorneys with an average caseload of 50 cases per trial assistant. As of October 2, 1967, the cases pending had jumped to 1,229, and while 19 Assistant U.S. Attorneys were working on these trials, the average caseload had risen to 65 (Hearings, p. 3257)—an increase of 15 cases per attorney, even with 40 more attorneys on the job.

With respect to the cause of the increase, a District Court judge testified:

"In large part, the situation which exists with respect to the criminal docket has developed over the last year as a result of the operation of the Bail Reform Act in conjunction with the Criminal Justice Act, whereby anyone charged with a crime can be released on low bond or on personal recognizance and a large percentage of the cases will be provided with counsel. It is little wonder that no one pleads guilty until the last moment, or until he is facing trial, or that every device that can be invented is used to delay the date of trial. The statute says the defendant "shall be released," and the only time I can refuse is if I make a finding he might flee the jurisdiction. (Hearings, p. 3269)

It was further testified:

"We would feel better if we had a little more discretion. I don't say that you should deny bail or keep him locked up, because a man is entitled to a reasonable bail, but I think we ought to have a little more discretion in setting bail rather than releasing them on their personal recognizance." (Hearings, pp. 3269–70)

Another District Judge testified:

"As our calendar backlog builds up, the number of guilty pleas decreases. There are two reasons for the decrease in guilty pleas—one is the chance of reversal on appeal, but more importantly by far is the fact that if a person charged with a crime is free on personal bond and knows that he isn't going to be tried perhaps for a year, there is no percentage whatever in his pleading guilty, so this continually builds up the backlog." (Hearings, p. 2858)

Testimony was received from the Administrative Office of the U.S. Courts that in fiscal year 1966 the median time between indictment and trial of criminal cases in the U.S. District Court for the District of Columbia was 4.8 months (Hearings, p. 2854), but that by April 1967, the median time had increased to 11 months between indictment and trial. (Hearings, p. 2851) Further, it is understood that although the number of judges assigned to the criminal docket were nearly doubled following our 1967 hearings, neither the backlog of cases, nor the median time period between indictment and trial, has been materially reduced.

With respect to the effect of the sharp increase in delaying motions, a District Court judge testified:

"Another thing, the number of motions that are filed in our court now relative to the Bail Act and the Criminal Justice Act have reached such proportions that on Friday, as a rule, every judge sitting in criminal does nothing but hear motions." (Hearings, p. 2860)

When asked whether more trouble was experienced with delaying motions in the District Court under the Bail Reform Act system than when bond was set under the regular system, a District Court judge testified: "Oh, several thousand percent." (Hearings, p. 2895)

In confirming testimony of District Court judges, a Circuit judge testified that "An enormous amount of this delay is due to calculated, dilatory tactics on the part of counsel for the very purpose of postponing the moment of truth when they must go to trial. This, I think, while it has been mentioned, has not been emphasized enough,—" (Hearings, p. 2864).

With respect to the effect which quick release to the street of those accused of serious crimes or crimes of violence has on the victims of the crimes and witnesses for the prosecution, an Assistant U.S. Attorney testified:

"It has a very deleterious effect, especially on not only the victims of the crimes but on the witnesses of the crimes who see the victim at the mercy of the defendant in any given case." (Hearings, p. 2870).

There was testimony that because of repeated continuances, many witnesses for the prosecution just failed to show up or washed their hands of the situation after repeated appearances at court, necessitating the dismissal of the case.

There was also testimony indicating that as the result of the number of serious crimes more than doubling in a very short time (which, in turn, inundated the criminal calendar of the U.S. District Court) numerous felonies were reduced to misdemeanors and were disposed of in the Court of General Sessions.

It was apparent throughout our hearings, that the turning back upon the streets of chronic offenders and perpetrators of the most serious crimes on little or no bail and without regard to the gravity of the crime or the weight of the evidence, has had a most damaging effect upon respect for the law and has resulted in confusing the distinction between minor offenses and aggravated violent crime and has undermined respect for all authority. Also, testimony was received indicating that the very fact, that great numbers of persons charged with serious crimes of violence were released to the streets on their personal recognizance or on very low bail, had the effect of encouraging others to commit crime.

The Metropolitan Police produced numerous cases where professional, dangerous criminals were arrested time after time for the most vicious crimes and remained on the streets, on bond pending trial, where they continued to carry on their usual "profession." Some of the cases which were outlined at the hearings during the short time available were:

The *Connie Wilkins* case (p. 2871, and as follows), in which the defendant, who was on parole for armed robbery, between May 11, 1965 and September 23, 1966, was arrested 13 times on charges including numerous armed robberies, kidnaping, housebreaking and shooting it out with the police, and, of course, repeated parole violations, and still made bond and was released on parole each time to continue his work on the streets.

The *Theodore Evans* case (p. 2880, and as follows), which involved a defendant on parole who, on November 29, 1966, was indicted for armed robbery and was released on $2500 bond and the Parole Board notified. On December 29, 1966, he was arrested for grand larceny and carrying a gun. The Parole Board was notified and he was released on personal bond. On February 22, 1967, he was charged with shooting a boy in the leg. The Parole Board was notified and he was released on $2500 bond. On June 6, 1967, incident to the armed robbery of a business establishment, he was shot and killed.

Then, there is the case of the *McCulloch Brothers* (p. 2883, et seq.), wanted in Maryland, Virginia, and Michigan, for armed robbery. In January 1966, they were released in Detroit on $5,000 bond for armed r[illegible] XXXXXX
On November 22, 1966, one of the brothers was indicted by the Grand Jury in the Dis- XXXXXX
trict of Columbia for interstate tran[illegible]tion of a stolen motor vehicle and related offenses, and was released on $2500 bond. On November 30, 1966, both brothers were arrested in Alexandria, Virginia, for armed robbery. They were indicted and bond set. On the same date, arrest warrants from the State of Maryland for three cases of armed robbery were received by Virginia authorities and lodged as detainers. On December 7, 1966, XXXXXX
arrest warrants were issued in the Dis[illegible] Columbia charging the brothers with armed robbery of a jewelry store, and lodged as detainers with the authorities in Alexandria. On January 26, 1967, the brothers made bond on the Virginia charges and were transported to the District, where bond was set at $2500 and the defendants were released upon posting an 8% deposit. They were arrested February 3, 1967, on fugitive warrants and returned to Maryland for trial. Each deposited $6,000 security bond and they were released. Three weeks later, one brother, with three others, was arrested in Washington, D.C., for housebreaking, robbery, assault with a dangerous weapon, and kidnaping. He was indicted on April 14, 1967, and on the same date, his brother was indicted for armed robbery and assault with a dangerous weapon. As of August 8, 1967, one of the brothers was at large under the Bail Reform Act and the other was in custody in the District of Columbia by virtue of the pending indictment.

These cases, of course are now history—and there is always someone who will say that they are isolated exceptions—but, actually, it would be more accurate to say that such cases are happening all the time. To prove this, it is only necessary to pick up a newspaper any day to find that at least one violent offender has repeatedly been charged with one serious offense after another and has continued to be released to the streets to continue his "career."

With respect to releasing dangerous people to the streets under the 1966 Bail Reform Act, a U.S. District Court judge testified:

"We do now have this business of reporting to police precincts, and we are getting reports in promptly on them. And last Friday we terminated 13 that had failed to report on the 10th of July to a precinct. But every day I sit in motions releasing people on personal bond that I know are a great danger to the community."

The same judge, in commenting on the fact that an accused could report to a police precinct at 7 o'clock and rob a grocery store at 8 o'clock, advised that:

"... reporting doesn't assure anything, but we release these people and I know they are a great danger to the community." (Hearings, p. 2894)

According to information furnished by the Metropolitan Police, in calendar year 1968 there were 102 bank robberies in the metropolitan area of Washington (Star arti-

cle of January 12, 1969), and according to current press articles, such robberies are now averaging two per day.

It would appear that the evidence piling up has become conclusive that the social service approach to handling hardened violent criminal offenders will not work and that regardless of the number of judges appointed and other law enforcement personnel employed, rising violent crime cannot be controlled without amendment of the law to give the courts discretion, upon arraignment, to consider the danger the accused poses to the community. The situation has become similar to a contagion which has raged out of control with no preventive serum as yet developed to check it.

During our 1967 hearings on appropriations for the District, in commenting upon the purpose of a system of criminal justice and upon the degree to which society can afford to grant refinements of procedure in the criminal law and still make the system work, a U.S. Circuit Court judge made such an excellent statement that I wish to quote an excerpt from it. He testified, in part:

"No one has yet demonstrated a fallacy in the ancient concept that sure and swift justice is the most effective deterrent to crime, probably exceeding the deterrent effect of imprisonment itself. But American criminal justice at present can lay very little claim to being swift or sure or efficient. As a citizen and as a judge, I find this frustrating and discouraging and I fear that it is seriously undermining the functioning of the system and impairing the deterrent impact of convictions and the possibilities for rehabilitating the offenders. A system which encourages and even rewards long drawn out conflict with society is not useful. From my own study and observation of criminal justice in other societies, I know that many of them are experiencing new and difficult problems, but I know of none which has reacted to problems as we have in the sense of casting virtually all the choices in favor of one side of the conflict—the accused. Certainly no other society using the Common Law system of justice has found it necessary to go to the lengths we have gone in the past 30 years but more markedly in the past few years. In England and other Common Law countries, the people are just as free as we are and individual rights are as zealously protested, without making the criminal process so complex and difficult as ours that a great many guilty people slip through the net. And when we look at the fact that Washington, D.C. with fewer than one million people has many more criminal killings each year than all of England with over 40 million, we are bound to wonder if there is some connection between the rules and the results. A system of justice which does not protect the law abiding has failed in the basic reason for being and we are very close to failing." (Hearings, p. 2969)

It is now nearly three years since the enactment of the 1966 Bail Reform Act. It is over two years since the issuance of the report of the President's Commission on Crime in the District of Columbia, which, among other things, recommended pretrial detention in certain non-capital offenses where the accused poses a danger to society. It is going on two years since our appropriations hearings on the costs and problems of crime and law enforcement pointed up the reasons why the situation was getting entirely out of control and urgently required corrective measures. Numerous other studies have been made and there have been various sets of inadequate and conflicting statistics issued, as well as proposals for still more studies. Also, of course, the Senate Judiciary Subcommittee on Constitutional Rights is presently considering, among other things, the proposition of pretrial detention based upon the danger which an accused poses to the community, and apparently you are receiving all sorts of conflicting suggestions.

We now have had enough experience under the Bail Reform Act to know that it isn't working in the manner in which it was hoped, and that the manner in which it is operating has a direct bearing upon the sharp rise in crime and the increase in lawlessness, and there is now ample proof, in my judgment, that it needs to be changed. As I have pointed out, the principal reason it isn't working is that the federal statutory law requires that chronic violent criminals who have shown a high probability of danger to society must be released on low bond or personal recognizance because the only yardstick the statute permits in setting bail or other conditions of release is the danger of flight.

Yet, when it is proposed that the statutory law be amended to permit consideration of the danger which such violent offenders pose to society, a confusion of voices is raised protesting that to consider anything other than flight of the accused on pretrial release is unconstitutional; that it violates the traditional presumption of innocence; that it is punishment before conviction; that it is impossible to predict that an accused will commit another crime if released; that it violates the constitutional right of "due process," and so forth.

Such claims, if they have substantial merit, deserve serious consideration, but we know that the law with respect to bail in non-capital cases is not a constitutional right, but a statutory right. The strict presumption of innocence is merely a rule of evidence that comes into operation at the time of trial. It does not require all defendants to be treated as though they were innocent prior to trial. It is the existence of probable cause, based on the weight of the evidence that a person has committed an offense, which justifies his arrest and indictment and the denial of pretrial liberty in certain cases where there are strong reasons for requiring pretrial detention.

We know that pretrial detention has been accepted in capital cases since the Bail Act of 1789, and that such discretion in capital cases was carried over into the 1966 Bail Reform Act. Further, in the exercise of this discretion, the Bail Reform Act of 1966, for the first time, explicitly provides that the danger which the accused poses to society may be taken into consideration. The 1966 Act also permits consideration of such a danger in non-capital cases in determining whether or not a defendant may be detained pending appeal after conviction.

In the matter of due process, the interests of society must be balanced against the liberties of the individual, and restrictions and conditions imposed must be matched with the need to impose them. Nor can a ruling to detain, or to fix other conditions of release of an accused based on the danger he poses to society be arbitrary or not based on the gravity of the crime, the weight of the evidence, and other circumstances of the particular case. Any defendant is entitled to all of the legal safeguards constituting due process, including a hearing at the time of his arraignment, or a special hearing, so that all appropriate facts may be presented. If, based on the facts, the judge in the exercise of his discretion determines that the defendant should be detained, or sets reasonable bail which the defendant is unable to make, he has the right to appeal such a ruling and certainly he has a right to a speedy trial. The constitutional guarantee of a speedy trial has become almost meaningless under present conditions, with most of the worst offenders taking every step possible to delay trial. It should be no more difficult for a judge to make a judgment as to whether a defendant poses a danger to society than it is for him to make a determination that the defendant is apt to flee the jurisdiction.

It would seem established without doubt that the situation which exists today with respect to the chronic violent criminal requires that there be pretrial detention where the facts and circumstances warrant, for, as was testified in my 1967 appropriations hearings: "Of what value is a system of criminal justice which assures us the most absolute protection from the excesses and errors of the police but renders us more vulnerable to the attacks of those whom the police are charged with restraining."

The two amendments to the Bail Reform Act which I am proposing are amendments which, as previously indicated, were prepared for submission in the Safe Streets bill. They do not include the appropriate procedural legal safeguards or provision for a quick trial, as the Bail Reform Act, at least in part, already covers some of these safeguards, and I will defer to the judgment of the Judiciary Subcommittee to make sure that all of the legal safeguards necessary to satisfy constitutional or other rights are retained.

Again, basically, the first of my amendments would give an arraignment judge, magistrate, in fixing reasonable pretrial bail or other conditions of release, the discretion—based upon the nature of the crime, the weight of the evidence, and other pertinent factors and proof, in an appropriate hearing—to consider the danger which the accused poses to another person or to society.

The second amendment would give the court, judge, or magistrate, the discretion to detain, pending trial, a defendant charged with a "crime of violence" as described in the amendment, who also had previously been convicted of a crime of violence, if the facts warranted a finding that he posed a danger to other persons or to the community. The arraigning judge already has this authority under the present statute: (1) in capital cases; (2) after conviction in all cases involving serious crime; (3) in the case of insane criminals; and (4) in the case of aliens held for deportation.

There is an urgent need for more judges, more prosecutors, and more law enforcement personnel of all kinds, to assure quick trials. There may be as great a need for better ways to rehabilitate criminal offenders who are capable of rehabilitation—and in my opinion not all offenders can be, or want to be, rehabilitated. But, I repeat: if we are to get control over violent crime, the most important step—and the quickest one—that can be taken is to amend the Bail Reform Act along the lines suggested. I think there is no question of the critical need, and the responsibility is that of Congress.

Although much of the information in support of a change in the Bail Reform Act is based upon hearings and studies of crime and law enforcement in the Nation's Capital, it would be a mistake, I feel, to limit legislation in this field to Washington, D.C. If changes are needed here, they are undoubtedly needed throughout the federal jurisdiction. The FBI statistics on "Careers in Crime," reflecting the sharply rising rate in violent crime, support this position. If the law presently isn't working properly here, it probably isn't working properly throughout the U.S. Federal System elsewhere.

A TRIBUTE TO SENATOR MARGARET CHASE SMITH

Mr. BYRD of West Virginia. Mr. President, the January 1969 issue of City East magazine, published in New York City, contains a fine and deserved article saluting the distinguished and highly respected senior Senator from Maine, MARGARET CHASE SMITH.

The article praises Senator SMITH for her unflagging devotion to the national defense and to the cause of our Nation's Armed Forces.

It delves into the various aspects of

her career in the Senate and states as follows:

She is the only woman ever to have been elected to four full terms in the United States Senate (and) she is the first woman to have been placed in nomination for President at a National convention of a major political party.

I ask unanimous consent that the article, entitled "Senatorial Spotlight," be printed in the RECORD.

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

SENATORIAL SPOTLIGHT: SENATOR FROM MAINE

(By George Douth)

Senator Margaret Chase Smith has always spoken out in the councils of the Senate for the strongest possible national defense—and for a firm foreign policy to match it.

As ranking Republican on the Space Committee, the Armed Services Committee, its Preparedness Investigating Subcommittee and its Central Intelligence Subcommittee; third ranking on the Appropriations Committee and second ranking on its Department of Defense Subcommittee, she exercises an influence over the whole range of national defense. No other woman has ever equaled her position of power in the United States Senate.

As a member of a subcommittee on congested areas of the Committee on Naval Affairs in the House of Representatives, she travelled throughout the country in 1943 to find the cause of bottlenecks in the Navy's war effort. It is one of the very few if not the only subcommittee that earned a Presidential Unit Citation, which was given to it by President Franklin D. Roosevelt.

When the long, hard months of subcommittee work were over Mrs. Smith found herself deeply committed to the cause of bettering national defense. The absorbing interest has continued ever since. She served on the House Naval Affairs and Armed Services Committees until her election to the Senate in 1948.

THE ARMED FORCES AND RESERVE AFFAIRS

She has been a pioneer in some important legislative landmarks for the Reserve and she takes more pride in these pioneering achievements than in banner headline battles won.

She introduced the first Reserve retirement law in 1943 and the first bill to provide drill pay for Reservists.

She introduced the legislation to provide equal death and disability coverage for Reserves on active duty—it became known as the Smith Act.

She also introduced legislation that eventually led to the executive order setting up the Reserve forces medal.

In addition to these pioneering efforts, Mrs. Smith helped write the Reserve Officer Personnel Act and much other important military legislation. She was one of the first supporters of retired pay recomputation after 1958 and fought harder for it than anyone else in the Senate.

Senator Smith has worked to improve the quality of the Reserve by making sure that those who get the important promotions earn them. She carefully reviews the records of promotion nominees—particularly those to flag rank—and has repeatedly blocked unworthy nominations. It has led her into some rousing scraps. On at least one occasion she even challenged the powerful members of her own committee in a floor fight—over the promotion of a major to a brigadier general in the National Guard, to match his appointment as adjutant general. She lost the battle but she won the war. She got the Armed Services Committee to set a firm policy that it would never approve more than a one-grade promotion at a time. The action came after she had blocked two-grade jumps for five new state adjutants.

This characteristic preparation for battle was well displayed in the Jimmy Stewart affair when the Senator objected to the famous actor's nomination for promotion to brigadier general in the Air Force Reserve. Her grounds for opposition were partly because Stewart had not taken the annual Reserve training; largely, however, because she did not believe that he was qualified for the important post scheduled for him in the event of mobilization: Chief of Staff of the Strategic Air Command's Fifteenth Air Force.

The Air Force sent General Emmett O'Donnell to testify on behalf of Jimmy Stewart as nominee. The General did poorly. He did not have his facts in hand, and Senator Smith did. Adroit in handling documented data, imperturbable and precise, she formulated questions that cut through to the very bone, and the General soon was caught with his feathers down. In fact, the record of the hearing looked so bad when it got back to the Air Force that it was given what the White House called "clarification" for the permanent record. Clarified O'Donnell was a far cry from the confused O'Donnell of the hearing.

Altogether, Mrs. Smith thought the nomination was an unconscionable business, and other senators agreed with her when it reached the Senate floor, Stewart's promotion was not approved, although it was backed by a resounding majority of the Armed Services Committee.

Stewart's promotion came up again and this time he had done his training. Senator Smith voted in his favor—but only after the Pentagon assured her that, in the event of active duty, Stewart would be in public relations and not in the other more critical job.

Senator Smith has served as a Lieutenant Colonel in the Air Force Reserve. As the acknowledged Champion of Reserve legislation in Congress, she has been cited for her service by the Air Reserve Association, the National Guard Association and the Reserve Affairs Association.

MORALE OF THE MILITARY

According to the Senator, Pentagon policies on the Reserve since mid-December 1964 have resulted in undermining and weakening the Reserve. The attempt to push the illegal proposed merger of the Reserve and National Guard—without legislation—down the throat of the Congress was blocked.

Senator Smith remarked,

"Had the proposed plan gone through, the Army Reserve would have ceased to exist as an organization having any units since all units would have been assigned to the Army National Guard. Even though the Congress fortunately blocked this tragic proposal, the proposal nevertheless not only undermined the morale of the Reserve but put the Reserve organization and training in disastrous limbo for far too long. The harmful results still linger."

Not only did Congress prevent the merger, but permanent legislation was enacted into law to preclude any future merger since the Army Reserve must consist in part of units organized to serve as such.

The Senator has emphasized the need for legislation with a system provided for by permanent law under which Congress through the authorizing committees will annually review and authorize the strengths of the Selected Reserve of each of our Reserve components.

One important piece of women's legislation Senator Smith originated was the bill providing Regular status for nurses.

In 1957, the Air Force asked her to come on active duty and make a study of why technically trained men were leaving the service. The Air Force felt, quite correctly it turned out, that men would talk more freely to her than they would to their senior officers. Mrs. Smith spent a month on active duty, conducted over 300 interviews with all ranks from full general to airman, and wrote a 101 page report.

"I never worked so hard in my life," she said, recalling the assignment recently.

She found that lack of recognition, what the professionals call "psyche income," was the important reason for people leaving the service, even more important than pay.

The Senator was impressed with the mature thinking of service people. She found that present income was not as important to most as what they could expect in the future, the income and attainment they could aspire to. Interestingly enough, the finding of the Cordiner Committee that drafted the 1958 pay act confirmed her report.

RESEARCH AND DEVELOPMENT CAPABILITY

In Senator Smith's judgment, during the Johnson Administration, there has been a serious deterioration of the strength of our national security and defense resulting from a destructive two-fold policy and theory of (a) cost effectiveness and (b) scaling down our military capability toward nothing more than parity with Russia on the theory that such parity would result in stalemate and that stalemate would result in peace. The disastrous results of this policy and theory are evident from our weakened position around the world.

The Senator has cautioned against any narrow and shortsighted emphasis on any single defense system. Instead she urges emphasis on priority for research and development because she is convinced that the foremost power and leadership will be achieved not be that nation which possesses the greatest resources, natural, military or industrial, but rather by the nation which possesses the greatest research and development capability.

The Senator has stressed that the space program is not merely a race to beat Russia to landing a man on the moon. It is not only a moon program. Instead, it is designed for the security of our country, the exploration of our universe, and the various spin-off benefits that now—not just tomorrow—provide for improvement in our health and enjoyment of daily living.

Margaret Chase Smith, daughter of George Emery and Carrie (Murry) Chase was born in Skowhegan, Maine, December 14, 1897. She attended Skowhegan public schools and graduated from Skowhegan high school in 1916.

WOMAN AT THE HELM

Mrs. Smith was a school teacher; a telephone and woolen company executive, and a circulation manager of the hometown weekly owned by Clyde H. Smith.

The pivotal event in her life was her marriage to Clyde Smith, May 14, 1930. She served on the Republican State Committee from 1930–36, before coming to Washington with her husband. In 1937 when her husband came to Congress, she became his Congressional secretary (he didn't like the idea but she talked him into it). As such, she soon learned her way around and was drawn rapidly into the very center of the political maelstrom. After three years Clyde Smith died of a heart attack. Knowing himself to be dying—indeed on the day before he died—he appealed to the electorate to put his wife into his office.

Mrs. Smith embarked on her successful political career in June 1940, when she became a member of the United States House of Representatives from the Second Congressional District of Maine. Margaret Chase Smith served in the United States House of Representatives from 1940–49.

In 1948 she went for broke. Vision and courage being substituted for wealth, Margaret Chase Smith dropped her seat in the House and gambled everything on the Senate. If she had lost she would have been just a young lady back in Skowhegan again.

The gamble succeeded so well that Mrs. Smith won out in the primaries with more votes than all of three masculine opponents combined.

Near the beginning of this campaign she slipped on ice and broke her arm. She was off speaking again as soon as the bone was set, actually making two speeches on the very day of the accident. During most of that campaign she carried her arm in a sling.

However, her alertness of mind enabled Mrs. Smith to break ground and plant herself firmly in the U.S. Senate.

In 1948, she was elected to the Senate by the highest percentage majority and the greatest total vote majority in the history of Maine. In 1954, when she was re-elected to a second full six year term in the Senate, she was the top vote-getter of all candidates for all offices—and in the primary she set a new record for the total number of votes received in a contested primary.

In 1960, when she was re-elected to a third full six year term in the Senate, for the third successive time she was the top vote-getter. Senator Smith was re-elected in 1966 for the term ending January 3, 1973.

She is the only woman to ever have been elected to four full terms in the United States Senate. She is the first woman to have been placed in nomination for President at a national convention of a major political party. In the final ballot at the 1964 Republican National Convention, she received the second highest number of votes.

Senator Smith is the only woman to serve in both houses of Congress.

The Senator insists upon the normal prerogatives of seniority, insists upon taking equal responsibility and never shirking a job, and at the same time insists upon not taking any prerogatives that would not be due a male senator of equal seniority. All politicians love the spotlight and there are opportunities where a woman could take the spotlight away from more senior colleagues; Mrs. Smith avoids any hint of such maneuvering.

One of the things that grew out of this conscious effort at balance between being a lady and being a lawmaker is the wearing of a rose, which has become Senator Smith's trademark. She wears a fresh one every day. (In summer she grows her own. In winter three are delivered to her office twice a week by a Capital Hill florist: they cost her 35¢ each.) For years Mrs. Smith wore suits on the floor of Congress so as not to overemphasize the feminine aspect. To soften the severity of the suits she began to wear a rose. Now, she wears one with everything.

DECLARATION OF CONSCIENCE

Senator Smith never calls a spade a garden implement. She says what she thinks in plain English and if she thinks someone is wrong she tells them so with unforgettable clarity.

Some remarks she made one time on U.S. military power in relation to Russian might have caused former Soviet Premier Nikita S. Krushchev to call her "the devil in the guise of a woman."

Senator Smith is not given to frequent orations, knows how to keep her own counsel and speaks only when she has something to say. Bowdoin College noted this quality in conferring th honorary degree of Doctor of Laws upon her in 1952. The citation reads, "She is a woman of common sense, good judgment and brevity of speech."

One of her rare Senate speeches came in 1950 and is known as Margaret Chase Smith's Declaration of Conscience.

It was at a time when the late Senator Joseph R. McCarthy was making headlines with his charges that the government was being infiltrated by Communists. Senator Smith declared that it was high time to stop character assassination behind the cloak of Congressional immunity.

"The American people," she said, "are sick and tired of seeing innocent people smeared and guilty people whitewashed." She said that Democrats and Republicans alike were "playing directly into the Communist design to confuse, divide and conquer." She wanted a Republican victory, but she "didn't want to see the Republican Party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry, and smear."

She made no mention of McCarthy, although he was the obvious target of accusation. This Declaration of Conscience made a profound stir both in and out of Congress.

On the International scene the Senator has made extensive trips throughout the world from 1944 through 1961. Very few people have conferred with as many leaders of nations throughout the world as has Mrs. Smith.

In Senator Smith's judgment, the defense of the nation is not alone a matter of military force. It depends also upon foreign policies realistic in concept and unflinching in spirit.

THE ROBERT A. "FATS" EVERETT BRIDGE

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 769, reported earlier today from the Committee on Public Works.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 769) to name the bridge to be constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former Member of the House, Robert A. "Fats" Everett.

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

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, may I ask the distinguished Senator from Tennessee, has this matter been cleared with the majority leader or the majority whip?

Mr. BAKER. Mr. President, I am happy to say that the matter has been cleared with the majority leader and the minority leader, and I apologize for not having communicated that information to the assistant majority leader.

Mr. BYRD of West Virginia. I have no objection.

There being no objection, the bill (S. 769) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Tennessee-Missouri Bridge now under construction across the Mississippi River northwest of Dyersburg, Tennessee, and southeast of Caruthersville, Missouri, be named the "Robert A. Everett Memorial Bridge" in honor of the late Congressman Robert A. "Fats" Everett.

Mr. BAKER. Mr. President, I ask unanimous consent that the name of my distinguished senior colleague from Tennessee (Mr. GORE) be added as a cosponsor of S. 769.

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

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, during the last session of Congress several proposals were introduced which, had they been enacted, would have had a serious adverse effect upon the long-standing immunity of activities of State governments and their local entities from Federal taxation. On numerous occasions I voiced my serious opposition to these proposals, and I rise today in response to the introduction in this the 91st Congress of several similar measures.

The first of these proposals is a bill to amend the Federal Water Pollution Control Act—S. 544—introduced by the distinguished junior Senator from Maine (Mr. MUSKIE) on January 22 on behalf of the outgoing administration. This bill contains a revised method for financing construction of municipal waste treatment works. Under the proposal a $50 million revolving fund would be established in the Treasury Department from which would be bought municipal waste treatment bonds sufficient to cover both the Federal and local share of a project's cost. These securities would then be resold by the Federal Government with the interest thereon being taxable, but the municipality would retire its share of these securities on an annual basis at the tax-exempt rate. The Federal share of a project's cost and the additional interest costs caused by the difference between the taxable rate of Federal bonds and the tax-exempt rate of municipal bonds would be repaid by an annual appropriation.

This proposed method of financing differs somewhat from that proposed in water pollution control legislation during the last session. The 1967 bill included a financing provision under which the Federal Government would have made a principal and interest payment to cover the Federal share, plus an interest subsidy. In return, the municipality would have issued a taxable bond.

The primary difference between the new proposal and the 1967 bill is that under the new proposal the local obligations become assets of the Federal Government with the Federal Government reselling the securities as taxable obligations. I consider this proposal a subterfuge for the avoidance of the sale of tax-exempt securities by local governments, and I have strong reservation concerning it.

A second proposal which was introtroduced on January 21 by the distinguished junior Senator from New Mexico (Mr. MONTOYA) is a bill to amend the Consolidated Farmers Home Administration Act—S. 414. Under this measure communities would apply to the Federal Government for loans to build water and sewer systems. Loans would be made by the Farmers Home Administration at the same rate as the community would have to pay on tax-exempt bonds sold to private lenders. Interest on these bonds would be taxable to the private lenders, and the Federal Government would absorb the higher interest rate that would have to be paid on the taxable bonds. The Federal Government also would insure the loans in an attempt to make the bonds more marketable and decrease the size of the interest differential.

Mr. President, Congress has by statute authorized that the rural water and sewer program be financed not only with direct Federal loans and grants but also by loans to private lenders whose risk is insured by the Farmers Home Administration. However, under the Johnson administration the Treasury Department determined as a matter of tax policy that

the tax exemption on all State and local bonds should be revoked and, in accordance with this policy, that insured tax-exempt loans should not be issued by the Farmers Home Administration to private lenders. The Farmers Home Administration acceded to the Treasury policy and during the term of Secretary Freeman did not use the insured loan authority which Congress by statute has granted it.

Mr. President, the FHA insured loan program has my unqualified and enthusiastic support. I recognize the need in our rural areas for adequate financing to provide a clean and dependable water supply; rural communities cannot regain their growth without these improvements.

The crucial point is that we do not need a precedent setting amendment to accomplish the objective which both the Senator from New Mexico and I favor. As I have pointed out, Congress has granted the Farmers Home Administration authority to make and insure loans to aid rural water and sewer programs. No statutory modification is needed in order to invoke this authority. All that is needed is the alteration of an unwise tax policy.

The most sweeping of all the proposals that have been submitted is the municipal capital market expansion bill—S. 398—introduced by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) on January 17. The Proxmire bill would encourage State and local governments to waive tax exemption on all bonds sold to finance public projects. As a reward for those governments who do make the waiver, the Federal Government would, first, guarantee bond issues against default and, second, pay to the issuing body a 33-percent interest subsidy to cover the increased cost to the issuer of selling taxable rather than tax-exempt bonds.

Under this proposal the Federal guarantee would be issued by the Federal Government only after determination that the issue is economically sound. Senator PROXMIRE has stated:

> The federal government would not willy-nilly guarantee all municipal bonds. They would have standards which would have to be applied, and they would only guarantee those bonds if they were reasonably assured that they were sound, and the criteria would be substantial.

Senator PROXMIRE has stated that this Federal role would be confined to determining the soundness and not the purpose for which a particular bond is issued. In my view, however, it would be impossible on occasion to separate soundness from purpose, and I for one am stanchly opposed to any proposal which creates in the Federal Government the right to deny what is or is not a proper way to manage financing at the local level.

A major source of support for the principle of replacing tax-exempt bonds with a system of Federal guarantees and interest subsidies has been, as I have previously indicated, the Treasury Department under President Johnson. On June 13, 1968, Mr. Stanley S. Surrey, Assistant Secretary for Tax Policy under President Johnson, in a speech in New York strongly backed the proposal by which local governments would sell taxable bonds instead of the tax-exempt securities they now offer with the Federal Government paying part of the interest on the bonds. Mr. Surrey indicated that if the method of financing suggested in the 1967 water quality bill were enacted, then the Federal Government would use this as a precedent for financing such local government projects as low-income housing, urban development, and mass transit. What Mr. Surrey did not mention is that if the Federal Government were to guarantee and subsidize taxable bonds, then the Federal Government would necessarily want to "approve" the bonds, and approve is, as we all know, merely a nice word for control.

A second source of support for the guarantee-subsidy approach typically comes from the centralists, those who advocate the continued transfer of decisionmaking from local governments to the Federal Government or those who, while concerned about the ill effects of centralism, are not so especially concerned that they rate it very high on their list of priorities when other considerations come into play.

My first response to these proposals is a constitutional one. To begin with, I have not yet been convinced that the Constitution permits the Federal Government to tax securities issued for public purposes by State and local governments. Any legislation which attempts outright to repeal the tax exemption on State and local securities assumes that Congress may, without constitutional amendment, tax the interest on a State or local bond based on the purpose of issuance of such bond. My understanding has always been that the Federal Constitution precludes an assumption that the Federal Government has the power to tax the States and their political subdivisions. The immunity of the States 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.

Further, I seriously question the contention that removal of the tax exemption will produce more Federal revenues than is gained by the States and municipalities in reduced interest cost. A study submitted to the Air and Water Pollution Subcommittee of the Senate Committee on Public Works in 1968 suggested that there would be decreased rather than increased Federal revenues if the tax-exempt status of State and local bonds were replaced with a system of guaranteed-subsidized taxable bonds.

However, even if one were to acknowledge the validity of the constitutional and economic arguments, there still remains what is for me the critical policy question: What effect would replacing the tax-exempt bond with a guaranteed-subsidized taxable bond have upon the autonomy and financial integrity of State governments and their local entities?

I believe that the very clear answer is that there would be disastrous effects if Congress exercises statutory power to tax State and local bonds. Clearly, local governments cannot survive if the Federal Government can arbitrarily influence local policy by penalizing certin local activities with Federal taxation while rewarding other activities with tax exemption. In my view, the independence of local governments should not be destroyed by the establishment of Federal guarantees, Federal subsidies, Federal guidelines, and as the inevitable result, Federal control.

Mr. President, there is yet one other related matter. During the last session a proposal was enacted revoking the tax-exempt status of industrial development bonds. This measure was introduced by Senator ABRAHAM RIBICOFF as a rider to the Revenue and Expenditure Control Act. As finally adopted by the Senate-House conference, this proposal revoked the tax-exempt status of industrial development bonds in excess of $1 million. The $1 million ceiling on tax exempts was amended later in the legislation to $5 million under certain conditions.

Of course, everyone recognizes that there has been abuse in some aspects of local industrial financing. A few localities issue bonds to establish facilities for private industry in amounts beyond the economic needs of the industry. Other abuses occur when the firm for which a facility is constructed has access to adequate financing through conventional channels and when tax-exempt financing of industrial facilities enables a community to pirate a going concern from an established location.

Unfortunately, however, the Ribicoff amendment, in revoking the tax-exempt status of industrial bonds, employed a distorted definition of the term "industrial development bond" and thereby created more problems than it solved. The presently enacted definition is not limited to bonds for industrial development but rather is so broad as to include bonds for many acknowledge and traditional State and local governmental functions. Chairman WILBUR MILLS, of the House Ways and Means Committee, acknowledged this fact on the floor at the time of passage of the act and invited corrective legislation.

As a result of the confusion caused by the present definition, I introduced in the Senate an amendment redefining the term "industrial development bond." This amendment would have provided a redefinition of the term in accordance with its generally accepted meaning, and would have provided for taxation of industrial bonds only in truly industrial situations. The amendment was not brought to a vote prior to adjournment of the 90th Congress; however, Senator RUSSELL LONG, the chairman of the Senate Finance Committee, did give an assurance on the Senate floor that his committee will study the problem and will hold hearings if a similar bill is introduced during the next session. It is my intention to introduce within the next few weeks a modified version of this proposed redefinition.

Without doubt the basic question of exemption of State and local governmental activities from Federal taxation will be raised during the 91st Congress. I am hopeful that thorough hearings will be held in both the Senate and the House. As for myself, I shall continue to oppose strenuously any legislation which would repeal outright the tax ex-

emption on State and local bonds; which would replace the tax exemption with a system of Federal guarantees and subsidies; or which would penalize or reward a State by taxation or exemption, depending on whether the Federal Government approves or disapproves of the purpose for which the bond is issued.

SECRETARY OF THE INTERIOR WALTER J. HICKEL

Mr. STEVENS. Mr. President, during the debate on the confirmation of Walter J. Hickel to be Secretary of the Interior, I stated that he was a man of action. He has already proved it. It is very heartening to me to note the position Secretary Hickel has taken on the very serious problem of oil leakage in the Santa Barbara Channel. The Secretary flew to the site, inspected it, and reached an agreement with oil officials to halt further drilling until the reason for the leakage was discovered and steps taken to prevent any reoccurrences. By any standards this was rapid and effective action.

The Federal regulations that deal with offshore drilling are not adequate—the State of Alaska has far more stringent regulation in this regard than does the Federal Government. The Secretary has stated that he will seek more effective safeguards for offshore drilling and I hope he will receive full cooperation in this effort, from all parties. Our Continental Shelf oil reserves are a valuable economic asset, but development of these reserves must be balanced against the preservation of our seashores and marine life adjacent to them. Secretary Hickel is moving toward this goal which when achieved, will be a blessing for both the producers of oil and the millions of Americans who love and enjoy the beaches and seashores of this country.

I ask unanimous consent to have printed in the RECORD the explanation furnished me by the Department of the Interior of the causes of the Santa Barbara Channel leakage, and the press releases of Secretary Hickel's reactions to this catastrophe.

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

SUMMARY

Well A–21 had been drilled directionally by Union Oil Company from Platform "A" on Federal lease P–0241 to a total depth of 3,479 feet with 13⅜ inch casing set and cemented at 514 feet (238 feet below sea bottom) and a blow-out preventer installed.

While pulling drill pipe the well started flowing mud and then mud with gas which was shut-in by dropping the drill pipe and closing the blow-out preventer. The well was then under control and remained so for a short time until gas and oil appeared on the water around the platform, having bypassed the upper part of the well.

The work of restoring control over the well then proceeded in separate ways (1) to fish out or re-enter the dropped drill pipe and fill the hole with mud and (2) to drill a relief well which would intersect well A–21 at bottom and through which mud would be pumped. Either method is designed to pump mud into the formation at bottom which will kill the flow.

Both operations have gone on simultaneously so as to save time in the event it would be found to be impossible to fish out or re-enter the drill pipe. We understand that a check valve that it was necessary to mill out has been successfully milled so that it should then be possible to re-enter the drill pipe and gun perforate above the drill which is plugged. This will enable mud to circulate down through the drill pipe and out through the perforations into the space behind the drill pipe, bringing the well under control. This could occur in a very few hours.

In the relief well a string of 20 inch casing is to be set and cemented at 559 feet, 13⅜ inch at 2,000 feet and 9⅝ inch at 2,800 feet, after which the bottom hole location of A–20 should be intersected at about 3,100 feet. At this point, mud would be injected into the relief well bringing A–20 under control.

STATEMENT OF WALTER J. HICKEL, SECRETARY OF THE INTERIOR, FEBRUARY 2, 1969

I am deeply disturbed by the threat to aquatic life and to the shores and beaches posed by the continued leakage of oil from the union well. So far, fortunately, the damage has been small. But even this damage is too much if more rigorous drilling practices can avoid it.

All possible steps are being taken to bring this leakage to an early end.

In the meantime, close and continued surveillance is being kept on the four drilling operations still continuing on Federal leases in the Santa Barbara Channel.

At my direction each of these drilling operations is being reviewed by the responsible experts of the geological survey on the scene. My instructions are that all possible steps be undertaken immediately to provide the greatest possible margin of safety against any further well blowups. If there is any reasonable doubt as to the adequacy of these measures, my instructions are to order an immediate cessation of drilling until necessary corrective steps can be taken.

In addition to this immediate review of each drilling program now underway, the Department of the Interior, under my direction has instituted a full study of the adequacy of our existing regulations and practices to cope with situations of this kind. The outer continental shelf leasing regulations themselves have not been substantially reviewed since they were first issued over fifteen years ago. While the geological survey does try to keep its operating instructions to lessees up to date, I intend to make sure that both the regulations and the policies of the geological survey receive a new and careful examination to make sure that they embrace the most modern and up to date safety technology.

I realize that to some degree it is impossible to reduce the possibility of accidental occurrences to zero. I realize also that over 200 wells have been drilled in the Santa Barbara Channel area without accidental blowups of the kind that we have just experienced. Nevertheless, and because of the geologic characteristics of the Santa Barbara Channel area I want to be sure that the drilling and casing practices now being followed are the best that can be devised. Certainly the nation cannot and should not tolerate even a normal risk of pollution and damage to aquatic life, beaches and other property and natural resources.

NEWS RELEASE OF THE DEPARTMENT OF THE INTERIOR, FEBRUARY 3, 1969

Secretary of the Interior Walter J. Hickel announced today that at his request all actual drilling operations on Federal leases in the Outer Continental Shelf in the Santa Barbara channel are being temporarily placed in a stand-by condition. Participating in the voluntary action taken at the Secretary's request are: Union Oil Company of California, Humble Oil and Refining Company, Phillips Petroleum Company, Gulf Oil Corporation, Texaco, Inc., and Mobil Oil Company. Also participating in the discussions was Kerry Mulligan, Chairman, of the California State Water Resources Control Board, who represented Governor Ronald Reagan. The temporary cessation does not include the relief well being drilled by Union Oil Company as an alternative measure to bring to a halt the oil leakage now taking place at its well A–21 in the Santa Barbara channel.

The agreement to place drilling operations in a standby basis was reached as a temporary and voluntary measure while technical experts of the Federal government and the companies, with State observers present, review the drilling and casing procedures being used for the Santa Barbara channel drilling operations. "This procedure will afford a breathing spell until it can be determined whether corrective measures are necessary," Secretary Hickel said. "The review has already begun as I ordered, and it is being carried out as rapidly as possible," Hickel added. The Secretary stated that those drilling operations which the technical experts find to be satisfactory will be given prompt clearance to resume. Others will be delayed until corrective measures can be placed into effect.

"Our first concern at this time must be to take all possible steps to avoid a repetition of the incident I have just seen. I want to thank all companies for their cooperation in agreeing to take this first essential step toward that end."

XXXXXX

XXXXXX

XXXXXX

TEENAGERS SUPPORT COMMANDER BUCHER

Mr. MONTOYA. Mr. President, I have received a letter from a young resident of Santa Fe, N. Mex., in support of Comdr. Lloyd M. Bucher, the captain of the *Pueblo*. Over 20 other teenagers signed a petition expressing their agreement with the writer's position.

I am encouraged by this group's exhibited interest in national affairs. To those who are convinced that our youth is apathetic and indifferent insofar as the issues of the day are concerned, I would point to Lawrence Schulte's letter and the petition containing the names of the young people who support his position. I ask unanimous consent that the letter and the petition be printed at this point in the RECORD.

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

SANTA FE, N. MEX.,
January 27, 1969.

Senator J. M. MONTOYA,
U.S. Congress,
Washington, D.C.

DEAREST SENATOR MONTOYA: Listening to the news from the Mutual Broadcasting System January 26th, a newscast came to my attention. The newscast was about the commander of the U.S.S. *Pueblo*, Lloyd Bucher. The newscast stated that the Navy was considering a courtmartial of Commander Bucher because he surrendered the *Pueblo* to North Korea.

The reason I am writing this letter is because I and many of the other teenagers of the surrounding areas believe Comdr. Bucher did the right thing. It has come to our minds that Comdr. Bucher was thinking of the lives of his men and of their families and not so much as the danger of the U.S. losing one battleship. Comdr. Bucher requested aircraft assistance and he received none at all when being seized by the North Koreans. He could not fight because the Navy gave him very nonpowerful guns compared to the ones the North Koreans had. Comdr. Bucher was only thinking of the lives of his crew and their families. If the United States is afraid of losing one small ship, then the youth will be more than happy to pay for the damage and loss of that one ship. Enclosed is a list

of names who agree with what I am saying in this letter.

My personal thanks to you for listening and remembering the youth of America.

God bless you, Senator.

LAWRENCE SCHULTE,
(And the teenagers who respect Comdr. Lloyd M. Bucher).

PETITION

The following people agree for the non-court-martial of Comdr. Lloyd Bucher:

Lawrence Schulte, Henry Anaya, Robert Martinez, John Garcia, Tony Schulte, Raymond Gallegos, Richard Chavez, Phil Garcia, Paul Arellano, Jo Ann Lujan, Anna Vasquez, Liz Sanchez, Roseanne N., Bernadette A., Rosaline C., Lorrie Lawrenson, Debbie Schutz, Patty Holmberg, Patsy Daranje, Edith Gonzales, Margaret Baldwin, John Vigil, Mike Garcia.

NORTH KOREA SOUGHT WAR

Mr. MANSFIELD. Mr. President, a very interesting article was published in the Washington Daily News of February 3, 1969, entitled "Top *Pueblo* Negotiator Reveals North Korea Sought War." The article was written by Jim G. Lucas, one of our best-known war correspondents, if not the best-known, and refers to an interview with Vice Adm. John B. Smith, the son of Lt. Gen. Holland M. Smith, a Marine hero in World War II.

Mr. President, I shall read two paragraphs and a part of another paragraph contained in this article because I think this is a most important interview.

Admiral Smith, who was one of the representatives of this country at Panmunjom, said:

> I believe (North Korean prime minister) Kim Il-sung intended war at that time.

That refers to the time of the *Pueblo* capture.

The admiral said:

> He did not want a war which obviously would be instigated by North Korea. He was trying to arrange one which he could blame on the United Nations command.
>
> He was hoping for Republic of Korea and/or United States retaliation. Had either occurred, he would have invoked the North Korea-USSR or North Korea-Chinese Communist mutual defense treaties. And this time he would not have had a United Nations-sponsored free world defense effort such as he encountered in 1950.
>
> The U.S. failure to retaliate undoubtedly prevented the outbreak of a third world war.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article by Jim G. Lucas, to which I have referred.

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

TOP "PUEBLO" NEGOTIATOR REVEALS: NORTH KOREA SOUGHT WAR

(By Jim G. Lucas)

CORONADO, CALIF., February 3.—The North Koreans fully intended to "provoke a third world war" when they seized the spy ship USS Pueblo on the high seas on Jan 23, 1968, Vice Adm. John V. Smith said in an exclusive interview with Scripps-Howard Newspapers today.

Adm. Smith, now commander of amphibious forces in the Pacific fleet, was senior member of the U.N. Delegation to the Korean Armistice Commission when the Pueblo was seized. He took part in the first 15 secret sessions to negotiate release of the spy ship and its crew. He is the son of the late Lt. Gen. Holland M. Smith, a Marine hero in World War II.

"I believe (North Korean Prime minister) Kim Il-sung intended war at that time," the admiral said. "He did not want a war which obviously would be instigated by North Korea. He was trying to arrange one which he could blame on the United Nations command.

HOPED FOR RETALIATION

"He was hoping for Republic of Korea and/or United States retaliation. Had either occurred, he would have invoked the North Korea-USSR or North Korea-Chinese Communist mutual defense treaties. And this time he would not have had a United Nations-sponsored free world defense effort such as he encountered in 1950."

Adm. Smith said the U.S. failure to retaliate "undoubtedly prevented" the outbreak of a third world war. The Pueblo's skipper, Cmdr. Lloyd M. Bucher has testified before the court of inquiry investigating the seizure that it was obvious to him in captivity the North Koreans expected retaliation and were "scared to death."

Adm. Smith said the North Koreans were gambling on the fact the U.S. already was heavily committed in Vietnam and on their "almost total air supremacy" in Korea. He said Kim Il-sung was goaded by the fact he is nearing 60, and "unless he did something drastic there is little chance of unifying his country and becoming its national hero."

Adm. Smith said the North Koreans had "hundreds, perhaps thousands of jet fighter planes housed in underground hangars, and were sure they could wipe us out."

FULLY MOBILIZED

He said they were fully mobilized at the time. Americans and South Koreans knew this, he said. "We tried to stay calm, but we were anything but calm inside," the Admiral said.

Since then, he said, the United States, while still heavily committed in Vietnam, "has reinforced the United Nations command (in Korea), particularly with aircraft, and this holds Kim Il-sung in check for the present." He would not go into detail, altho he said the number of planes available to each side represents a "much more respectable ratio."

Adm. Smith linked the Pueblo incident to an abortive attempt a few days earlier by 31 "trained guerrillas, all regular North Korean army officers." to assassinate South Korean President Park Chung-hee. He said they got within 1,000 meters of the presidential palace.

"They failed, but just barely," he said.

Had Mr. Park been assassinated, he said, he believes a war would have been "inevitable."

"No one could have held the ROKS back," he said.

Adm. Smith said negotiations involving the Pueblo were held in the Panmunjom compound, in a building next to the one in which formal U.N. negotiating sessions were held, but that he attended as an American, not a U.N. representative. "I got my instructions from the State Department, not even from the embassy in Seoul," he said.

DETAILS WITHHELD

Adm. Smith said he still was not authorized to talk about the details of those negotiations, but agreed to "talk around them."

Adm. Smith said the atmosphere in the secret sessions was "altogether different from that in the open U.N. hearings, which he said the North Koreans regarded as a "propaganda device." For instance, he said, the chief North Korean delegate, Maj. Gen. Park Chung-kuk, "obviously is not a military man, and I never referred to him in open session as one." Instead, he said, "I consistently referred to him as a stooge, a propagandist, and asked questions which revealed his appalling ignorance of military matters."

But in secret sessions, he said, "I referred to him courteously as general." He said the North Koreans "didn't give a dam" whether the American understood what was said in public meetings. In private sessions "we would ask, for instance, 'would you repeat that' and they would reply 'certainly,'" he said.

Adm. Smith said he thought the North Koreans agreed to release the Pueblo crew "for a variety of reasons."

"One, they had extracted the maximum propaganda value from them," he said. "They were becoming a financial burden. But I think the principal reason was that they now have a contract with The Netherlands government to build a number of fishing vessels, and they'll have to operate on the open seas."

The U.S. State and Defense Departments "leaked" this story to the press, then had "no comment" on suggestions we might seize them. [redacted]

"I doubt very much we would," Adm. Smith said, "But they didn't know that. I think this was conclusive in their tor[redacted] reasoning."

PRECEDENT FOR CONFESSION

Adm. Smith said there was precedent for the "confession" his successor, Maj. Gen. Gilbert H. Woodward, signed to obtain release of the Pueblo's crew—altho Gen. Woodward at the same time repudiated it.

Six years ago, he said, a U.S. helicopter crew strayed across the DMZ and was shot [redacted] A year later, they were released, but [redacted] after Army Maj. Gen. Hamilton Howze signed a "confession" they were spies. He said the North Koreans constantly referred to this incident.

On another occasion, he said, a U.S. flier was shot down, and the American representative pleaded for information about his condition to relieve the anxieties of his parents.

Finally, he said, the North Koreans tossed a "picture of his broken, crumpled body on the table before us and said 'here is your man.' Then they burst out laughing. Later, they brought his body in and kicked it off the truck at our feet."

Adm. Smith said he usually refers to North Koreans as "mad dogs."

"People think this is hyperbole," he said. "It's the truth."

He said the North Koreans "employ laughter as a weapon."

"They have a 'duty hyena' who sits in the back of the room and understands English," he said. "They all take their cue from him. He starts laughing, and the others take it up. Gen. Park is the last to start laughing."

RED PRESS JEALOUS

Adm. Smith paid tribute to the South Korean press, which he said "drives the North Korean reporters crazy."

"The North Korean reporters are under instructions to circulate among us and learn what they can," he said. "The South Koreans will talk about the parties they've attended, the new homes they've built, the new clothes they've bought. There is no joy in North Korea. They have none of these things.

"The North Koreans need 48 hours even to assemble a press crew, brief them on the questions to ask. Their press is highly regimented, cruelly disciplined. They're terribly frightened of defections."

On one occasion, he said, a meeting was postponed suddenly for 24 hours, yet the North Korean press came out with a "full report of their questions and our answers" of the canceled meeting.

"When we finally reconvened," he said, "our answers weren't quite accurate, but their questions certainly were."

Adm. Smith said Gen. Park once warned him:

"You be careful, sir, we're going to cut off your head."

"I was honored," he said. "Guillotining is an honor. They planned to cut off President Park's head and machine-gun every one else. I felt real distinguished."

TRIBUTE TO EDUARDO MONDLANE

Mr. BROOKE. Mr. President, it was with deep distress that I learned yesterday of the tragic and untimely death, by assassination, of Eduardo Mondlane, President of the Mozambique Liberation Front.

I was privileged to meet with Eduardo Mondlane during my tour of Africa last year. I talked at length with him and with other leaders of the Southern African liberation movements. And I fully enjoyed a quiet dinner and long evening of conversation with Eduardo and his American-born wife, Janet. To her and to their family I have extended my deepest condolences.

Dr. Mondlane was born in the Portuguese colony of Mozambique. He was educated in Protestant mission schools, and was the first black African in that colony to attain the equivalent of a high school and a college degree. He studied at Northwestern University, from which he earned a doctorate in sociology. He taught at Syracuse University, N.Y., and was known to many Americans as an articulate lecturer and a dedicated member of the United Nations Secretariat.

In 1962 he was summoned back to Africa to become President of the newly formed Mozambique Liberation Front, more commonly known as Frelimo. In this capacity Dr. Mondlane showed remarkable organizational skill and deep concern for the needs of his people. While his wife, Janet, administered the Mozambique Institute in Dar es Salaam—a multipurpose educational and refugee relief center—Dr. Mondlane concentrated on building a politico-military organization capable of governing an independent nation. At the time of his death, Frelimo controlled most of the two northern provinces of Mozambique, and was active in several other areas. They had established an effective system of schools, hospitals, and local self-governing units.

Mr. President, it is not for us to judge the nature of the movement which was led by Eduardo Mondlane. One of the deepest tragedies of the colonial system is that a man with the talents and abilities of Dr. Mondlane found no legitimate outlet for his leadership in his own country. But the dream of Eduardo Mondlane is one which we can fully share. He fought and died for the principle of self-determination. He sought freedom and justice for his people. He believed, with most of the peoples of the world, that none are truly free until all are free. The world will be a greater place for all if the dream of Eduardo Mondlane lives on.

LETTER TO SECRETARY VOLPE REGARDING AIR TRAFFIC CONTROL

Mr. BROOKE. Mr. President, On February 3, I sent a letter to Secretary of Transportation John A. Volpe urging him to take prompt and vigorous measures to forestall the growing crisis in the Nation's air traffic system.

In particular, the letter cites the personnel problems in the air traffic field. It calls upon the Secretary first, to increase the number of air traffic controllers; and, second, to upgrade standards and conditions of employment for air traffic controllers. I was joined in this effort by 21 of my colleagues: CLINTON P. ANDERSON, BIRCH BAYH, HENRY BELLMON, WALLACE F. BENNETT, QUENTIN N. BURDICK, CLIFFORD P. CASE, THOMAS J. DODD, PETER H. DOMINICK, THOMAS F. EAGLETON, HIRAM L. FONG, PHILIP A. HART, DANIEL L. INOUYE, JACOB K. JAVITS, LEN B. JORDAN, THOMAS J. MCINTYRE, JACK MILLER, JOSEPH M. MONTOYA, CLAIBORNE PELL, CHARLES H. PERCY, HUGH SCOTT, and RICHARD S. SCHWEIKER.

I ask unanimous consent that the letter to Secretary Volpe be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., January 31, 1969.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

MY DEAR MR. SECRETARY: As you know, many members of Congress have become increasingly concerned about the critical problems of air traffic control, from the standpoint of both the procedures and the personnel involved in these critical operations. There is a pressing need for more energetic action to handle the growing volume of air traffic in a safer and more efficient manner.

A matter of central importance is the personnel policy to be followed in this field. As aircraft grow larger and more numerous, and as the control technologies become ever more complex, it is imperative that personnel standards and practices be raised accordingly. More lives are at stake and more complicated tasks must be performed. These decisive facts compel us to improve incentives and working conditions to insure that fully qualified personnel are available at all times to meet the immense demands on air traffic controllers.

We believe that a great deal can and should be done under existing authority to meet the budding personnel crisis in air traffic control. We urge you to take prompt and vigorous measures to insure that this crisis is forestalled, not only by expanding the numbers of air traffic controllers but also by upgrading the standards and conditions of employment. These issues have received much discussion but little action in recent months and we earnestly hope that, in concert with the Civil Service Commission and the operating agencies, you will now take swifter and effective action.

Last year more than twenty Senators cosponsored a bill to create a Commission on Air Traffic Control, specifying that the Commission would study and make recommendations concerning the whole range of operating and personnel problems in the air traffic field. Although subsequently a commission somewhat similar in purpose was appointed by Secretary Boyd, it appears to have made little, if any, progress toward proposing viable solutions. The Federal Aviation Agency has seemed to lack either the desire or the initiative to deal constructively with the acute problems of the air traffic controllers who man the systems involved.

We are considering a variety of legislative ideas bearing on these problems and will be in touch with you again in the coming months. But at the outset of your tenure as Secretary, we wished to express both our concern in this matter and our strong desire to cooperate with you in designing and implementing an effective program for air traffic control operations and personnel.

Sincerely yours,

EDWARD W. BROOKE.

THE FEDERAL GOVERNMENT'S PROGRAM FOR EQUAL JOB OPPORTUNITIES IN PRIVATE INDUSTRY

Mr. DIRKSEN. Mr. President, on December 23 and January 20 Barron's published two parts of a three-part series of articles written by Shirley Scheibla dealing with the Federal Government's attempts to provide equal job opportunities in private industry. These articles are most revealing and lend substance to many allegations in recent months that employers are being forced to comply with reckless and conflicting orders issued by a number of Government departments under the threat that their Federal contracts will be withdrawn if they do not knuckle under. The primary de[XXXXXX]ments responsible are the Equal Employment Opportunity Commission and the [XXXXXX] Office of Federal Contract Compliance. These administrators appear to be intent on interpreting and administering the law according to their own notions of what it should be, regardless of what the Congress intended.

In the final analysis it is up to the Congress, in performing its oversight functions, to see to it that the l[XXXXXX] administered as the Congress intended. In this regard, I believe an examination of the practices of the EEOC and OFCC is of the first order. A similar type of examination was undertaken last year with respect to one of the independent agencies. The Senate Subcommittee on Separation of Powers held extensive hearings on the National Labor Relations Board in an attempt to ascertain whether the Board in interpreting and administering the labor law had adhered to the expressed will and intent of Congress in the original legislation. The great weight of opinion was that the will of Congress is often ignored and subverted by those charged with its implementation. In the light of these conclusions and the articles in Barron's, I believe the subcommittee should give the OFCC and the EEOC a good looking over. It is my strong impression that the orders and requirements flowing out of these offices exceed the authority granted to them by Congress and are beyond any reasonable interpretation which can be given to the intent of Congress in the enabling legislation. An additional separation-of-powers problem exists in connection with the OFCC since it was established by Executive order, and it may well be that this entire matter should have been dealt with by the Congress in the first place.

Mr. President, these articles are indeed informative and worthy of attention, and I ask unanimous consent that they be inserted in the RECORD.

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

[From Barron's, Dec. 23, 1968]

GENTLEMEN'S AGREEMENT?—GOVERNMENT IS MAKING BUSINESS ITS UNWILLING PARTNER IN BIAS

(By Shirley Scheibla)

WASHINGTON.—"I'm no crusader," the worried executive told a reporter recently, "but I'm no bigot either. All I am is a businessman trying to operate my company the best way I know how—which means bidding success-

fully for contracts I can deliver on, and hiring qualified workers I know can get the job done for me." This employer, however, like thousands of others in the U.S. today, is dependent for most of his business on federal contracting agencies, and Uncle Sam is determined to wipe out racial discrimination in private employment—at any cost. Because of the way Washington has been going about it, the cost can come high.

"If I don't sign a commitment to hire a certain number of nonwhites in each job category," explained the businessman, "the government threatens to deal me out. I face formal complaints by the Equal Employment Opportunity Commission and possible lawsuits by the Justice Department. I stand to lose millions of dollars in contracts—which means that dozens or even hundreds of workers' jobs are placed in jeopardy too, affecting blacks and whites alike. Yet I have no way to guarantee that I can find the people to meet these quotas, particularly in high-skill classifications. And the irony of it is, if I do go all-out with such 'reverse discrimination' in my hiring and firing, I run the very real risk of all-out trouble with organized labor."

BLOCKBUSTER APPROACH

There's little doubt that the government's blockbuster approach to the centuries-old problem of employment bias may be creating as many ills as it has cured. Not surprisingly, Parkinson's Law holds sway here in a chaotic proliferation of policy-making bureaucrats, acting under one or the other of two edicts: the 1964 Civil Rights Act and President Johnson's Executive Order 11246 of 1965, which combine to blanket any employer of at least 50 persons as well as any contract of $10,000 or more involving federal funds. Enforcers include not only the Equal Employment Opportunity Commission (EEOC), but also the Justice Department, the Labor Department's Office of Federal Contract Compliance (OFCC) and each of some 17,000 contracting officers representing 28 other U.S. agencies. Although racial considerations are predominant, incidentally, they by no means exhaust the government's purview as defined by statute, proclamation and regulatory fiat.

Beyond administrative confusion, however—not to say a clear lack of either coordination or consistency—are problems far more serious. Some official actions, for example, appear to constitute inexcusable abuse of unquestioned authority. Worse still, others may well be illegal if not unconstitutional. Employers have been denied due process; firms have been placed arbitrarily in financial jeopardy. In the name of fair employment, finally, both the National Labor Relations Act and the Civil Rights Act itself plainly seem to have been violated.

UNDUE PROCESS?

The most glaring instances of action without due process have occurred under the aegis of OFCC. Ward McCreedy, acting director of the agency, admits that contracting officers have been holding up awards virtually on a daily basis, because of non-compliance with OFCC regulations. "Across the board," he said recently, "this experience has resulted in the company's submitting a program which does effect compliance. None of these people can demonstrate that they have suffered any financial loss owing to such delays on their bids." But the affected firms tell a different tale: many claim convincingly that the compliance procedure has caused substantial monetary losses. Since several of OFCC's regulations are, to say the least, of dubious legality, the risks to which such employers are exposed would seem to entitle them—before and not after the action has been taken—to their day in court.

What's more, OFCC's parent Labor Department, in determining which contracts are to be held up, appears to be applying a double standard. One notorious case in point involves New York's Neighborhood Youth Corps. As long ago as last May, several agencies were investigating criminal charges against this child of the poverty program. Alleged was the theft of millions of dollars which had been freely parceled out by the Labor Department. On September 13, with the charge still pending, the NYC was awarded an additional $367,000. Michael Aun, information specialist for Labor, explained at the time that the purpose was to keep the Corps going, "until matters could be straightened out." (As it happens, they still haven't been.)

While doling out money to those facing criminal charges, in short, the Department doesn't flinch from interfering with the money-making ability of others whose only sin is the failure to comply instantly with questionable regulations. Mr. McCreedy goes so far as to say that OFCC can (though it hasn't done so yet) suspend all government business with a company while a "discrimination" case is pending.

CREATIVE COMPLIANCE

The businessman's plaint, quoted at the outset, reflects the widespread frustration and anger over Washington's imprecise terms for compliance. Specifically, each contractor now is required to promise in writing that he will hire a certain number of Negro workers for each of the major job categories on his payroll. To begin with, the Civil Rights Act prohibits racial quotas in employment—a coin which, presumably, has two sides. But the government does not set the quotas; it tells private industry to do so, in effect, by applying a curiously vague formula.

Here's how that formula has been expressed: an employer must initiate "affirmative action programs" designed to avoid discrimination. The programs, businessmen are advised by way of clarification, will be expected to utilize the "creativity and ingenuity of American enterprise" in attaining this social goal. But if such a program then fails to win official approval, the company submitting it becomes subject to federal sanctions. That probably makes this the first time in American history that Washington has demanded "creativity" in order to comply with law; the concept has not been spelled out in plain English, much less tested in court. Indeed, the National Association of Manufacturers, after reviewing an OFCC regulation which attempted a broad definition of "affirmative action" characterized it as "difficult to summarize, hard to understand, beyond interpretation. . . ."

NO EASY WAY

It's clear, however, that the government wants detailed, written commitments for the hiring of nonwhites, virtually in every job category. Employers who don't sign such commitments don't get approval of their "affirmative action programs." Those who do sign, meanwhile, soon find that life isn't all that easy. Nobody can be sure about such projected figures, and government officials make a point of not publicly demanding specific quotas—which would, of course, blatantly violate the Civil Rights Act. The employer, then, must come up with numbers which satisfy the federal regulators. However, what suits one agency may not find favor with another; even the bureaucrats within a given agency are likely to disagree. Not least, "quotas" deemed acceptable today may be so tomorrow, since "affirmative action" is expected to be progressive.

To illustrate, three construction companies in Philadelphia all were low bidders on different U.S.-aided projects. One, Joseph L. Farrell, Inc., got approval from the Department of Health, Education and Welfare (HEW) for its "affirmative action" program. The other two each submitted essentially the same plan, but HEW rejected the program of Harold E. Irwin Co., and the Department of Housing and Urban Development (HUD) the one submitted by Perry J. Goldman Construction Co. When Irwin revised its plan, and won HEW's approval, Goldman duplicated it—but again was turned down. After six months of post-bid negotiations, the Goldman concern finally managed to come up with one acceptable to HUD.

NOT BY NUMBERS?

Adding to the confusion, public statements by government officials, even in the same agency, often are contradictory. Thus, OFCC's McCreedy says it's impossible to deal with people without dealing in numbers, but that job assignments by race merely are "goals"—not "quotas"—and he emphasizes that OFCC does not dictate any such numbers. Last May, however, Charles Doneghy, an OFCC area coordinator, told Columbus, Ohio's Carl M. Geupel Construction Co. that before it could qualify for a $5 million road-building contract involving federal funds, it would have to hire something on the order of 15 Negro operating engineers, 13 journeymen a[redacted] apprentices.

Earlier this year in Philadelphia, OFCC area coordinator Bennett Stalvey warn[redacted] aforementioned Irwin Co. that a contract would be awarded to the second bidder unless Irwin agreed to hire a representative number of minority-group members. "We want to see," declared Mr. Stalvey, "a manpower table listing the trades, total workers and how many will be minority, Negroes. . . ." Last January, the Philadelphia Bulletin quoted Mr. Stalvey as warning contractors that "if they fail to hire a 'representative num[redacted] Negro workers, they face the possible loss of $100 million in federal contracts to be awarded in six months."

That Philadelphia story ran about a month after Labor Secretary W. Willard Wirtz told the AFL–CIO's Building & Construction Trades convention: "I think it is an error to approach this problem . . . in terms that mean a number of . . . Negroes or whites or anybody else, as being required on every single situation. . . . (That) involves quotas in one form or another, and as far as I am concerned . . . that is simply the wrong approach to that problem, and we have got to find a better one."

EEOC QUOTAS

Secretary Wirtz' OFCC apparently is not alone in forcing racial quotas. Last May, Senator Paul J. Fannin (R., Ariz.) told Congress about a letter sent to an employer by EEOC Chairman Clifford Alexander Jr., accusing the businessman of committing unfair employment practices, based on a statistical disparity between the minority composition of the employer's workforce and that of his community's population. "Despite a provision in the (Civil Rights) Act against using ratios or racial balance," Senator Fannin declared, "the (EEOC) does, in fact, use such ratios as one of its preliminary tests to determine whether there has been a violation."

In any case, as more and more companies sign these commitments, finding the necessary job applicants has become increasingly difficult. Both OFCC and EEOC contend it is up to the firms to recruit and train black workers. The written agreements include lists of the sources employers are advised to use for such recruitment. (Sample sources: the Congress of Racial Equality, Neighborhood Youth Corps and Workers Defense League—all active in militant causes but, according to several employers, not much help as job recruiters—as well as more cooperative groups like the Urban League and the National Association for the Advancement of Colored People.) At best, however, productivity is bound to suffer during the apprenticeship period. "Training is a fine idea," says one executive, "but how am I supposed to fill my written commitment in the meantime?"

BROTHERHOOD DAYS

Making matters still more difficult for all concerned is the obstinacy within much of organized labor. Inevitably, a vast amount of government contract work involves con-

struction projects, and the construction industry is burdened with the tradition of union hiring halls—through which the union, not the employer, selects the workforce. Accordingly, an employer may find himself signing a federal commitment which he may not be able to implement in practice. OFCC answers that hiring halls which don't supply an adequate personnel mix probably are discriminating and, therefore, are illegal. Employers, however, feel obliged to honor their labor contracts (at least until adjudged illegal)—especially since they may have a strike on their hands if they don't.

Hiring halls are but one such area in which OFCC now is demanding action by contractors. The agency also wants sweeping changes in that bulwark of unionism, the seniority system. To make up for past discrimination, OFCC has advised employers to make preferential promotions outside the system, allowing minority-group members to take their seniority along with them in any shift from one department to another—a radical departure in the construction brotherhoods.

Under the National Labor Relations Act, collective bargaining on seniority is mandatory where the NLRB has certified a union to represent workers. But how can an employer bargain when he has been ordered to make specific changes by the OFCC? Asked the question, OFCC replies that it plans to use its influence to help but that "if differences on a seniority contract cannot be resolved, a contractor may have to decide whether to take a strike or lose a (federal) contract."

A union found guilty of discrimination risks losing its NLRB certification, but the legality of certain OFCC and EEOC requirements on seniority is as questionable as some of the others affecting management. In fact, EEOC has received complaints of racial discrimination from whites—because of preferential treatment given blacks. To avoid charges that they are encouraging companies to violate the national labor law, both agencies claim they now consult unions, allowing them to become "interested parties" in formal proceedings. On at least one occasion, however, an OFCC official refused to make this concession. At a meeting in Cleveland last May, Area Coordinator Doneghy, after checking with Washington, refused to discuss an "affirmative action program" of Carl M. Geupel Construction Co while representatives of the International Union of Operating Engineers were in the room.

What's more, Donald Slaiman, AFL–CIO Civil Rights Director, told Barron's that OFCC recently launched proceedings to debar Bethlehem Steel from federal contracts over the issue of seniority) without even consulting the United Steelworkers. The union, after protesting, was allowed to become an interested party. (Hearings now are adjourned; a subsequent article in this series will discuss the case.) "Making a union an interested party in proceedings to work out something new is not the same as bargaining collectively," says Thomas W. Miller, Jr., NLRB's information director. But it's not possible to file an unfair labor practice charge against the government; Uncle Sam is exempt from the National Labor Relations Act.

EMPLOYERS' BURDEN

All of this would seem to make government contracting a more precarious business than ever, but the agencies increasingly act as though determined to wreck contractor relations through sheer harassment. The watchword in current federal enforcement of equal job opportunities, indeed, seems to be "guilty until proven innocent." EEOC habitually levels charges against employers without giving them an opportunity beforehand to see the evidence and respond to it. Investigators frequently arrive at a plant unannounced, demanding a look at the records without stating any specific complaint. Not least objectionable to employers, finally, is an OFCC tactic of requiring them to "validate" all personnel tests by proving that such tests don't result in discrimination.

Good intentions aside, Washington's equal employment opportunity campaign clearly is being administered with a bias all of its own. "The government couldn't have done a better job of sabotaging the program," one sorely beset employer said recently, "if it had deliberately set out to do so."

[From Barron's, Jan. 20, 1969]

FAIRNESS BY FIAT—SOME EMPLOYES THESE DAYS ARE MORE EQUAL THAN OTHERS

(By Shirley Scheibla)

WASHINGTON.—Late last fall, when top administrators of the Equal Employment Opportunity Commission (EEOC) and the Labor Department's Office of Federal Contract Compliance (OFCC) appeared at a series of four seminars around the country, some 2,000 bothered and bewildered U.S. businessmen showed up. The regional meetings, sponsored jointly by private and public interests, were held in New York, Chicago, Houston and Los Angeles. The stated purpose was to provide forums in which industrial employers, required to comply with federal equal-opportunity regulations or risk the loss of federal contracts (Barron's, December 23, 1968), at last could confront official Washington with their questions about how the program is supposed to work—and, hopefully, discover what they would have to do to live with it.

NOTHING IS CERTAIN

Unfortunately, the sessions turned into fiascos. Far from illuminating regulatory policy and practices, the bureaucrats—alternately know-it-alls and know-nothings—managed only to fog the issues and make matters worse. To a general question from the floor (in New York) as to whether a multi-divisional corporation should decentralize its compliance reporting procedures, Ward McCreedy, OFCC's acting director, replied: "If anybody has any suggestions, we certainly want them. . . ." To a more specific query, on whether a company could be held liable for holding to "something in a contract which was legal when (the contract) was signed," Labor's Deputy Solicitor Alfred G. Albert offered: "I don't know the answer to that question."

Shouldn't a company be informed beforehand of an investigation, someone else wanted to know. "I don't see," responded EEOC's acting director of compliance, Robert L. Randolph, "where notifying some busy corporate executive on Park Avenue in New York is going to help the local unit manager in Turkey Square, Ark." Finally: Does a regional director have authority to implement an agreement resolving complaints of racial bias? "Yes," pronounced Lewis E. Collins, special assistant to the general counsel of EEOC. "No," declared EEOC Commissioner Elizabeth Kuck.

UPMANSHIP DOWN

After two days of this, understandably, busy executives went home—to Park Avenue or Turkey Square—more confused than ever. If talking and reasoning with federal administrators doesn't show employers how to live with programs, what does? So far, the experiences of various companies in trying to arrive at an answer have demonstrated chiefly the great variety of tactics which can mean trouble for employers.

Take the experience of Philip Morris, Inc., which balked when EEOC recommended that the firm scrap its seniority system. Employes of the tobacco company had been entitled to acquire tenure as long as they remained in their own department. Without regard to race or color, if they transferred from one department to another they gave up seniority. EEOC went to court to enforce a change. When Philip Morris was brought before the bar, it found the U.S. District Court at Richmond, Va., more reasonable than the Commission: the court declared that a government agency cannot enforce its own concept of equality without a hearing.

Nevertheless, the company lost its case. When Negroes move to a new department previously "closed" to them, said the court, they must be allowed seniority dating from their initial employment at the plant. No matter that this meant preferential treatment for one class of employes over another. Otherwise, the court ruled, the company's system would perpetuate past discrimination. To all this, the National Association of Manufacturers (one of the sponsors of last fall's forums) commented:

"The practical consequences of decisions like Philip Morris will doubtless be to upset many departmental and other job progression systems despite what the court acknowleged are legitimate management purposes for retaining such arrangements. . . . Negotiated seniority arrangements, based on compromise, seldom provide for the precise functional relationships among jobs which a court would require to let the system stand. Courts would become increasingly involved in job analysis and seniority planning, tasks for which they are technically unsuited, and would unduly disrupt industrial relationships."

CONTRARY OPINION

As it happens, however, the courts ultimately may decide that an employer, and not one of the federal agencies, also c right in such matters. The seniority question particularly seems to remain up in the air. Last October, in a case involving Duke Power Co., the U.S. District Court at Greensboro, N.C., declared: "If the decision in (Philip Morris) may be interpreted to hold that present consequences of past discrimination are covered by the (Civil Rights) Act, this court holds otherwise. There is no reference in the Act to 'present consequences.' Moreover, under no definition of the words therein can the terms 'present consequences of past discrimination' and 'unlawful employment practice' be given synonymous meanings."

The court ruled specifically in the Duke Power case that requiring a high-school education and satisfactory scores on general intelligence (IQ) tests does not constitute illegal racial discrimination. It went so far as to add that pre-employment tests need not be limited to determining an applicant's ability to perform a certain job.

UP FROM WELFARE?

The hiring and advancement of minority-group employees can be especially vexing for personnel directors in urban centers. One large department store in Washington, for example, has attempted to bring its payroll more in line, racially and ethnically, with the city's population mix—which now, of course, is predominantly black. Even though the retailing firm has no government contracts (and hence is not threatened with the specific enforcement penalties available to OFCC), its management has been trying to conform with the spirit of EEOC—but not without difficulty.

"The so-called 'hard-core unemployed' show little interest in unskilled jobs like sales clerks and porters," the store's personnel director complained in a recent interview. "For such work, we can afford to pay only the minimum wage of $1.60 an hour. Most people seem to prefer welfare to that. On relief, a person can get $50 a week or more, depending on his bracket. Our $1.60 an hour works out to $64 for a 40-hour week, which means, in effect, that we're asking a welfare recipient to put in 40 hours of time for a net gain of $14 or less."

The department store, accordingly, has gone along with special-recruitment and personnel-training schemes. Since both involve additional costs, the government offered to help. Specifically, at a meeting arranged for several Washington area retailers, representative of 35 different federal and local agencies—each with its own programs, each funded separately, and all apparently over-

lapping in purpose—promised to round up job candidates. "One told us he would set us up immediately with a program for 30 or 40 'hard-core' unemployed," the personnel manager recalled. "I said, 'Let's start with one,' and do you know, he had a hard time coming up with one." Another agency, which promised six 'hard-core' people, managed to provide three. But after a few days on the job, all three quit to go back on relief. "Then we sent our own recruiters into the Negro neighborhoods," the retail official added. "After two solid days, they lined up four new employes. Two weeks later, all four had walked off the job."

HOW TO SUCCEED?

A variation of the same problem arose to plague the department store's personnel-advancement program. "We had a girl who was doing excellent work putting tickets on warehouse merchandise," the same executive went on. "In one year we gave her five raises. Then she came in and said that her community leaders had told her it was time to upgrade herself." With the firm's approval, the girl signed up for training as a typist at the expense of Manpower Development and Training Administration.

After she had completed the course, however, the department store discovered her top speed to be only five words per minute. "We can't do business at that pace," said the personnel director. The store advised the federal employment service that it would take her back in the old job instead, giving her the raises to which she would have been entitled had she not left for training. But both the girl and the government insisted that her new grade was that of typist—"she had an MDTA certificate saying so." The girl turned down the lesser warehouse position, and now draws unemployment compensation for 39 weeks a year as an unemployed typist.

Perhaps the classic case to date involves Crown Zellerbach Corp. Along with one of its labor unions, the giant paper company took the Secretary of Labor to court, with results which adversely affected its government-related business and, after a series of legal actions and counter-actions, served to strengthen the enforcement arm of Labor's OFCC.

BATTLE OF BOGALUSA

The battle began more than five years ago, when the President's Committee on Equal Employment Opportunity (predecessor to both OFCC and EEOC) launched an investigation into alleged racial discrimination at Crown Zellerbach's Bogalusa, La., paper mill. By January 1966, the company had reached an agreement with EEOC to merge a number of its formerly segregated production lines and hire (or transfer) blacks to previously "white-only" jobs.

However, OFCC, for its part, rejected the EEOC agreement. In March, new investigations got under way, this time by both the General Services Administration and the Pentagon, on behalf of OFCC. Negotiations ensued between Crown and the Labor Department agency, but with the United Papermakers and Paperworkers (AFL-CIO) barred from taking part by OFCC order—even though that union, federally certified as the representative of plant employes, legally was entitled to be a party to any talks affecting employment conditions.

The upshot was that Crown Zellerbach signed a new agreement with OFCC, promising special recruitment and training of Negroes, and restricting employment tests to those approved as not discriminatory. (The aforementioned Duke Power court decision may affect the latter point's legality.) The company also was required to keep monthly job-applicant records on a racial basis. Finally, the firm agreed to do its best to change the union contract at Bogalusa regarding seniority. The agency said that in competing for the next higher job, seniority must be computed on the basis of length of employment at the plant instead of experience on the particular job—thereby opening new areas of advancement to minority-group employes. OFCC said the responsibility for compliance rested with management, irrespective of its obligation (or ability) to bargain collectively with employes on such matters.

With the seniority question still hanging—dependent only on "results"—OFCC applied pressure, circulating a "consult memorandum" to all federal agencies: it advised that before the purchase of paper products from Crown Zellerbach, OFCC should be consulted. Some contracting agencies simply took the company off their bidders' list, rather than run the risk of holding up a contract. Others took the memorandum to mean they could sign no new contracts with Crown until OFCC advised otherwise.

The effect was to bar the company from new federal contracts, without a hearing, for an indefinite period. Meanwhile, Crown Zellerbach vainly tried to negotiate a labor-management agreement on seniority satisfactory to OFCC. The agency finally ordered that the changes be made unilaterally by management, threatening "sanctions" if it did not comply. The Papermakers, for their part, threatened to strike if the system were changed without their consent.

MARCHING TOGETHER

Caught in the crossfire, both Crown Zellerbach and the union went to court in cases that were later consolidated. They obtained an order enjoining the Secretary of Labor from withholding federal contracts without a hearing. OFCC then agreed to hold a hearing to determine whether it had wrongly required the firm to change its seniority arrangements. The company then said it would make the seniority changes and promised its employes that if the new system were declared invalid, they would be reimbursed and reinstated according to provisions of the old method.

Unmollified, the union independently sought an injunction against implementation of new rules before a hearing. That case was dismissed, whereupon the Papermakers again announced strike plans. At that point last January, the Justice Department, at OFCC's request, asked the U.S. District Court at New Orleans to enjoin a walkout. The purpose of a strike, said the Justice Department, would be to maintain a seniority system which was illegal because it was discriminatory. The court issued the order banning a strike.

In the wake of its court-backed victory—according to Acting Director McCreedy, seniority at the Bogalusa mill (which was revised the day after the strike was blocked) now is working satisfactorily to the OFCC, and the agency seems to have emerged stronger than ever. For one thing, the Justice Department moved immediately against the same company's box plant at Bogalusa, enjoining enforcement of an allegedly discriminatory system there; the court ordered plant-wide seniority covering all employes hired before the 1964 Civil Rights Act. For another, OFCC retained the power to issue government-wide "consult memorandums," according to Mr. McCreedy, "despite the Crown Zellerbach decision." Finally, in the opinion of an AFL–CIO spokesman, the decision will enable OFCC to move more expeditiously in future cases of similar labor-management conflict.

OUT OF COURT

Indeed, the agency already had proved that it can effectively harass an employer without resort to the courts. Exhibit A is Timken Roller Bearing Co., which has been the subject of an OFCC probe almost since the day the agency was created. Like Crown Zellerbach, the Ohio manufacturer was able to satisfy all of OFCC's demands except those involving seniority. These, the company said, would have to meet agreement by the United Steelworkers (AFL–CIO), under a contract calling for new negotiations to begin 60 days prior to termination last August 25.

Nevertheless, in November 1967, Timken was ordered to begin immediate negotiations with the Steelworkers toward a revised seniority system. In that event, said the union, full-scale labor-management talks should start at once, despite contract terms. After three months, however, nothing had been agreed upon, and in late February, OFCC held an informal two-day hearing of its own—without union representation. The agency told management it had 60 days to reach agreement correcting the "entire problem" of discrimination in seniority.

Timken and the Steelworkers proceeded with a marathon series of 18 conferences. "Despite the substantial changes which the company has offered to make in the seniority provisions of the 1965 Basic [redacted] Agreement," a company spokesman finally reported, "The union negotiators were still demanding additional changes which, [redacted] company's opinion, were not required in the Agreement for purposes of compliance (with federal anti-discrimination regulations)."

TIGHTENING THE SCREWS

On May 3, Timken told OFCC it was stymied. On May 23, OFCC announced initiation of debarment proceedings and also told the firm it would "recommend to the Department of Justice that appropriate [redacted] ceedings be brought to enforce you[redacted] tractual equal employment obligation. . . ." The company was given 10 days to request a formal OFCC hearing—or immediately lose all present and future government orders, as well as those from any other firms doing business with the government. Timken was faced with a Hobson's choice. It decided a lawsuit would take too long: it might win the point eventually, but lose its shirt in the process. An injunction also seemed out of the question since, unlike Crown Zellerbach, Timken now had been offered a hearing by OFCC.

So Timken accepted the arrangement. Two agonizing months went by before Secretary Wirtz appointed a three-man panel. Hearings were to begin August 27 (two days after the union contract would expire). Meanwhile, OFCC's Mr. McCreedy told the company that, effective July 22, it must give "our compliance officers . . . free and full access to all personnel records, all test records, the employment applications of the last 100 applicants for employment and employment applications for the last 100 unsuccessful applicants for employment."

The officers arrived at Timken headquarters in Canton, Ohio, on July 29 and stayed until August 2, examining material. During that time, notices appeared in bars near the Canton plant urging all Timken employes to meet July 31 at 535 Cherry Avenue to "register all complaints against Timken Roller Bearing." One notice said: "Complaints: No. 1, No white-collar jobs. No. 2, No promotions. No. 3, Discriminating practices."

While seniority generally is regarded as the bulwark of unionism, OFCC's pressure for seniority changes actually strengthened the Steelworkers' position; for years they had wanted a less restrictive system, irrespective of racial overtones. In any case, labor-management relations went from bad to worse. On August 25 (when the contract expired) the United Steelworkers walked out, launching a bitter seven-week strike against Timken Roller Bearing. In those circumstances and with management now completely preoccupied, the August 27 OFCC hearing postponed.

But on October 7, with the plant still struck, Timken representatives were summoned to Washington anyway, for a pre-trial hearing by the three panel members. Chairman Harold Summers (who is associate chief trial examiner of the National Labor Relations Board) suggested that Timken meet with the OFCC that very day, to find a settlement and eliminate the need for a hearing.

The Timken people did sit down with agency officials and told them a settlement with the union was imminent but refused to disclose bargaining data.

Four days later, the Steelworkers returned to their jobs—under a new contract incorporating complex and rather drastic seniority changes. Previously, Timken had 212 seniority "units" for 9,500 employes and transfers of seniority between units were not permitted. Now there were only four such units covering the entire plant, and transfer from one to another would entail no loss of pay or other rights. The company also promised to notify all employes when openings occur, so that minorities can apply—and can file complaints if they are turned down for reasons they suspect are "discriminatory." Every employe, moreover, would get a 45-day trial period on any new job, to show whether or not he can handle it.

OFCC then discontinued its debarment proceedings—but with certain conditions. Every two months for one year, Timken must file a detailed report on any changes (or denial of changes) in job classifications, including this data: "In the case of Negro employes who are denied a transfer or who fail to qualify, the reasons for such denial or failure shall be fully set forth in the report." In addition, by mid-March Timken must submit a written "affirmative action" program "with respect to recruitment, selection, employment and promotion of officials, managers, professionals, technicians, sales workers and office and clerical workers and apprentices and other trainees. . . ." (The company, meanwhile, may not have seen the end yet; it recently was visited by an investigator from another agency, EEOC.)

WHAT IT PROVES

What has it all proved? OFCC and EEOC spokesmen say the Timken agreement outmodes the highly controversial one obtained nearly two years ago at Newport News Shipbuilding & Dry Dock (Barron's, July 17, 1967), which called for preferential promotions for certain Negroes and special recruitment of blacks. It appears to have done more than that by establishing the precedent that Washington—independently of the courts—can wreak havoc in already troubled labor-management affairs, over the issue of equal opportunity.

THE NUCLEAR NONPROLIFERATION TREATY—SAFEGUARD AGAINST WORLD CATASTROPHE

Mr. MONTOYA. Mr. President, proponents of the treaty contend that the nonproliferation treaty will further the ultimate objectives of the North Atlantic Treaty Organization which are to preserve peace and security. They agree that the NATO allies should share in the setting of strategy and making of policy concerning nuclear weapons, but they deny that this requires relinquishing control over nuclear weapons to any member. In their view this goal and the nonproliferation treaty are not incompatible.

Even before the agreement on the treaty, U.S. officials said that there were no plans to give up the U.S. control, or veto right, over its nuclear weapons dispersed as part of NATO's collective security effort, "control" being defined as the "right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear weapon state."

In answer to the question of whether there were any atomic bombs or hydrogen bombs in the world "owned by the U.S. Government that is not under our control which can be fired without the direct consent and activity of the U.S. Government," Secretary McNamara replied on March 7, 1966:

> Every weapon we currently possess is so controlled and there are no plans under discussion that would in any way change that form of control . . . President Kennedy and President Johnson have both made very clear their instructions to Secretary Rusk and to me with respect to the participation by our allies in nuclear planning. They have not suggested or instructed us to propose or push or seek to obtain the approval of a multi-lateral force. Quite the contrary, they have simply said that it is in our interest that our allies understand the strength of the nuclear deterrent which is the foundation of the security of the West, which is the basis on which the West is protected against certain forms of aggression, large-scale conventional attacks or nuclear attacks against it.
>
> It is very much in our interest that our allies understand the strength of that deterrent and participate in the planning of it and the potential use of it. We are anxious to have that participation in ways that they find acceptable to them.
>
> Therefore, our instructions from both Presidents have been to discuss with our allies actions that can be taken to meet their desire for greater participation. Sometimes the public has been led to believe by reports out of various capitals that we are promoting a particular form of participation, a "hardware" solution, or what has become known as a "hardware" solution.
>
> Such is not the case. We are simply seeking to reassure our allies as to the strength of this deterrent by providing for whatever participation in the planning they choose to have, through whatever devices they prefer for that purpose.
>
> * * * * *
>
> . . . We have no plan to dilute our veto in any way and our allies are not asking us for a dilution of that veto.[1]

In speaking to the First Committee of the U.N. General Assembly on November 4, 1966, Mr. Foster stressed that it was the conviction of all members of NATO, including the Federal Republic of Germany, that while non-nuclear members were entitled to express their views on collective nuclear defense as well as on collective conventional defense, such an arrangement need not and must not lead to or involve the proliferation of nuclear weapons.

Proponents contend that the United States would not relinquish control over its nuclear weapons to a nonnuclear nation anyway, whether or not there was a nonproliferation treaty, because section 92 of the Atomic Energy Act already prohibits the transfer of nuclear weapons to another nation; thus, they say, the treaty does not prohibit the United States from doing anything that was not already prohibited by its own legislation.—Senator PASTORE, CONGRESSIONAL RECORD, volume 113, part 18, pages 23885–23886.

Those in favor of the nonproliferation treaty also believe that it offers a solution to the problem of the future nuclear status of the Federal Republic of Germany. On the one hand, they say, Germany's participation in the treaty should assure those who express fear of Germany's obtaining nuclear weapons through nuclear sharing arrangements or as a result of its progress in civil nuclear technology. On the other hand, for those who object to singling Germany out for a prohibition against the manufacture of nuclear weapons, as present arrangements do, the treaty seeks to obtain from all nonnuclear powers the pledge not to manufacture nuclear weapons which Germany agreed to in 1954. The pledge not to acquire nuclear weapons would be a new obligation for Germany as well as other nations.

U.S. officials who have negotiated the nonproliferation treaty look upon its inspection provisions as a means of moving closer toward an objective for which it has long been working, the international inspection of all peaceful nuclear activities. One of the main reasons the United States has furnished nuclear assistance to help other countries to develop peaceful uses of the atom was to get these activities under a safeguard system from the beginning. It was able to do this by insisting upon inspection as a condition of furnishing the nuclear assistance. The United States is no longer the only country able to furnish assistance with the peaceful uses of atomic energy, however, and as an increasing number of countries begin to sell reactors in the international market, the United States will no longer be able to assure that such nuclear materials will be under some kind of safeguards system so that it will not be diverted to weapons purposes.

Proponents contend that the treaty will provide a method of getting all the peaceful nuclear activities of nonnuclear states under inspection, whether or not they receive assistance from the United States. Under the nonproliferation treaty all the nonnuclear countries which become parties must agree to inspection arrangements under the International Atomic Energy Agency. The International Atomic Energy Agency has already gained considerable experience in applying safeguards for cooperation in the peaceful uses of nuclear energy, and U.S. officials believe it will be capable of carrying out the safeguards envisioned in the treaty although its staff would have to be expanded to meet the increased workload. Basically these safeguards would consist of periodic inspections by the IAEA to verify a nation's accounting of the quantity and location of all the nuclear material being used or stored by it. The purpose would be to insure that such material was being used in the manner stated and that no quantities were unaccountable for and thus possibly might be being diverted to weapons use.

Development of the International Atomic Energy Agency as a body responsible for and capable of both promoting and safeguarding the peaceful uses of atomic energy has long been an objective of U.S. policy. The agency originated as a result of the atoms for peace proposal made by President Eisenhower in 1953. In recent years the United States has begun to designate the IAEA to carry out the inspection of the nuclear assistance it provided to other countries under bilateral agreements, so it is already relying on the IAEA safeguards system. The treaty, proponents contend, will extend these safeguards to all the peaceful nuclear activities of all the nonnuclear signatories, and this will be what the United States has been striving for in

[1] Secretary McNamara in testimony before Joint Committee on Atomic Energy, March 7, 1966. pp. 77 and 82.

its own foreign policy. Without the treaty the systematic inspection of peaceful nuclear activities might never develop.

Although the treaty does not require any inspection of the Soviet Union, this is felt not to be necessary since the treaty does not prohibit the Soviets from continuing to make nuclear weapons anyway. Proponents believe that the Soviet position in favor of IAEA safeguards for the nonnuclear states is an improvement over its former position that no inspection was necessary. Moreover, in the hope of encouraging the further development of IAEA safeguards and their acceptance by the nonnuclear nations and eventually by the Soviet Union, and to show that the United States was not asking other states to accept any safeguards it would not accept itself, President Johnson on December 2, 1967, announced that "when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance." The same offer has been made by the United Kingdom.

Many proponents take the view that no inspection system which would be acceptable at the present time would be completely foolproof. However, they believe that coupled with the observations and sources available to the diplomatic, military, commercial, and intelligence communities, the inspection system contemplated in the nonproliferation treaty would be adequate. In their view the main effectiveness of the treaty consists of the declaration of intention; if a nation wishes to become a nuclear power it would either not sign the treaty or withdraw from the treaty rather than attempt to violate it clandestinely.

WHAT IS A SOUND FARM POLICY?

Mr. CURTIS. Mr. President, some Members of the Senate have outstanding backgrounds and capabilities for analyzing farm policy problems. One who has been a consistently sound thinker on agricultural matters is the distinguished senior Senator from South Dakota (Mr. MUNDT). I have before me a copy of an article entitled "What Is a Sound Farm Policy?" written by Senator MUNDT, and published in the January–February issue of Rural America magazine.

I note in particular that Senator MUNDT in this article makes a statement that when talking about farm policy and farm programs—

> We are talking about its programs which assist those engaged in some segment of agriculture in their effort to achieve full parity of income for that effort.

I have long said, Mr. President, that I believe that every farm program and every action taken by the Department of Agriculture in administering that program should be directed toward proving or increasing the income of farmers or the prices they receive for their products in the marketplace.

I fear that in previous years some mistakes were made that allowed the thinking and action of the administrators to get out of focus and lose sight of that goal. I hope that Congress and the new administration will see to it that we bring that goal back into focus and that we work diligently toward it.

Because of the keen insight into farm problems and his long experience in dealing with them, I ask unanimous consent that the text of Senator MUNDT's article be printed in the RECORD, so that every Member of this body may have the benefit of his advice and counsel.

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

WHAT IS A SOUND FARM POLICY?

(By KARL MUNDT, U.S. Senator, South Dakota)

Over the past 30 years many articles—speeches, radio and television interviews, newspaper columns—have all been devoted to the subject of "what encompasses farm policy?" Unfortunately, most of these statements in behalf of or related to agriculture have dealt only with a very small segment of what encompasses the farm problem and what farm programs should accomplish as a part of farm policy.

When we talk about farm policy and farm programs—what are we really talking about? We are talking about those programs which assist those engaged in some segment of agriculture in their effort to achieve full parity of income for that effort. Parity is the yardstick by which the farmers income is measured against that of his city cousin insofar as purchasing power is concerned.

I feel it imperative, moreover, that when we discuss farm policy we insure we are talking about all aspects of the agriculture industry. In the past there has been too much emphasis placed on farm programs for wheat—or for feed grains—or for cotton or for some other particular crop or animal. By emphasizing our problem with a specific crop, we have succeeded in failing to come up with an overall farm policy to insure full parity of income for the farmer, but rather we have relegated him to 74% of parity which he receives today and have placed him on a most unfavorable rung on the economic ladder today.

Because of the many intangibles which go into a successful farming operation, we must formulate a policy which provides answers and assistance to the farmer as the problems confront him. We cannot attack the farm problem with a single shot program, but rather it must be done with a proliferation of programs, all designed to assist the farmer in reaching parity of income.

DUAL PROGRAMS POLICY

Our farm policy administration must be divided into two programs. There must be one program devoted to the problems of commercial agriculture with the other part administered to assist the low income farm operator. Both should be kept separate and distinct but both should be recognized as separate problems within our overall farm policy formulation process.

What is the proliferation of programs which should be evaluated and should be implemented to give the farmers of this country a sound farm policy?

In our discussion we must talk not only about farm programs to improve the farmer's economic position, but also the problem which has the effect of placing the purchasing power of the farmer in a deteriorating position. Every effort must be made to eliminate those causes of inflation, for example, which destroy the farmers' purchasing power as it does that of his city cousins. While the farmer is a producer, he is, as a segment of society, also one of the largest consumers—or purchasers—in society. Therefore, it is most important that inflation be curtailed to provide a successful agriculture climate.

As we discuss programs for various farm crops—that includes programs for wheat and feed grains which include programs of payment to producers for established and sound soil conservation of land diversion practices—it also should include continual efforts to find new markets for the grains produced. It should include new uses for those grains both for traditional utilization and for industrial usage.

SEEK NEW MARKETS—NEW USES

If we devoted the talent and dollars to research for "use" that we devoted to research for "growth," that we would soon find that our farmers could not sow enough seeds or harvest enough crops to meet our demands and that land diversion to limit crop production would become historical. Grain programs as a part of an integral farm policy carry with them responsibility by the Commodity Credit Corporation administered by the Department of Agriculture in [redacted] or disposal of their grain holdings. It should not be permitted to dump on the [redacted] during the harvest season in competition with the farmers' marketings any grains which would depress the market for those farmers desiring to sell their grain at harvest time.

Meat production goes hand in glove with grain production because many producers feel that they can best market their grain as pounds of beef or pounds of pork or some other meat or fluid product. To assist such producers in firming up this market [redacted] must be better regulation of competitive imports of those products which depress our American markets. Our Foreign Agriculture Service should continue to develop new markets in other areas of the world, with better distribution systems, so that prices and need for our farmers' products are always expanding.

A successful farm policy or agriculture climate is one in which credit for farm purchases or assisting young farmers is available when needed. The Department of Agriculture should be working with all credit institutions to meet credit needs so that farmers will know where credit can be obtained without delay.

SPEEDY ASSISTANCE

We must continue to develop the Rural Electric and Rural Telephone programs. They add to the comfort and success of the farm family. They provide the farmer with the helping hand which is needed as new technologies are advanced, making farming more complex but also more in keeping with these technical times in which we live. Electricity has become the "hired hand" of most farms in America today and a good farm policy demands we insure that loan funds are available to provide the energy and distribution systems to meet farmer demands and, of course, modern, efficient communication is as essential to farmers as to all other American enterprisers.

The promulgators of our farm policies must expand our crop insurance programs, either through better private insurance or through the Federal Crop Insurance programs. The farmer lives at the mercy of the vagaries of the weather. Cold or heat, hail or drought, can wipe him out in a single year. Certainly with all our talents we can expand and perfect a farm product insurance program which will help stabilize our farm income in times of trouble.

We need more and better educational opportunities for the young people in Rural America. Farming is becoming a complex science with all of the new crops, the new conservation practices and the improved methods of farming. Federal regulations and tax laws demand new record keeping procedures. Educational facilities must be improved in the areas of the farm so that our farm youngsters do not leave the environment of rural America and become an addition to the over-crowding of metropolitan America which creates more problems for all. There should be adequate opportunities

for vocational training for young farmers who desire to implement their income.

RURAL INDUSTRY

Finally, we should devise a program of tax incentives to induce industry and business to expand their rural activities in America. Processing plants of the raw material of agriculture should be moved closer to the source of supply. New industry means more jobs for young men and women in rural America to assist them in increasing their income opportunities and reach for the parity of income they seek. New industry brings new demands for farm products without adding to the cost of a sizable transportation cost from farm producer to market. It puts money in the farmer's pocket where it rightfully belongs.

In a few words I have tried to outline briefly what I feel encompasses a pertinent sound farm policy. It is not one program or a single shot for improvement of farm income. Sound farm policy means soil conservation, new industrial uses for farm products, protection and expansion of our American markets for our American producers, searching out new markets overseas, better distribution and packaging of the products so that the farmer receives more for his product at the market place, better programs for REA and RTA, better credit, more education for young America, tax incentives for industry in Rural America so that farmer and industrial worker can become partners in the development of an expanding opportunity for all Americans with the assurance that parity of income accrues to those actively engaged in farming so that all segments of our society can enjoy the benefits of this bountiful land of opportunity we call the "Great American Dream."

THE VALUE OF FLOOD CONTROL STRUCTURES IN THE RECENT CALIFORNIA FLOODS

Mr. RANDOLPH. Mr. President, as the Members of this body know, I vigorously support Federal water resource developments. It is my belief that the development of our natural resources is responsible in a large measure for the wealth and prosperity of our Nation.

During my service in the Senate, I have participated in the formulation of numerous river and harbor and flood control measures, both as a member of the Committee on Public Works and as its chairman. It is true that the projects for navigation, for flood prevention, and for preservation of our coastal beaches require very large expenditure of Federal funds. But I look upon these expenditures not as a drain or a raid on the Treasury, as some persons would have us believe, but as an investment in the growth of America.

We have heard the term "pork barrel" in reference to public works improvements.

I am sure those who have known the ravages of floods and the attendant suffering, and who are now safe and dry behind levees or other protective works, would not agree that these projects are pork barrel.

I am also sure that those of us who enjoy the many benefits that are realized through the construction of multiple-purpose projects, including such uses as water supply, low-cost power, reclamation, public recreation, and the many other beneficial uses of such improvements, would not consider these projects pork barrel.

Flood control projects constructed to date by the Army Corps of Engineers, have prevented damages totaling $14 billion.

This is a return on the Federal investment of nearly $2 for every $1 expended and is exclusive of damages prevented by projects of the Corps of Engineers in operation during the recent floods in California.

Navigation improvements throughout the United States present a similar picture.

Reclamation projects, as we know, have been major factors in the development of the arid sections of the country.

We have read much and have seen film on the tragedy which recently struck California. Rains which lasted 9 days precipitated one of the worst floods in that State in over 31 years. The deluge which hit Los Angeles county was greater than the record flood of 1938 when more than 5,600 homes were destroyed, 86 people perished in mud and water and 127 more were missing. It has been estimated that the January flooding caused damages in excess of $100 million and that at least 88 persons lost their lives as a direct result of the rains and floods.

The Chief of Engineers informs me that flood controls structures authorized by the Congress and built by the Corps of Engineers have, in the past 2 weeks, prevented in excess of $1¼ billion in damages to urban and suburban areas over the State of California.

The great portion of this protection has been realized in Los Angeles and Orange Counties, hard hit by mud slides and surplus rainfall. They would have suffered another estimated $1,200 million in flood water damages without the Army Corps of Engineers flood control structures.

I am informed that the volume of natural water runoff into the five Los Angeles County drainage area flood control dams, and through the intricate system of mainstream and tributary channels, was greater than the 1938 disastrous flood. If the completed flood control structures had not been in operation, more lives would have been lost, thousands of additional homeowners would have been displaced, and a considerable portion of all transportation and communication services would have been out of commission.

The Los Angeles County flood control project cost the Federal Government $750 million and local interests contributed about $340 million; thus it can be seen that the project has more than paid for itself in just this one protracted storm.

In other portions of the State, where flood control projects were in existence, prevented damages could be calculated at many millions of dollars.

When I hear of the benefits that public works projects produce by alleviating human suffering and preventing the destruction of material things, I know that our tax dollars have been wisely spent.

Lt. Gen. William F. Cassidy, Chief of the Army Corps of Engineers, recently said:

Control of Floods is an essential and sound investment for the American People.

I agree enthusiastically.

PUBLICATION OF MEDAL OF HONOR BOOK

Mr. KENNEDY. Mr. President, last year, as chairman of the Subcommittee on Veterans Affairs of the Committee on Labor and Public Welfare, I directed the subcommittee to prepare an updated version of the committee print listing all recipients of the Medal of Honor.

I am pleased to announce that the book, "Medal of Honor, 1863–1968," has been completed and is now available for distribution.

Over 1,000 pages long, the publication lists all recipients of the Medal of Honor through the year 1968. For each recipient, it gives biographical data and then the full citation describing the XXXXXX deed or deeds for which the medal was awarded. The book contains a XXXXXX of the medal and of its evolution into the prestigious award it is today. And the book includes documentary material and a comprehensive bibliography.

The Medal of Honor is the highest distinction which can be earned by a member of the armed services of the United States. It is awarded by the President, in the name of Congress, to an individual who while serving in the Armed Forces "distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty."

Of 36 million Americans who have served in the Armed Forces since the institution of the Medal of Honor in 1861, only 3,222 have been awarded the Medal of Honor as of this date.

Many Americans, of course, have served with great valor and bravery. The few Americans who have received the Medal of Honor have been most outstanding in this respect, performing above and beyond the call of duty in acts of extraordinary heroism. They have met the standards set down by Congress in authorizing the medal:

The President may award, and present in the name of Congress, a Medal of Honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Armed Forces, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—first, while engaged in action against an enemy of the United States; second, while engaged in military operations involving conflict with an opposing foreign force; or, third, while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

It is appropriate indeed that the Nation should formally recognize these acts and these men with the award of a prestigious medal. Our country has a proud heritage of individual bravery and courage—from frontier settlers and patriots of the American Revolution to the men and women today who are making frequent sacrifices to further the cause of freedom and democracy. Countless acts of heroism—large and small, public and private, in all walks of life—have made our Nation strong.

We respect our heritage, and we admire these individuals who have earned the Medal of Honor. They have dra-

matically demonstrated the point which President Kennedy so often emphasized:

One man can make a difference and every man should try.

The latest publication, "Medal of Honor, 1863–1968," records the names and the deeds of all recipients through 1968, to be made available to a grateful Nation which owes so much to these men of highest valor.

I am proud to have worked on the book, and I am pleased that all Americans may have the opportunity to read the stories of these brave men and their heroic deeds. They are an inspiration for us all.

THE IMPACT OF NATIONAL PARK SYSTEM TRAVEL ON THE NATIONAL ECONOMY

Mr. ANDERSON. Mr. President, there has just come to my attention a summary of a study of the impact of national park system travel on the national economy. The study prepared by Dr. Ernest W. Swanson, professor emeritus of economics, North Carolina State University at Raleigh reveals the tremendous value of the park system, not only in the many days of enjoyment to the public but in cold hard dollars.

Mr. President, I ask unanimous consent that the summary that accompanied the study be included at this point in the RECORD.

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

SUMMARY OF A STUDY OF THE IMPACT OF NATIONAL PARK SYSTEM TRAVEL ON THE NATIONAL ECONOMY

(By Dr. Ernst W. Swanson)

The value of the National Park System to Americans is not measurable in strictly monetary terms. But it can be shown that travel to the national parks, monuments, and other areas of the system contributes far more to the economy dollarwise than generally has been supposed.

The park system is of such significance both qualitatively and quantitatively as to occupy a major role in the daily life of a nation undergoing marked social and economic changes. Trips to the National Park System in 1967 benefited the national economy to the following extent: $6.35 billion in travel expenditures which resulted in $4.76 billion in personal income, $5.71 billion added to the Gross National Product, and $952 million in Federal taxes.

The $4.76 billion in personal income represents more than $23 for every man, woman and child in the United States. This figure is quite a sizeable as a matter of gain to the nation from assets being preserved for posterity. Unlike the mining and the oil industries, for example, which give up non-renewable resources, the National Park System yields its contribution with little or no diminution of its resource values. Wilderness resources are even increasing in value, materially as well as in less tangible ways.

To calculate the economic impact of park system visitors we take these steps:

1. Determine the number of visitors who make major expenditures by staying overnight at or near a park system area. One-day visitors are omitted because we can't make any valid assumption as to their spending behavior. Under presumptions based on studies at major national parks, and a review this past summer by this writer of dozens of park and regional spending patterns, a reasonable "average" figure can be derived. To adjust for day visitors we reduce the total visitations by 25 percent. Thus, transients and double counting may be largely omitted. The truly income-generating park visitors are those who stay overnight and who travel a substantial distance to reach the park. At Yosemite, Sequoia and Kings Canyon national parks, the income-generating visitors may be no more than 55 percent of the total. At Grand Canyon, Rocky Mountain, Grand Teton, Zion, Glacier and other parks 95 percent may be income-generating, based on park studies, park statistics and my review in the summer of 1968.

2. Establish expenditures per person for visitors staying more than a day in the state in which the park is located. From visitor expenditure figures taken in varying years in two states, five national parks and one national seashore, and adjusting them for differences in price levels, we found this average visitor spent about $15.12 per day. From several recent studies, data from the Fred Harvey Company and my own interviews with travel group members, we concluded that 4.0 days is the average length of stay.

3. Thus 75 percent of the total 1967 park system visitation of 140 million gives us 105 million income-generating visitors who spent $15.12 each per day for four days, or a total of $6.35 billion.

4. This figure, however, is total outlay whereas the best measure of the economic impact of visitations is personal income. The $6.35 billion includes most excise and sales taxes, business savings, undistributed profits and expenditures for goods brought into the area. According to the Bureau of Labor Statistics, direct personal income runs about 30 percent of gross outlay. Thus, we find $1.905 billion in direct personal income resulting from park travel. This is the income of merchants, retailers, service station operators, restaurant owners and the employees of all the travel-related businesses.

5. There is indirect personal income as well, however, resulting from the park travelers' outlay. Indirect income is that income resulting from the effects of the spending of the direct income receivers. The service station owner's wife buys an overcoat, for example. The clothier pays his clerks who, in turn, buy groceries. The chain reaction of spending naturally will be greater in a diversified economy such as the Northeast than in a highly specialized area as, say, around Glacier National Park. Economists measure this effect by tracing the use of a dollar over and over. The first spending contributes $1.00 to the money flow but if a family is saving 30 percent, then the amount returned to the flow is $.70. The next time around, assuming the same withholding of 30 percent, 70 percent of the $.70 is returned, or $.49. Next time it's 70 percent of 49 cents or 34.3 cents and so on until nothing is returned to the money flow.

Now, to get some measure of this indirect income, we resort to a variation of the investment multiplier technique used to measure the probable effects of investment. If there is a withholding of 30 percent from the initial dollar spent, we compute a multiplier effect of 3.333 (.30 into 1.0). But evidence from a variety of research studies shows this figure much too high and the rate of withholding as applied to travel-derived income is really about 40 cents on the dollar which produces a multiplier of 2.5.

Studies show that the multiplier varies from as low as 1.12 to 3 or more, depending on the economic complexity and size of the region being studied. The 2.5 figure also is an "in-between" value, based on the findings of the Robert R. Nathan Associates, research groups of the universities of Utah, Colorado, and Wyoming and of Memphis State and Colorado State universities. This figure is an approximation which reflects a balancing out of the highly developed, populous areas with the poorly developed and sparsely populated areas.

In a strict sense, 2.5 is not an average but a judgment based on knowledge of the economic conditions of the National Park System locales. Had we selected a multiplier of 3.0, a figure supported by some writers, we would have obtained a figure of $5.7 billion as the total contribution to direct and indirect personal income of National Park System travelers. Our more realistic multiplier of 2.5, deemed more representative of the nation as a whole, gives us a personal income figure of $4.76 billion contributed by National Park System travel.

If we study the nature of formation of the Gross National Product (the best measure we have of national well-being) we find that GNP runs approximately 1.2 times the national personal income. Thus, the XXXXXX contribution of National Park System travel gives a figure of $5.71 billion as the XXXXXX of GNP generated by National Park System travel.

Another remarkable contribution of the National Park System to the national economy lies in the Federal taxes accruing from park visits. The Treasury Department makes a rough estimate that 20 percent of total personal income goes into Federal taxes. At this rate, travel to the National Park System resulted in $952 million in taxes for the Federal Government in 1967. XXXXXX

Still another graphic indication of the National Park System's economic impact is its 46-to-1 return per dollar of annual appropriation. The total personal income of $4.76 billion from Park System travels is realized on appropriations of only $102 million, a figure far inadequate for the country's needs.

Although the National Park System cannot be evaluated adequately in dollars and cents, we can compute a business-type capitalization based on the personal income contribution from Park System travel. To derive a "market value" of the Service's assets, we multiply the personal income contribution by some factor that reflects the going market rate of interest. We select a 4 percent rate; business firms, facing higher risk conditions, would use a higher rate. On the assumption that the annual income here is a perpetual annuity, we divide 100 by 4 then multiply this factor of 25 by the total personal income contribution. On this basis the value of the National Park System assets may be said to be $119 billion.

Until one has traveled to the majority of the national parks, it is difficult to realize how much money is spent by the traveling public. Californians spend about $2 billion a year on vacations; visitors to the state spent $900 million in 1967.

To go by car to Grand Canyon National Park from Washington, D.C., with reasonably priced lodging and meals and as much as 40 cents or more for a gallon of gas, will cost two people $30 a day or more. With a week or so at the park, the vacation will cost two people at least $600. Rental of campers and travel coaches may be as expensive as lodging at a high-class motor inn at $10 per person.

Residents of some areas derive much of their livelihood from park travel; for those in the Jackson Hole country at Grand Teton National Park, the park is the source of half their living.

The biggest business in Cortez, Colorado, and surrounding Montezuma County is the servicing of travelers to Mesa Verde National Park, Hovenweep National Monument, and Aztec Ruins National Monument. There are 342 motel units, plus a hotel of 50 units—a 25 percent increase in the last five years. Yet, more accommodations are needed. Some 130 to 150 travel parties have been turned away each night during the peak season. About 1,100 travelers are given lodging, leaving some 435 to 525 without accommodations. The daily income from travelers runs as high as

$15,000 during the peak season, less than half that in the off season.

The demand for recreation has reached heights which a decade ago could only be sketchily foretold. Can we afford a burden of visitations so immense as to threaten the very existence of our parks and landmarks? To this question there is an answer: Our National Park System is such a powerful generator of a sizeable amount of national income, that there is no convincing reason why Congress should not provide whatever funds are necessary to guard against such a threat and to maintain, operate and perpetuate these valuable lands and waters.

These are, indeed, irreplaceable assets that serve us in the understanding of nature, our cultural background, and the beginnings of this nation and of the continent. They are the sources and stores of history, anthropology, archaeology, zoology, climatology and geology. Dollar signs cannot be attached to knowledge so significant that it can never be found again in another place or time.

Dollar signs can be placed, however, on the economic activities arising from their presence, the values to the nation of the travel outlays and expenditures arising from visits to these assets, even though such figures pale in significance in comparison to the knowledge gained, recreation enjoyed and psychological and spiritual enrichment realized.

EAST GERMANY'S FOREIGN MINISTER LAUDS FRENCH MIDEAST BOYCOTT—OR DESERVED PRAISE FROM ONE BROTHER TO ANOTHER

Mr. MONTOYA. Mr. President, a UPI dispatch out of Cairo in this morning's Washington Post is simply wondrous. The dispatch reads as follows:

EAST GERMAN SUPPORTS ARABS

CAIRO, February 2.—East German Foreign Minister Otto Winzer ended a week's visit here Saturday by pledging his country's support for the Arab countries.

Winzer, speaking at a press conference before leaving for Damascus, said his government supports the views of Egypt—including a political solution to Middle East unrest.

He said East Germany is ready to provide financial and moral support for the Arabs, adding it approves with French President de Gaulle's Israeli arms embargo.

Mr. President, the first two paragraphs of the dispatch are not overly noteworthy. Soviet satellites expressing support for the papier mache Hitler of the Nile and his puppets and followers in the Arab world are not news.

No, Mr. President, it is the final paragraph which tickles and captivates my fancy. Take a long look at that last paragraph. Ponder it for a moment. Savor it for a long instant.

The Foreign Minister of East Germany goes to Nasser's Cairo to praise France's arms and parts embargo against the State of Israel. The heights of the incredible have been scaled. All limits of credibility have been attained.

Have the people of France been apprised of this signal honor? Are the newspapers of Paris emblazoned with joyous headlines proclaiming this act of solidarity? Would the people of France not be pleased to know how successful De Gaulle's policies have been? Would they not delight in knowing East Germany supports and makes common cause with them in their mutual effort to destroy this tiny state? Is it not in the noble French tradition of liberty, equality, and fraternity?

Shall such an act not go down in history? France praised by East Germany's Foreign Minister in Nasser's Cairo because of her boycott against Israel of arms and parts. Does it not elevate French policy to sublime heights of morality and conscience? Shall France's position on the embargo not rank with the Tennis Court Oath, "J'Accuse!" and the last charge of the cavalry at Sedan in the Franco-Prussian War?

Surely, France's policies toward Israel are so noble that they have elicited public praise from Ulbricht's marionette; heir to the tradition of the Generalstab, the seige of Paris in 1870–71 and horrors done to France in World War I. France has acted so nobly that East Germany, embodiment of horrors perpetrated upon France in World War II, sees fit to praise De Gaulle's embargo in Cairo.

Where are the martyrs of the Maquis, who died under Gestapo torture? Where are the victims of Drancy, and the little town of Oradour-sur-Glane? Would they not be proud of French policies which elicit praise from such a source? Would they not be delighted over what their beloved France has been committed to? Surely De Gaulle's name will go down in history with those of Joan of Arc, Michael Ney, Jacques Clemenceau, Victor Hugo, Emile Zola, and the heroic resistance fighters of the Maquis. Surely the old men who perished keeping "la voie sacree" open at Verdun would spring to spiritual attention as he passed them, trooping their line.

I wonder, Mr. President, how many glowing lines will appear in the pages of French history books about this episode. It occurs to me that separatists in Brittany should depart from the republic swiftly, encouraged in their actions in order to be free of identification with such farsighted and fairminded policies.

Perhaps the French might wish to have the words of praise of the East German Foreign Minister for their country chisled into the walls of the Arc de Triomphe. Or maybe his deathless encomium should be presented in tablet form, gilded with gold and mounted in the Chamber of Deputies. Or it might be placed above the Bourse, testimonial to France's devotion to justice over injustice, fair play over opportunism and Jewish lives over barrels of oil.

Certainly the French people should be told of the well-earned praise directed toward them. Michael Ney and the poilus of World War I would be proud to embrace De Gaulle as one of theirs, no?

Mr. President, I eagerly look forward to further proofs of French democracy, and world reaction to them. Perhaps next the Kremlin will decorate De Gaulle with the Order of Lenin. Certainly he deserves it for his services to their aims. Or perhaps he will be invited to Prague for the next Czech funeral. Shall not De Gaulle follow in the august footsteps of Daladier and Laval? For certainly his actions rank with theirs in illustriousness and memorability.

Perhaps the morrow will bring yet another proof of his wisdom and farsightedness.

Mr. President, I weep for France.

NINETIETH BIRTHDAY ANNIVERSARY OF FORMER SENATOR GUY M. GILLETTE, OF IOWA

Mr. HUGHES. Mr. President, Monday, February 3, was the 90th birthday anniversary of a distinguished American public servant, former U.S. Representative and Senator, Guy M. Gillette, of Iowa. Senator Gillette, who was stricken with serious illness in 1966, observed his birthday in the Sioux County Memorial Hospital in his native Cherokee, Iowa, alert and in good spirits. Born in Cherokee in 1879, Guy Gillette served as county attorney in Cherokee County and subsequently as State senator. He was elected a U.S. Representative in 1932. After two terms of outstanding service in the House, he was elected U.S. Senator in 1936. His achievements have been outstanding, both in and out of Congress. Many present Members of the Senate will remember his distinguished work on the Committee on Foreign Relations and the fact that he is the only living Senate Member who signed the United Nations Charter. At a time when America has awakened to the valued contributions our citizens can make in the later years of their lives, we are particularly proud of Senator Gillette, who remains acute of mind and young of heart despite his confinement in the hospital. My own affection and esteem for Senator Gillette, feelings shared by all Iowans, were contained in the telegram which I sent to him on his birthday. It reads as follows:

Heartiest congratulations to you on the happy occasion of your ninetieth birthday. Your distinguished career of public service stands as an inspiration to me as to all other Iowans. God bless you and your fighting heart.

I know that this distinguished American would enjoy hearing from his friends and colleagues of the Senate.

HELP YOUR POLICE FIGHT CRIME

Mr. MUNDT. Mr. President, I would like to call to the attention of the Senate that the Week of February 9 to 15 has been designated as National Crime Prevention Week.

All of us are aware of the threat to our society posed by the escalating crime rate. City streets are no longer safe, citizens are fearful of venturing beyond their homes and places of business, and law-enforcement agencies find the burden of combating crime continually growing.

The new Nixon administration has already pledged as one of its major actions an unstinting effort to curb the crime rate.

But other actions also can be taken, actions which can come from the non-Government or private sector to start the pendulum swinging back to a society of law and order.

I think there are such actions, and with the forthcoming observance of National Crime Prevention Week, I invite attention to the work of a new organization, called "Help Your Police Fight Crime."

The president of this organization is W. H. M. "Bill" Stover, who, in his work

in Kiwanis International, has given a great deal of time and attention to citizen response to resolution of social problems such as the difficulties posed by increased crime.

Mr. President, Bill Stover is author of a recent article outlining some of the steps he believes can be taken to enlist citizen cooperation in the important task of helping our police fight crime.

Because I believe his article is worthy of public attention, I ask unanimous consent that it be printed in the RECORD. As the title implies, Mr. Stover suggests how we can move "forward together" with unity on law and order.

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

FORWARD TOGETHER WITH UNITY ON LAW AND ORDER

(By "Bill" W. H. M. Stover, president, Help Your Police Fight Crime, 406 Perpetual Building, Silver Spring, Md.)

For years crime has flourished while the good citizen sat by in apathy, confusion, shock and frustration, as misguided leaders excused, rationalized and condoned acts of lawlessness. Poor beginnings do not constitute a license to riot, rape, murder and raise hell generally. Nor can the law abiding citizens be made the culprits by ascribing to them the guilt for some alleged wrong done the hoodlums' forebears.

But people are finally coming to their senses. It is now crystal clear that all decent citizens everywhere are fed up with lawlessness. Both young and old, Negro and White, long for the return of safety on the streets, in the home and in their places of business.

It becomes increasingly obvious that the war on crime can now be won with a little intelligence and a lot of potent education. Lawlessness is caused by a minority and is supported only by a minority. Is it such a wild dream to think that a majority will respond to a positive appeal, palatably and persistently made for concerted, realistic action?

How can it be? By moving "Forward Together," a united people, with wrong attitudes replaced by right attitudes on law and order and freedom and justice; and united behind leadership of intelligence and integrity—and—without equivocation; we can win the psychological war to discourage crime by inspiring positive attitudes of mind and heart.

In his "What's Wrong with America?" Reader's Digest article of October, 1967, Mr. Nixon said, "The security of every American is the first business of government . . . for there can be no progress unless there is an end to violence and unless there is respect for the rule of law." And Mr. E. J. Younger, the D. A. of L.A., who heads Mr. Nixon's task force on law and order, said recently, "A no-nonsense approach toward law and order—at the highest level of authority—the Presidency—is an absolute must—if we are to restore the Nation's confidence in law enforcement and improve the morale of our policemen."

Make no mistake about it, sensible people today are firmly convinced that permissiveness has failed. The no-shoot, no-penalty policy to placate and reward criminals has been soundly discredited. The payment of tribute moneys, secretly or otherwise, has brought more problems than protection.

The trend of crime will not be reversed until, as Mr. J. Edgar Hoover says, "Law enforcement penalties are sure, swift and severe."

The bully seldom attacks the strong. The hoodlum, essentially a coward at heart, picks on the weakling, the cripple, and especially on the spineless. There is no place to hide. Either we stand up together as good Americans, or we get knocked off, or our business knocked over, one by one.

Crime is a psychological matter of wrong public attitudes which deperately need to be changed. Properly lead in the right direction through a process of public education, men will unite and rally around a positive flag of good citizenship.

Help Your Police Fight Crime is such a slogan or banner to which no intelligent person could logically object. Make this slogan the unity theme for law and order until it becomes a household phrase across the Nation, and I confidently predict crime will recede.

It is as simple as that. Educate and lead enough people to stand up against crime and in support of the police, and the much talked of crime statistics will drop.

So what do I advocate? I challenge each of us to salute—not one policeman only one day each year, as we do in Kiwanis Clubs today—but to salute all policemen everywhere, every day of the year. We owe it to these courageous men—who risk their lives daily that we might have a greater measure of safety. These men are sworn to enforce the laws which we, the people, make. We must get personally involved and help them carry the piano—not just sit on the stool.

What better way can citizens daily salute every policeman than by displaying a Help Your Police Fight Crime banner everywhere the human eye can see? Visualize such a banner on every car, cab, bus or truck that passes the cop on the corner. Your support will do wonders for his morale. It will inspire and encourage others to stand up with you in support of their police. And—the unity of action would do much to discourage would-be disrupters and trouble makers.

Visualize if you will this same slogan stamped on every envelope going through the U.S. mails. What better way can appeal be made to so many, so smoothly? Hundreds of business firms, with Pitney Bowes cooperation, disseminate not only the unity slogan, but have taken this unprecedented means of telling the public where to write for banners. Others use rubber stamps. In London, Canada, last year Her Majesty's government used a slogan cancelling die for 30 days on all mail being cancelled by postal authorities.

Visualize the added prestige and coverage possible if all postal vehicles displayed a banner on bumper, door, or glass window; and if 700,000 postal employees each wore one on his personal car, filing cabinet, residence window, etc. Multiply the large possibility through this one Federal department by the larger potential of cooperation of all departments and agencies—plus the business and professional community, and we get some idea of the wideflung impact an all-out effort could make on our people, nationally.

The time is ripe. The people are receptive and willing. The new Administration was elected largely on law and order as the dominant issue, and the Chief has agreed in principle through his bring us together—"Forward Together"—theme, and through the many strong statements both he and Vice President Agnew have repeatedly made on law enforcement.

This is what sales psychologists classify as the indirect or soft-sell approach. Seventeen years as head of the Dale Carnegie courses in the District of Columbia and nearby Maryland, Virginia and West Virginia, in the study of human activations leaves the inescapable conclusion that the only realistic way to move forward together, with unity on law and order, is through the psychological appeal. For unquestionably, the only way to motivate men, for good or evil, is through appeal to mind and heart.

THE CITIZENS PART IN CRIME PREVENTION

Mr. DODD. Mr. President, one of the major problems facing our country today is the appalling increase in crime and crimes of violence.

In the Nation's Capital, hardly an hour goes by without an armed robbery. Just yesterday, two businessmen were slain by youthful gunmen. In one of the incidents, the son of one of the murdered men shot and killed his father's killer, a boy of 16. Tragedies such as these have prompted calls for action from the highest levels of our Government.

President Nixon recently announced a number of programs designed to combat this problem within the District o[redacted] lumbia.

Attorney General John N. Mit[redacted] according to an article in this morn[redacted] Washington Post, has called on private groups and volunteers to form local anti-crime councils to do what Government cannot do to fight crime.

Mr. President, I believe that many of our citizens from all walks of life are wondering what they can do to help stem the rising tide of crime and violen[redacted] our country. Therefore, I was very [redacted] pleased to receive a letter the other day from Chief Thomas J. Vaughan, of the Hartford Police Department. Chief Vaughan wrote to inform me of a new booklet which is being distributed by his department to the citizens of Hartford. This booklet, entitled "Guardians of your Life and Property," explains in simple language what the private citizen can do to help prevent crime and what he can and should do to help the police apprehend a suspect after a crime has been committed.

Police Chief Vaughan, in his introduction of the booklet, says:

> Much can be done in law enforcement and crime prevention through good co-operation between citizens and the Police Department.

In the hope that other police departments around the country will consider issuing similar booklets to the citizens of their communities, I ask unanimous consent to have printed in the RECORD the newspaper article concerning the Attorney General, the letter from Police Chief Vaughan, and the booklet being distributed by the Hartford, Conn., Police Department.

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

[From the Washington Post, Feb. 4, 1969]

MITCHELL ASKS AID AGAINST CRIME

(By William Chapman)

Attorney General John N. Mitchell yesterday called on private groups and volunteers to form local anti-crime councils to do what Government can't do to fight crime.

Mitchell suggested a nationwide money raising campaign—what he called a "United Anti-Crime Fund"—to finance local projects.

Mitchell, in his first major public address since becoming Attorney General, said the Government is reaching the limits of what it can do to control crime.

"We are now anxious to give our support to anti-crime activities which will draw millions of volunteer manhours and dollars to the tasks of criminal justice," he said.

Mitchell did not spell out specifically what the local councils should do.

But he mentioned such existing privately sponsored projects as prisoner rehabilitation, juvenile aid, bailing plans and volunteer legal counseling.

Mitchell said the local councils should be guided by professional advisers to be found in such groups as the American Bar Association, the International Association of Police Chiefs, and the Citizens for Justice With Order. He warned that "the amateur cure-all program—no matter how well motivated—could prove damaging in the long run."

The Attorney General emphasized that volunteer anticrime efforts were in line with President Nixon's campaign promises to use the private sector in solving social problems.

He said Mr. Nixon now is considering ways to implement three proposals made during the campaign—a cabinet-level council on law enforcement, "town hall" meetings on the crime problem, and a national crime information center.

Mitchell spoke last night in San Francisco to a conference on crime sponsored by the National Emergency Committee of the National Council on Crime and Delinquency.

"The simple fact is that crime is intimidating us—is forcing us—to change the fabric of our society, and our inability to control crime is a courtship with national disaster," Mitchell asserted.

HARTFORD POLICE DEPARTMENT,
Hartford, Conn., January 27, 1969.

Hon. THOMAS DODD,
Hartford, Conn.

MY DEAR MR. DODD: In about a week's time the Hartford Police Department will distribute a booklet entitled "Guardians of Your Life and Property". This booklet is specifically designed to promote and encourage the interests of our citizens in sound crime prevention, as well as to interpret to them the practical utilization of our police services.

Since no department funds were available for this worthy project, the Hartford Federal Savings and Loan Association published over 60,000 copies of this booklet as a community service and we will distribute them to every home in Hartford.

It is felt that prior to general public distribution, certain civic-minded citizens of high repute should be given the opportunity to read and appraise the contents of the booklet. A copy is enclosed. After you have perused the contents, would you please forward me a statement of your personal opinion concerning the value of this booklet to our community. Such a statement will be greatly appreciated.

Sincerely yours,

THOMAS J. VAUGHN,
Chief of Police.

[Booklet distributed by Hartford Police Department]

GUARDIANS OF YOUR LIFE AND PROPERTY—THE HARTFORD POLICE

The Hartford Police Department is a community service as well as a law enforcement agency. It is the guardian of your life and property. When lawbreakers infringe upon your security, it is the department's main function to provide protection of life and property and to apprehend the criminal. Equally important, too, is the obligation and desire of the Police Department to continue its work in the prevention of crime.

Much can be done in law enforcement and crime prevention through good co-operation between the citizens and the Police Department. The first step is a complete understanding of the Police Department duties and the service it is prepared to give. The second step is to overcome public apathy wherever it exists. It is desirable that every resident of our community know what he can do to help the police, and himself, in the event of an emergency or in a general program of crime prevention.

This publication contains important information concerning the activities of your Police Department and some of the measures which contribute to your safety. We are grateful to the Hartford Federal Savings and Loan Association for its generous assistance in publishing this booklet. It will be a valuable possession in every Hartford home.

THOMAS J. VAUGHAN,
Chief of Police.

THE CITIZEN'S PART IN CRIME PREVENTION

How you can cooperate

You can aid in the detection and suppression of crime and thus protect your property and welfare by being alert and telephoning the police whenever you observe suspicious persons or happenings or hear unusual noises, either at your home or in the neighborhood. Do not attempt a personal investigation, nor turn on additional lights in the house or make a lot of noise. That will only put the person in question on guard and prevent his capture if he is a criminal. This is especially true if you return home and find that the lighting arrangement has been changed during your absence.

Don't delay! Don't look for an officer in the vicinity! Go to a telephone and quietly say to the operator, "Hartford Police Department, Emergency," or call 552–0111. When connected with your police department, state clearly and quickly:

1. The location where police are needed.
2. What has happened.
3. Your name, address, and telephone number from which you are calling.

Your call will remain anonymous to the public.

If possible, obtain description of the person or persons, involved. If known, give names, sex, color, age, height, weight, clothing worn, etc.

If an automobile has been used, write down registration number, make and type of car, color, and number of occupants.

Cover as many of the above facts as you can. Additional ones are always useful. Be observant; in getting a description always look for distinctive marks and peculiarities of physical appearances, manner, voice and dress.

When your call is received by the police, squad cars are immediately directed to the scene by radio. No time is lost. A radio car will be at your doorstep shortly after you have hung up the telephone receiver. If the information has been received in time, there is a very good chance to apprehend the person or persons sought. Don't waste time.

If you witness an accident or crime, don't take it for granted that the police have been called. Telephone your police headquarters if no officers are about. Tell number of persons injured. No harm has been done if the incident has already been reported. If it was unreported, your action in telephoning may prevent or clear a crime, or even save a life.

Suspicions are always valuable

If you have a "hunch" that something is wrong, call the police. Whenever persons loiter about your house or neighborhood and it appears to you that they should be investigated, do not hesitate to telephone the police at once. When something looks suspicious, do not wait until the damage has been done, but quickly communicate your suspicions to the police. Impress upon your family the necessity for co-operation by telephoning immediately. It's for your protection.

Obscene telephone calls

If you receive a suspicious or obscene telephone call, notify the police and Telephone Company immediately. As the result of such co-operation, persons with criminal intent may be apprehended before they have had an opportunity to commit the crime. In some cases persons thus apprehended are found to have been responsible for other crimes.

Suggestions to householders

If you return home and find evidence that your home has been entered during your absence, do not enter, but telephone the police at once from a neighbor's phone. Leave everything exactly as you find it because you might destroy valuable evidence, such as fingerprints, before the police arrive. A good rule to remember is "Keep your eyes open and your hands in your pocket," until the arrival of the police.

When leaving for the evening

1. Leave a light burning in the house. A second light upstairs is very helpful.
2. Do not pull down window shades.
3. Do not leave notes indicating the time you will return.
4. Do not leave your key under the mat, over the door, or in the mailbox.
5. Be sure all doors and windows are securely locked. Get in the habit of double-locking the doors.
6. Close the garage doors. Open d[redacted] veal your absence.
7. Tell your neighbor how long you will be gone. Ask him to keep an eye on you[redacted] but not to divulge the information to anyone else.
8. Do not announce your intended absence.

When leaving for an extended period

1. Make a complete survey of your home and other property.
2. Have the milkman and newspaper carrier stop making deliveries while you are away.
3. Tell the mailman to hold or forward your mail or deliver it to a neighbor.
4. Arrange with a neighbor to remove advertising matter and other articles which may be left on your porches. Such articles only advertise an unoccupied house and invite burglars.
5. Notify the police when you are leaving the premises and the approximate date of your return so that a special watch may be made during your absence. We will check your residence while you are away.
6. Advise the police where you may be reached in an emergency.
7. Remove all money, valuable jewelry and other articles that can be taken easily by a burglar. Don't hide money or other valuables under rugs, behind pictures, in the crockery, or in any mattresses, as these are the first places a thief will look. Instead, remove them from the house and put them in a safe place.
8. Inspect all doors and windows before leaving to make certain they are securely locked.
9. Ask a neighbor to check your home and report any suspicions to the police.

Precautionary advice—Door locks and window fastenings

First of all, consider whether there are any outstanding door keys in the possession of anyone. They could easily have duplicate keys and return at any time to commit a crime.

Carefully examine the defenses of your home. Close inspection may show that they are inadequate.

Doors should be equipped with modern and efficient locks. Cylinder locks with the dead lock feature are recommended. Avoid locks of the old bit-key type which can be opened with a skeleton key. They are of such simple construction that they are easily opened. All doors should be carefully examined to see whether it is possible to insert a knife blade or thin strip of celluloid behind the door-stop and thus push back the nose of lock bolt. This can be remedied by using a "safety strike" to replace the strike now employed, or by driving a metal wedge or corrugated wood fasteners between the door stop and the strike plate. Always make it a practice to double-lock doors when leaving the house.

It may be advisable to place chain or bar guards on the inside of all outside doors. These inexpensive little devices are excellent protection for a woman, yet they enable her to open the door and see who is there

without danger of the person outside forcing his way in.

Catches are available for window sashes which allow the window to be opened just so far. They are inexpensive and may be applied easily. If you are protected by a burglar alarm, notify the police in writing of the name of the alarm and its various features.

Solicitors and peddlers

There are many fine companies whose representatives are of sound character and who serve the community with very good products. These people are proud to quickly and fully identify themselves and the companies they represent.

However, many daylight burglaries in residential districts are committed by unknown solicitors who enter homes which they find are unoccupied. They have an apparently legitimate excuse for being in the neighborhood, and for that reason it is extremely difficult for the police to catch them in the act. Large companies may use 25 or more persons in a neigborhood on one day, canvass it thoroughly and move on to another locality the second day. Sometimes among their solicitors are persons of criminal tendencies who do not hesitate to "prowl" a house. Extreme caution should be used in paying money in advance to an improperly identified solicitor. He may not deliver the article you ordered. Ask to see his solicitor's permit.

Never allow an unidentified solicitor or other stranger to enter your house, but make him transact his business on the porch or doorway, preferably with the inside chain on the door. Don't let him stand in the open doorway while you go into another part of the house for your purse. Shut him out and then go for your money.

Buy no merchandise from strangers who give the impression that the goods offered are a great bargain. Many times they will be found to be faked or stolen property. In this case, it is advisable to call the police at once.

Beware of strangers with pretexts

Demand to see the credentials of any unknown man who represents himself as a public utility employee and who wants to enter your home. If in doubt, call the police. Remember that today's crook does not look like a thug. Don't trust persons with whom you come in contact because they are prosperous looking, are smooth talkers and have polished manners. Under no circumstances should you inform strangers of your neighbor's absence.

Watch your money

Your purse may be stolen if you lay it down on counters while examining merchandise. Hold your purse tightly while walking on the street or it may be taken by purse snatchers before you realize it. Most of them are young men or boys. One may remain at the wheel of a getaway car while the other gets out, asks you some questions, then grabs your purse. Call for help loudly. Scream!

Pickpockets are active in crowds of all kinds. Watch your valuables if anyone pushes or jostles you, or places a newspaper close to your face.

Do not cash a check if you have any doubt. If a person offers a personal check for business dealings, do not accept for amounts of more than the value of goods purchased. Identifications of questionable persons may be made by checking your telephone book or city directory. Know your endorser. Signature or endorsements should be made in your presence, even if the check has to be re-signed or re-endorsed.

Questionable charitable organizations

Beware of unscrupulous promoters who solicit you by telephone, mail, or in person, requesting that you contribute toward a charity or benefit sponsored by some obscure organization. Do not respond with money to telephone solicitations. Ask the party who telephones you for a reputable local reference and satisfy yourself of the merit of the proposal before committing yourself. If solicitation is made in person, ask for an identification card. Otherwise, check with the Police Department.

Don't make these mistakes

Many overcoats and hats are stolen from restaurants. Watch yours. Don't leave money or other valuables in pockets.

Small articles should not be carelessly allowed to remain on the sidewalk, lawn or porch, or other places easily accessible to the general public. Children are tempted to take such articles when the opportunity presents itself. Lock bicycles and put away at night. Don't tempt anyone.

Never leave valuable clothing, furs or rugs on the line to be aired when you are going out. Clothes left out overnight are also frequently stolen.

When you are having parties or entertaining guests, do not leave pocketbooks, coats or other valuables lying in the bedroom or other downstairs rooms unless you are positive that the windows are securely locked and that no intruders can gain unobserved entrance into the room.

Don't invite burglars by leaving your watch or rings where they may be seen from a window after washing your hands or dishes.

Keep a list of your valuables

Make a record of the number, monograms, initials and jewelers' scratch marks on your valuables. Have an accurate description so that if stolen, there will be a better chance to identify and recover them. Also, keep records of the numbers on automobiles, firearms, watches, bicycles, and electric motors of all kinds on washers, fans, sweepers, etc. A record of your stocks, bonds, and travelers checks should be kept in a place other than with them. Do not tell people if you have a "wall" or other type of home safe.

You and your automobile

Lock your car and remove ignition key when parking to prevent auto thefts. Stolen cars are used in most major crimes today. Prevent theft of packages by locking them in the trunk. When putting the car away, lock the car, remove the keys and then lock the garage doors.

Motorists should frequently check on their spare tires, license plates, and other accessories and see to it that they are securely fastened. Memorize your car registration number to expedite recovery if stolen.

Motor vehicle laws are made to prevent loss of life, limb or property. Highways are unsafe if the public fails to co-operate. Every officer has co-operation in law observance as his objective. He wants your co-operation to prevent violations. By giving continuous attention to this policy, you may contribute to the saving of human life. Failing to do so, you may share a tragic responsibility.

Your relationship to juvenile delinquency

Most murderers and other felons have a crime record from small offenses during childhood. Setting a good example is a great force in the lives of young people. Every citizen should give special heed to his conduct when in the company of young people. A poor example of lack of restraint, indulgence in petty gambling, irresponsibility or intemperance, sets a poor standard for the observant youngster. His imitation of his elders in that respect may start him toward the career which makes it necessary for the community to have a constant armed guard over the lives and property of its citizens. Be a good pal to youngsters. Try to understand their many problems.

Your child and the baby-sitter

Parents are naturally concerned when leaving a child in the care of others, and sometimes there is reason to be. A few simple rules can increase competency and family security. You should have an agreement with your baby-sitter on the following points:

1. Rules as to what children may or may not do, use of radio, T.V., studying, time for bed, etc.

2. Company for the sitter should be agreed upon or forbidden.

3. Where and how to contact parents, doctors or the police.

Police are usually the quickest to respond and should be called first if conditions so indicate.

We're holding your son

"We're holding your son" or "Your daughter has been hurt" are just as dreaded calls for the police to make as for you to receive. But, unfortunately, such calls are on the increase and teen-age drinking is primarily to blame. Youth, automobiles and drinking form an unholy trio closely aligned with [redacted] pain and death. What can be done about the curse of teen-age drinking and driving? It's hard to say. Maybe it's closer family [redacted] warm hearts, fair minds and understanding to prevent such situations. Plus stern, exacting discipline when this "illness of youth" starts.

We are gravely concerned about the vicious increase of narcotics now filtering into our communities. Your sons and daughters are the targets. When "hit," happy home-life for these innocent victims is usually over. Please cooperate by revealing any possible know[redacted] which will enable us to apprehend persons who sell this deadly menace. You may even save your own child.

Warn against sex offenders

Tell your children not to be friendly toward strangers and to shun any advances made toward them. Children should be warned not to accept rides from strangers under my circumstances. Report license plate numbers of those who try "pick-ups." Young people who have to walk through lonely areas should take a companion along. If you learn of any accosters, notify the police at once and co-operate with them fully. Don't wait to report the crime of an "Exhibitionist." Immediately report type of person, clothing worn, car used and other identifying details.

Your duty in the prosecution of offenders

In many crimes, particularly sex offenses, witnesses or complainants are sometimes reluctant to appear when trial is necessary. Criminals are often cowards or persons of unbalanced or deficient mentality. These characteristics make them particularly dangerous if they are not checked by arrest and conviction. Failure to press cases and testify when necessary may result in future losses, harm, or even death to some innocent person. If you have facts concerning any crime, you should consider it your duty to testify. We will respect your confidences and it is the usual practice of the local press to withhold names of witnesses and others innocently involved.

If stopped by police

Do not be offended if questioned as to your identity and business by a police officer. His assignments and routine duty often require the identification of persons. Be glad that he is on the job. Remember, his job requires that he risk his life if necessary to protect *you*. Reputable persons have nothing to fear from the police.

Your Police Department is anxious to give you the maximum protection and service possible with the personnel and equipment available. We solicit your cooperation in assisting the Police Department to keep Hartford a respected and law-abiding community.

AT YOUR SERVICE

Patrol division

Provides round-the-clock service responding to all calls of any nature from any source. There are 28 cruisers and 6 scooters equipped with two-way radio and emergency equipment. These vehicles are manned around-the-clock on a four-shift basis. The

mobile patrols are supplemented by numerous walking beats which are maintained on a 24 hour basis. In addition, there are several Task Force Units whose function is to combat any sudden crime wave in any given area.

Detective division

Follows up investigations of extensive nature and handles most of the felonious crimes which occur within the City. It also handles police department activities requiring investigation outside the City.

Juvenile division

Investigates, evaluates, and processes complaints in which juveniles are involved. It also mediates in domestic problems wherein child neglect situations occur, and co-operates with the various social agencies in the area.

Traffic division

Responsible for the control and flow of traffic and the investigation of motor vehicle accidents. It maintains all traffic records, makes traffic studies, prepares traffic counts to qualify new installations, and installs and repairs traffic meters. It also maintains a safety program within the schools.

NOT DISCRIMINATING IS NOT ENOUGH

Mr. FANNIN. Mr. President, on Friday, I called attention to a recent panel decision approved by former Secretary of Labor Wirtz and the Office of Federal Contract Compliance, barring from prime contracts or subcontracts a company which the OFCC itself found affirmatively had not discriminated in employment. But, as pointed out, it was not enough merely to be free from discrimination. The company was found remiss in its duty and culpable, mirabile dictu, because it failed to seek out minority group applicants. Specifically, the company was ordered to discontinue its long and highly successful policy of recruiting by reliance on employee referrals and substitute instead a recruit program dictated by the Labor Department.

Thus we have this picture: a company in a tight competitive situation and guilty of no violation of law is censured and ordered to discard a long-established recruitment policy and to adopt in lieu of this a new and untried system, dictated by bureaucrats having no interest in or knowledge of the company or its needs. Mr. President, this action constitutes a major interference in the internal affairs of a company. It is an ill-advised attempt to accomplish surreptitiously a so-called social purpose without the benefit of legislation.

A group of persons in the OFCC somehow have never been able to grasp that there are limits on executive power. This agency apparently feels that it has carte blanche in the field of discrimination in employment.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Federally Forced Discrimination," published in the Richmond News Leader of January 31, 1969.

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

FEDERALLY FORCED DISCRIMINATION

Today's tidbit guaranteed to boil your blood has to do with integration and labor. Two weeks ago, a three-man Federal panel handed down a decision dealing with hiring practices at the Allen-Bradley Company of Milwaukee, a manufacturer of electronic components and motor controls. The panel found no evidence that the company had "overtly discriminated." But there was a hooker: The panel declared Allen-Bradley to be in violation of the equal opportunity clause in Federal contracts because of "failure to take affirmative action to broaden the recruitment base and increase the flow of minority applicants." The effect of the panel's decision—if the decision stands—will be to prevent employers from defending their hiring practices simply by arguing that few minority workers are employed because few apply for jobs.

Allen-Bradley has about 6,500 employees. Heretofore, it usually has filled jobs through employee recommendations. Prior to the formal hearings on charges of discrimination in hiring, Allen-Bradley revised its employment standards by relaxing requirements of Wisconsin residency and a high school diploma, and by saying that persons who have passed vocational school general education development tests will be eligible for employment, and contacted the Urban League for any possible job-seekers. But the panel said all that is not satisfactory because the company still does not have enough minority employees—whatever the panel means by enough.

According to *Business Week*, the panel said that Allen-Bradley ought "to make a 'clear public announcement' that it has discontinued its reliance on referrals by employees; that it place recruitment ads in general media which reach substantial numbers of Negroes and others, and that it also place ads in 'primarily Negro media,' and that [the company] should utilize 'schools serving substantial numbers of Negroes'." And if the company does not? Well, then the Labor Department will order Federal procurement agencies to cancel purchase contracts with Allen-Bradley—contracts that amount to about $30 million for the company each year. In fact, some Federal contracts have been canceled already.

What folly this is. The Federal government obviously does not care about what these edicts may do to Allen-Bradley itself. Through the years Allen-Bradley has had one of the highest wage scales in the industry. Its policy of employee referrals has meant that the company has been able to save money on employee recruitment—money that was spent instead on product quality and employee benefits. Until the militant integrationists took out after the company, Allen-Bradley had remarkably high employee loyalty, reflected in its remarkably low rate of employee turnover. Spokesmen for the company say that even now all that has begun to change.

Allen-Bradley has filed exceptions to the panel findings with the Office of Contract Compliance in Washington. But the way things are going these days, chances are that Allen-Bradley will lose its appeal. If so, this company that does not discriminate, will be forced to start discriminating by hiring workers simply for the color of their skin. Either Allen-Bradley will have to do that or face the prospect of having its revenue cut to the point where it will no longer be able to hire anyone at all.

PRESIDENT AL-BAKR, OF IRAQ—A RECKLESS BARBARIAN

Mr. RIBICOFF. Mr. President, recent events in Iraq threw much of the world into a state of shock.

Our reaction to the mass execution which was turned into a public spectacle indicates how little we know about President Al-Bakr, of Iraq, and his well proven capacity for barbaric acts.

On January 30, the Manchester Guardian published an article that recounts many appalling episodes in the career of this Iraqi leader.

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:

BARBARIC DAY IN IRAQ

Monday's executions in Iraq were barbaric. President Al-Bakr is admittedly the most vicious of all the Arab rulers. But on Monday morning he surpassed even his own villainous record. The people, according to Bagdad Radio, were urged officially to attend the public hanging of nine Jews and five others in Bagdad and Basra. Half a million Iraqis turned up to make it "an eternal day in the life of Iraq and the Arab nation." It was an eternal day that the Arab [redacted] ought to remember with shame.

President Al-Bakr is a ruthless man. In July, a fortnight after seizing power, [redacted] missed the two men who had made his coup possible—his Prime Minister Abdel Razzak and his Defence Minister Abdel Rahman Daoud. In October the President arrested eighty officers. In November his foreign affairs adviser Nasir Al-Hani was found dead in a canal "after a tragic accident." In December a former Prime Minister, Abdel Raman Bazzaz, was arrested as a spy. Since then the secret trials have continued, [redacted] inevitably in this week's executions.

This medieval spectacle can only do harm to the prospects of a Middle Eastern settlement. There is an obvious danger that the Israelis, outraged by the executions of Jews, may feel moved to vengeance. Iraqi troops are stationed in Jordan close at hand. The temptation to strike back must be great, as President Al-Bakr probably anticipated.

He must have known, anyway, that what he was about to do would be far more provocative than the Arab commandos' inexpert attack on an Israeli air liner. President Al-Bakr put Jews to death and boasted of what he had done. The Israelis' reply to the commando raid was to destroy Arab aircraft at Beirut but to avoid harming any person. The risk now is that their vengeance will be equally efficient, but fiercer. That is the price of having a reckless barbarian governing Iraq.

REMARKS OF SENATOR BARRY GOLDWATER ON THE NUCLEAR NONPROLIFERATION TREATY

Mr. THURMOND. Mr. President, one of the most critical issues which the Senate must face this session is the question of the ratification of the Nuclear Nonproliferation Treaty.

I opposed this treaty when it was first brought to the attention of the Senate last summer because I distrusted the intentions of the Soviets to fulfill their international agreement and because the fulfillment of the treaty's goals depends too much upon trust rather than upon effective safeguards. Furthermore, I did not believe that the effect of the treaty upon our relations with our allies had been thoroughly explored.

Shortly thereafter, the Soviets once again demonstrated through the invasion of Czechoslovakia that they have not lost their will to dominate the world. The crucial point in the Soviet invasion was not simply that they demonstrated the logistic capability for such an operation, but, more important, the fact that it demonstrated their will to interfere with the internal affairs of a sovereign nation. The simple withdrawal of part of those troops cannot erase the fact that the Soviets actually took such an action.

We should focus on the Soviets' capability for decision instead of just upon the Soviets' logistical capability. I believe that many more aspects of this treaty will be explored by the Senate in the weeks and months ahead, and that many Senators will want to analyze this treaty in great detail.

I was pleased to see that some are already undertaking such an investigation. Among these is the able Senator from Arizona (Mr. GOLDWATER) who has returned among us to resume his distinguished career in the Senate. On January 14, Senator GOLDWATER spoke at a luncheon meeting of the West Point Society of the District of Columbia, held at Fort Myer. In his remarks, he went into the question of the Nuclear Nonproliferation Treaty at great length, and he came to the following conclusion:

I presume by this time you understand that I am unalterably opposed to Senate ratification of the nuclear Non-Proliferation Treay at this time.

Senator GOLDWATER pointed out that the treaty is meaningless because two present nuclear powers, France and China, will have nothing to do with it. In addition, many other nations who are on the brink of developing nuclear weapons do not wish to sign either. He also pointed to the effect which this treaty might have upon foreign affairs generally. He indicated that the Soviet Union has continued to actively and aggressively promote worldwide tensions, despite the signing of the Test Ban Treaty. He cited Vietnam, the Middle East, the Mediterranean, and Czechoslovakia. None of these trouble spots would have occurred if our partner in the Test Ban Treaty had not actively supplied the necessary equipment and direction.

Mr. President, I quote another statement made by the distinguished Senator from Arizona:

There is reason to believe that ratification of this Treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom.

Senator GOLDWATER made many other striking points in his speech, which I strongly recommend to the attention of every Senator.

Mr. President, I ask unanimous consent that the address by Senator BARRY GOLDWATER at the luncheon meeting of the West Point Society of the District of Columbia, on January 14, be printed in the RECORD.

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

ADDRESS BY SENATOR BARRY GOLDWATER AT A LUNCHEON MEETING OF THE WEST POINT SOCIETY OF THE DISTRICT OF COLUMBIA, FORT MYER, JANUARY 14

Needless to say, I am very happy to be back in Washington and the United States Senate. I am also happy that my prospects for returning to membership on the Senate Armed Services Committee appear pretty good.

Of course, many changes have been made during my four years of absence and many more, as you all know, are about to be made in the near future. One of the alterations on the Washington scene of particular note to men like you and me is the absence of Robert Strange McNamara from the Pentagon. I have got to say that this absence does not make my heart grow fonder of McNamara and his policies. Frankly, I am delighted that he no longer has the right to dictate our nation's defense policy. I only wish he could have taken with him the legacy which he left behind.

Perhaps I was too fast in assuming that Mr. McNamara has relinquished his voice in the affairs of this nation having to do with defense. I noticed in the papers that not long ago he visited the Soviet Union and discussed with the leaders of that nation the question of the pending treaty on non-proliferation of nuclear weapons.

And that brings me to the subject of my talk here today. I am deeply concerned at the emotional, oversimplified arguments that are being advanced to bring about a speedy Senate ratification of this treaty. What bothers me is that not nearly enough attention is being given to the technical and practical weaknesses of this diplomatic device, to say nothing of its dangerous psychological implications.

Let me take you back for a moment to another treaty with the Soviet Union. That one, negotiated in 1963, was called the Nuclear Test Ban Treaty. It was promoted to an almost hysterical degree by those advocates of accommodation as "a great forward step" in the never ceasing struggle for world peace. In that instance, all technical and factual considerations were swept aside in a wave of optimism generated by one of the best public relations promotions in our history. I would remind you that I, along with most other members of the Senate Preparedness Subcommittee, voted against that treaty. At the time I was told that if I opposed the Nuclear Test Ban Treaty, I would automatically forfeit any chance of receiving the Republican presidential nomination. And at that time I acknowledged that this might be the case and that I still felt the treaty had to be opposed in the best interest of this country. I hope I shall never at any time be tempted to place political consideration ahead of what I feel is right and proper for this nation and its security.

In opposing that earlier nuclear treaty, I was swayed by the testimony, some of it still secret, I might add, of scientists and military experts who believed sincerely that the Russians had an ulterior motive in accepting that treaty. It was pointed out that unlike the United States, the Russians had already conducted a series of high magnitude and high altitude nuclear tests and had gained valuable information about the mysterious problem called EMP (electro-magnetic pulse). By pushing through the Test Ban Treaty, the Russians could make sure that the United States would not solve the problems of EMP in the near future. In fact, there are military experts today who insist that we will never discover how to solve this problem until the testing ban is abrogated. I will not elaborate here on the dangers of not being able to overcome the effects of EMP, but I think most of you know that they are rather frightening in their implications.

So much for the Test Ban Treaty. Now we are being asked to adopt a nuclear non-proliferation treaty with the Soviet Union and other nations. The arguments are familiar. They are all lofty and noble. They say that the greatest way in the world to avoid a nuclear holocaust is to deter the proliferation of the most horrible weapons ever devised. I ask you who, on the surface, could oppose such an appeal? If we want to take this argument at its superficial face value, then the answer is—no one could oppose it.

But I'm sure I do not have to tell most of you here that this question, no more than the Test Ban Treaty, does not lend itself to quick and easy answers.

To begin with, the treaty is meaningless because two present nuclear powers, France and Red China, will have nothing to do with it. In addition, many nations who presently are on the brink of developing nuclear weapons are likewise among the non-signatories. These include nations such as India, West Germany and Israel.

Consequently, we see that the most probable sources of nuclear proliferation in today's world are beyond the treaty's reach.

If there is a reason for ratification of this treaty, it has to be nothing but a token. In other words, if we are interested in trying to tell the world that the United States and the Soviet Union are engaging in meaningless gestures of accommodation, then there might be some excusable reason in the area of hope, humanitarianism or good will. This, of course, assumes that there are no technical disadvantages to the United States in the way the treaty is presently drawn. I believe that there are such deficiencies, and I shall mention them later.

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But my objection to the non-proliferation treaty at this time has to do more with the effect it might have on foreign XXXXXX generally. Look at what has happened in the struggle between East and West since we ratified the Test Ban Treaty and presumably took a giant step towards resolving our differences. The Soviet Union has repeatedly demonstrated that, far from reducing or being interested in a reduction of world tensions, it has actively and aggressively promoted such tensions on a worldwide basis. Vietnam is a case in XXXXXX The Viet Cong and Hanoi couldn't have kept up the pace at which they are killing American soldiers for six months without the supplies and support sent to them by our partner in the Test Ban Treaty. The Middle East would not today be the tinder box threatening the peace of three continents if it were not for an aggressive policy of Soviet arming of the Arab nations. The Mediterranean would not today be bristling with Soviet naval power. Czechoslovakia would not have been invaded, nor would Rumania and West Germany be threatened.

No, I tell you there can be no case made in fact for the argument that the Soviet Union is mellowing and that we must further that softening process through the ratification of a nuclear non-proliferation treaty. There is reason to believe that ratification of this treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom. Members of the Senate I believe will have to ask themselves, if they accept a treaty with the Soviet Union in good conscience, whether they don't also ratify Soviet moves in other areas. Do we dignify Soviet policy, in effect, saying that it is honorable enough to sign a treaty with? Do we, in ratifying this treaty, announce to the world that we are ready to forget that the Soviet Union has a long, dishonorable history of broken treaties?

These are serious questions which bear directly on the security of this nation and which the advocates of the non-proliferation treaty would have us skip over in the interest of a word they love to use called "detente." They don't seem to understand that there can be no accommodation, there can be no true detente, so long as the Soviet Union continues to foment aggression and stir up war. A thousand non-proliferation treaties with the Soviet Union will not wipe out actions such as the invasion of Czechoslovakia.

I presume by this time you understand that I am unalterably opposed to Senate ratification of the nuclear non-proliferation treaty at this time.

Now I want to go into some of the technical and practical aspects of this treaty. A close examination of the possible effect leads to the conclusion that a definite possibility exists that if this treaty is ratified, some 100 nonnuclear nations may construe it as giving rise to a commitment of the United States to provide immediate military support

in case of a nuclear attack or the threat of a nuclear attack against any such nation. It will be remembered that President Johnson and Secretary McNamara declared in 1966 that nations not seeking nuclear weapons can be sure of our strong support against nuclear blackmail. In addition, during 1968 the United States, the United Kingdom and Russia each issued similar declarations of intent to act immediately through the Security Council of the United Nations to assist any non-nuclear party to the treaty that becomes a victim of nuclear aggression or threat.

Another weakness of the treaty is that it would provide no safeguard which would go into effect simultaneously with the application of the treaty. The safeguards for verification of compliance would not be negotiated nor established until after the treaty enters into force and need not be concluded for two years thereafter.

The inspection phase of the treaty would be entrusted to the International Atomic Energy Agency which has no proven inspection skill. Even if adequate safeguards could be developed, the agency is limited under the treaty to declared nuclear facilities. There is no provision for searching out clandestine facilities. Nor does the treaty impose any penalty or sanction on any nation that violates the treaty.

Another thing the treaty would do would be to surrender our strategic options of placing strictly defensive nuclear devices in the control and custody of our allies. Under this option, our allies both in Europe and Asia conceivably would be able to secure their local defense without immediately triggering the intervention of the United States.

Interestingly enough, the Soviet Union violated the treaty by its invasion of Czechoslovakia while the document was awaiting action in the U.S. Senate. The preamble of the treaty declares that "states must refrain in their international relations from the threat or use of force against the territorial integrity of political independence of any state."

One of the most exhaustive studies of this faulty treaty was prepared by Walter B. Wentz of Claremont Men's College. He raised this interesting point about Article III of the treaty. This is the only article which deals with inspection and control and it applies, Mr. Wentz emphasizes, only to "fissionable" material. He points out that the day is not far off when nuclear explosions will be achieved by direct fusion without the preliminary trigger of fissionable uranium or plutonium.

These are the basic reasons why I plan to oppose this treaty if and when it is brought up for ratification in the U.S. Senate. I believe it contains absolutely no value in the field of deterring the spread of nuclear weapons. I believe it can only place this nation in a false and uncomplimentary light throughout the world if it is adopted.

PERSONNEL PRACTICES OF THE FEDERAL GOVERNMENT

Mr. SPONG. Mr. President, over the years, the Subcommittee on Constitutional Rights of the Committee on the Judiciary and its able chairman, the Senator from North Carolina (Mr. ERVIN), have conducted intensive hearings and investigations into numerous aspects of the personnel practices of the Federal Government. The committee's activities have revealed extensive and often shocking invasions of the rights and privacy of many Federal employees by the Government.

The use of interviews, psychological testing, and lie detectors to pry into the religious beliefs, personal relationships, and sexual attitudes of Government employees has been exposed on the front pages of the Nation's press as a result of the committee's hearings. Also, pressures on Government employees to support political candidates have become well known.

In addition, the Subcommittee on Constitutional Rights has documented the demands made on Federal employees to participate in outside activities unrelated to their work, to make charitable contributions, to buy Government bonds, to disclose personal financial affairs beyond that necessary to satisfy the conflict of interest statutes, and to submit to political indoctrination by their supervisors.

Investigations by the committee have revealed the failure in many cases to allow Federal employees the right to have legal counsel when undergoing interrogations that could jeopardize their employment or lead to disciplinary action.

As a result of the evidence developed by the Committee on the Judiciary proposed legislation was introduced in the last two Congresses which would offer protection to Federal employees in their privacy and the exercise of their constitutional rights. In the 90th Congress this legislation received strong support in the Committee on the Judiciary and the Senate as a whole and was passed by the Senate in September of 1967. It was then referred to the House Post Office and Civil Service Committee, which held hearings on the bill but took no action.

I am pleased to be a cosponsor of legislation which would offer protection to our Federal employees in their dealings with the U.S. Government. It is regrettable that such legislation is necessary, but experience and the evidence show that action must be taken to allow our civil servants the free exercise of their rights and the sanctity of their privacy.

This legislation is substantially the same as that passed by the Senate in the 90th Congress and would prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; attend Government-sponsored meetings and lectures or participate in outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships, or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates, or attend political meetings.

It would make it illegal to coerce an employee to buy bonds or make charitable contributions; or to require him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present if the employee wishes, at an interview which may lead to disciplinary proceedings.

It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board of Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

There is no need for Congress to delay in enacting this vital legislation. The Senate has passed a substantially similar bill overwhelmingly, and a House committee has held hearings on the Senate-passed bill.

Failure or delay in acting by either the Senate or the House of Representatives is unnecessary and would be a disservice to the millions of Americans in the employ of the Federal Government.

MASS HANGINGS IN IRAQ

Mr. FONG. Mr. President, recent events in the tense Middle East have [redacted] again brought the countries in that area to the brink of a hot war. I refer specifically to the public hanging of 15 [redacted] spies in Iraq before several hundred thousand people last week. That primitive and inhuman display of "justice" was shocking and regrettable.

Mass executions are deplorable under any circumstance. But the barbaric performance staged by the Iraq Government was not only deplorable, it was downright foolhardy. Inflaming the [redacted] tions of its populace with such a display of "justice" will not serve the cause of peace in the Middle East.

The mass trials and public executions now taking place in Iraq will only serve to worsen an already dangerous situation. What positive, civilized purpose can be gained from them is incomprehensible. Indeed, they do nothing but inflame the conscience of those who would like to see relations between Israel and the Arab States improve. Provocative and inhuman actions of this kind must be avoided if peace is ever to be found in the Middle East.

Mr. President, despite strong domestic pressure for retaliation, the Government of Israel is to be commended for the degree of physical restraint that it has demonstrated to date. A retaliation by Israel would invite the most serious consequences for all concerned since these senseless acts of terror and violence usually lead to more incidents that serve only to exacerbate the difficulties and passions in that region.

To the leaders of Iraq, I urge you to reconsider and terminate the trials that are now taking place. What you are doing is not contributing to man's quest of peace in the Middle East. The opportunity for reconciliation and understanding must be nurtured, not squelched; the call for tolerance and restraint must be answered, not ignored; and the pleas for mercy and forgiveness must be carried out, not repudiated.

Mr. President, the seriousness of the Middle East problem makes it impossible for any person or country to remain silent or apathetic. We all have a great moral responsibility to show, by our own deeds and the actions of our Government, that we are truly concerned; that we do not approve of mass trials and executions; that we are aware of the great threat that exists in the Middle East; and that we will do everything within our power to arrive at a just and lasting peace in that part of the world.

POWERPLANTS ENDANGER MARINE LIFE

Mr. TYDINGS. Mr. President, the protection and preservation of America's water resources are among our greatest responsibilities.

Powerplants on our Nation's rivers pose grave potential hazards to marine life. The plants, whether nuclear or conventionally powered, replace the naturally cool waters of our rivers with warm water discharges, resulting in thermal pollution.

In its January 20 edition, Sports Illustrated voices the concern of our Nation's fishermen and conservationists over the loss of fish in our waters as a result of thermal pollution. It is a problem that should concern all our citizens.

Mr. President, I ask that the full text of the Sports Illustrated article be printed in the RECORD.

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

THE NUKES ARE IN HOT WATER

(By Robert H. Boyle)

(NOTE.—Utility companies are going full steam ahead on the construction of nuclear plants, but the threat of thermal pollution may force a cooling-off period.)

What literally may become the "hottest" conservation fight in the history of the U.S. has begun. The fight is over nuclear power plants and the damage they can inflict on the natural environment. The opponents are the Atomic Energy Commission and utilities versus aroused fishermen, sailors, swimmers, homeowners and a growing number of scientists. More than 100 nuclear plants are on the drawing boards, and before the fight (or war, to use a more appropriate term) is over, almost every major lake and river and stretches of Atlantic, Gulf and Pacific coasts are likely to become battlegrounds.

There are several objections to nuclear plants, but the immediate uproar is over thermal pollution caused by hot-water discharges from the plants. In order to compete economically with so-called fossil-fueled plants, which are fired by coal, oil or gas, nuclear plants must be of much larger capacity. Despite their size, they are not as efficient as fossil-fueled plants in utilizing the steam heat produced, and they thus require enormous amounts of water to cool the waste heat. In consequence, the plants are being built next to natural bodies of water, thus assuring a continuous flow. The water is passed through a condenser where it becomes anywhere from 11° to 25° Fahrenheit hotter from absorbing the waste heat, and it is then shot back into the body of water from which it came. A one-million-kilowatt nuclear plant, typical of those being planned, requires 850,000 gallons of water a minute for cooling, and in the course of a day this means that almost 1.2 billion gallons of water will be drawn in, heated and spewed out again. That is quite a lot of water. To give an idea, a nuclear plant only half the size now being built at Vernon, Vt. will use more than half the minimal flow of the Connecticut River. With nuclear plants proliferating, estimates are that by 1980 the power industry will require one-sixth of the total freshwater flow from the entire U.S. landmass for cooling. If one sets aside high spring flows, the industry will be using about one-half the flow during the other three seasons of the year.

Thermal pollution from a single nuclear plant can do all sorts of damage to the receiving waters. For instance, thermal pollution decreases the dissolved oxygen content, increases the toxicity of pollutants, makes water turbid (which prevents adequate sunlight penetration), spurs the growth of noxious blue-green algae (the stink of it literally can peel the paint off nearby houses), increases the metabolic rates of fish and other organisms, changes their behavior or interferes with their reproductive cycles, and often kills them outright.

Every species has its own fatal temperature, and fish which are virtually unable to regulate their body heat, live within relatively narrow temperature spans as compared to man or other mammals. Even if a fish is able to survive in water a few degrees below the lethal temperature, it may not be able to thrive because its functions are impaired. In addition to the dangers posed by the hot-water discharge, there are other problems. Small fish or eggs or other organisms can be sucked up the intake pipe and given a fast trip through a condenser, where they are cooked or battered to death. According to a study by Dr. Joseph A. Mihursky of the Chesapeake Biological Laboratory, up to 95% of the organisms that passed through a power plant on the Patuxent estuary in Maryland died. A plant near a fish spawning or nursery ground could be deadly. Moreover, in order to keep the pipes and condensers from becoming fouled by barnacles and mussels, plant personnel periodically clean them out with acids, detergents or chemicals such as chlorine. These powerful biocides are then flushed into the receiving waters. In salt or brackish water, heavy metals corroded from the condenser are a problem. Copper concentrations can turn shellfish green and make them unfit for consumption.

Given the nature, threat and extent of thermal pollution, one might expect that the appropriate state or federal agencies concerned with water quality or wildlife would be attempting to cope with the problem by insisting that all nuclear plants be provided with cooling devices (to simplify, a closed-circuit system similar to an automobile radiator would suffice) that would offer no thermal, physical or chemical damage to aquatic life.

But for the most part, this is not the case. The Federal Water Pollution Control Administration in the Department of the Interior cannot even attempt to take any action until after a plant has been built, damage inflicted and a protest mounted. In an effort to remedy this, the FWPCA is now in the midst of a bureaucratic wrangle with the Atomic Energy Commission, which licenses all nuclear plants. The FWPCA wants the AEC to deal with thermal pollution during licensing hearings, but the AEC absolutely refuses to do this on the grounds that it lacks statutory jurisdiction. The AEC maintains that it has jurisdiction over radiological hazards only, and if fish are dying from thermal pollution or if a river or bay is rank from algal blooms caused by hot water, well, it is just too bad, but there is nothing the commission can do. This attitude has seemed unreasonable to many persons, including Senator Edmund Muskie, whose Senate Subcommittee on Air and Water Pollution has held extensive hearings on thermal pollution. But the AEC is a power unto itself and not about to be moved. Indeed, it has been said that although Glenn Seaborg, the chairman of the AEC, won a Nobel Prize in chemistry for finding that the impact of neutrons on uranium produces plutonium, he has yet to discover hot water. Alleged lack of jurisdiction aside, the AEC apparently is not interested in preventing thermal pollution because, in the words of Harold Price, its director of regulations, this "would impose a burden on the nuclear that is not imposed on the conventional power plants."

Since Price's statement, the Federal Power Commission, which has the say-so over fossil-fueled plants, has taken thermal pollution into account, but the AEC attitude remains the same. If the AEC seems strangely solicitous of the financial investment that power companies would have to make (about 5% to 10% of total construction cost) to stop nuclear plants from frying fish or cooking waterways wholesale, it is worth noting that for years the commission has served as a training ground for utility personnel.

The power companies themselves usually refuse to recognize that thermal pollution exists. In fact, the very term thermal pollution is avoided these days by power officials, who use instead more benign terminology, such as "thermal addition" or "thermal enrichment." As McGregor Smith, chairman of the board of the Florida Power & Light Co., which is planning two reactors on Biscayne Bay, told the Muskie subcommittee with some heat (if that is the word): "The term 'thermal pollution' is so misleading and so injurious to the development of nuclear power that, for the good of the country and the public, it should be discarded. A better, more meaningful and fairer term would be 'thermal effect.' "

On other occasions, power officials have denied that thermal effect/addition/enrichment/pollution will defile waterways. This was the case with Melvin D. Engle, chief mechanical engineer for the Pennsylvania Power & Light Company, who wrote an article, *Condensing Water—How Does It Affect the River?*, which appeared in the January 1961 issue of *Mechanical Engineering*. The gist of the article, which dealt with the company's Martins Creek plant, a large coal-fired plant on the Delaware River, was that "power plants are good neighbors," because a study conducted for the company by the Lehigh University Institute of Research under the direction of Dr. F. J. Trembley revealed "no harmful effects to fish or plant life." A copy of this article was submitted to the Muskie subcommittee last year by Tor Kolflat, a partner in Sargent & Lundy, a Chicago engineering firm which has designed many of the nation's private utility plants, after he testified to substantiate a point about the Delaware. What Kolflat did not produce, as was later made evident by Professor Frank Parker of Vanderbilt University, was another article in the May 1961 issue of *Mechanical Engineering*, by the Lehigh scientists involved in the Martins Creek study. They charged Engle with misstatements that "contradict research findings as reported to the company, or which present 'facts' not established by the research, or which are misleading because of omission or distortion of parts of the data." For instance, Engle wrote there were "no fish kills" from the hot water discharged, but the Lehigh scientists pointed out, "This contradicts the research findings of fish kills in the heated water of the river as well as in the effluent canal, as given in three different progress reports. These reports included direct observations of fish in the river actually seen dying with symptoms known to be associated with heat death."

Given the intransigence of the AEC and the utilities which the commission is supposed to police in the public interest, it is no wonder that opponents of thermal pollution have become angry. One of the fiercest battles has been fought in the northwest, where six nuclear plants are planned for the Columbia River, the first a one-million-kilowatt nuke to be built by Portland General Electric Company at Rainier, Oreg., near the mouth of the river where the fishing is still good. Originally, the Columbia was a surging cold-water river, but in the past 30 years it has become a quiet staircase of dammed warmwater lagoons.

To many fishermen, the nuclear plant at Rainier promised to be the straw that would break the Columbia's back. The Washington State Sportsmen's Council immediately launched a program of resistance to the nuke. Last spring when E. C. Itschner, a vice-president of Portland General Electric, said that the hot water discharged from the nuclear plant would raise the river temperature only three-tenths of 1°, L. H. Mabbott, then

president of the council, branded the statement "a fairy tale." Mabbott pointed out that the plant would be on a tidal stretch of the Columbia, and instead of moving down and out the hot water would slosh back and forth, putting a thermal plug near the mouth of the river.

In September, Dr. Richard W. Van Driel, the new president of the Washington State Sportsmen's Council, denounced Portland General Electric for issuing bids for construction of the Rainier plant "without permit or license of any kind or plans for the protection of aquatic resources." Dr. Van Driel noted, "The public has a right to know what the plans are for disposition of the heat from these huge plants before licenses are issued and before financial commitments are made."

Three months ago Portland General Electric announced it would install a cooling system at its Rainier plant. Says Dr. Van Driel: "We're not relaxing one bit. We've still got to be on guard. We won't let the pressure off."

Three thousand miles to the east a savage fight rages over nuclear plants not far from New York City. Despite localized heavy loads of organic pollution, many northeastern rivers and estuaries still support immense stocks of fish. Knock out one or two key estuaries and goodby fish. For instance, the striped bass spawned in the Hudson River eventually spend part of their adult lives on the north Jersey coast down to Barnegat Bay and in Long Island Sound, administered by the states of New York and Connecticut. Thus, nuclear plants on the Hudson, the Jersey shore or on either side of the Sound may imperil bass, the most sought-after fish in the region, and as of now unchecked nukes are in operation or under consideration in all three areas.

The Hudson, the basic source of supply, is the most endangered, and it offers the classic case in nuclear fish kills to prove the point. In the fall of 1962 a relatively tiny nuclear plant (265,000 kilowatts) began operation at Indian Point, a former park, on the river 40 miles above the Battery. This Consolidated Edison Company plant fronts on important grounds for both young stripers hatched upriver and for mature bass that migrate from the coast to spend the winter before spawning in the spring. During the first six months of operation, the Indian Point plant killed tons upon tons of fish.

Although an attorney for Con Ed later admitted to a congressional committee investigating the kill that "the Indian Point thing was bad, there is no question about it," the company was not required to pay any indemnity—the standard fine for a private citizen is $27.50 or more for each fish—and soon applied to the AEC for a license to build a larger plant next door to the first. This plant will be completed next year, and a third one next to the others is scheduled for operation in 1971. When all three units are in operation, they will shoot back 2.1 million gallons of water a minute into the Hudson at a temperature 16.4° hotter than the river. Con Ed also has plans for a fourth unit near Indian Point, and last spring the company announced it was going to put more nukes at unspoiled Montrose Point two miles south of Indian Point. This came as a surprise to the Catholic Kolping Society, which owns a 52-acre estate there and had no idea of selling, even though the Con Ed blueprint called for this land to serve as the heart of the project. It probably also came as a surprise to Chairman Charles Luce, who, only a month earlier, had written a stockholder that Con Ed could not put another nuke on the river, because it would "heat the waters of the Hudson too much." The Kolping Society has since refused offers from Con Ed to pack up and get out, and Con Ed has threatened to institute condemnation proceedings.

Besides Indian and Montrose Points, other nukes are rumored for this stretch of the Hudson, which would boost the total number to eight or nine, easily the greatest single concentration of plants in the world.

When directors of the Hudson River Fishermen's Association met with Con Ed officials last May to point out that hot-water discharges from proposed nuclear plants would violate state standards for tidal saltwater, Arthur Pearson, a senior engineer for Con Ed, said that the utility was going to get the state to classify the lower Hudson as a freshwater stream. This was apparently too much even for state officials, who now are simply trying to rejigger temperature standards to benefit all the utilities.

Long Island Sound is also in for a rash of plants. The United Illuminating Company of Bridgeport has a plant at Millstone Point, Conn. that will begin operation in a year, while the Connecticut Yankee nuke at Haddam Neck, 20 miles up the Connecticut River from the Sound, has been operating since 1967. Last Aug. 8, *The Middletown* (Conn.) *Press* reported that a party of canoeists going down the Connecticut had taken temperatures of 97° near the plant while 1,000 yards upstream the water temperature was only 72°.

The United Illuminating Company plans a huge nuke in Westport, Conn. on wild Cockenoe Island, a short distance offshore from the Westport town beach and the largest public beach in Norwalk. United Illuminating does not even serve the Westport-Norwalk area, and the company was not very illuminating about purchasing the island, keeping its ownership secret for more than a year. Public outcry has induced State Representative Edwin Green of Westport to introduce a bill in the state assembly, which, if passed, will amend the present law and give a town's power of condemnation priority over a utility company's right of eminent domain.

On the other side of the Sound, Long Island Lighting Company is planning two nukes at Shoreham, and the company is also seeking to acquire a site on Lloyd Neck, where a local organization, the Lloyd Harbor Study Group, composed largely of energetic housewives, is ready to do battle. On the western end of the Sound, Con Edison recently acquired David's Island from the city of New Rochelle. Four one-million-kilowatt reactors are to go there with no cooling devices, because, as a Con Ed executive erroneously says, "the water in Long Island Sound is changed daily by tides." The city fathers are immensely proud of the deal because of the tax revenues they claim New Rochelle will reap, but opposition has developed in the form of two new organizations, Citizens for a Second Look and the Long Island Sound Association, which Dom Pirone, who fishes for striped bass in both the Hudson and the Sound, helped to organize. The Long Island Sound Association is not only attempting to coordinate all nuclear opposition on the Sound but has joined forces with the Hudson River Fishermen's Association and other groups outside the area, including the Citizens Committee to Save Cayuga Lake in upstate New York.

The Cayuga Lake fight is interesting because it pits a utility, the New York State Electric and Gas Corporation, not against housewives, however energetic they may be, but against a bristling platoon of Cornell faculty. The controversy started last winter when a local paper reported that the utility company was planning to put a nuke to be called the Bell Station on the east shore of Cayuga, 16 miles north of Ithaca. The Bell Station was to be an 830,000-kilowatt plant, and to cool the condenser, the plant would take in and shoot back 750 million gallons of water a day 25° hotter than the bottom temperature of the lake. Dean Arnold, a research fellow in biology at Cornell, called the company to ask for more information, and he was told, "We are not in the habit of discussing our plans with the public." That was enough to fuel indignation at Cornell.

The Citizens Committee to Save Cayuga was formed and responded in a number of ways. Most importantly perhaps, it had 17 Cornell scientists, led by Dr. A. W. Eipper, prepare a paper to state the case against the plant. The paper, "Thermal Pollution of Cayuga Lake by a Proposed Power Plant," points out that Cayuga, like the other four Finger Lakes, is very deep and cold. From top to bottom, it is stratified into warm and cold layers during the summer and mixes throughout the winter when it turns over. During the turnover, dissolved oxygen in the upper layer is imparted to the colder bottom layer, and the bottom-dwelling species, such as lake trout, are able to live only because of this once-a-year replenishment of oxygen. The Bell nuke, however, would draw cold water from 100 feet below lake level, heat it and then discharge it at the surface. This would be ecological [redacted] astrous to the life forms naturally acclimated to Cayuga. For one, it would upset the oxygen mixing cycle so that the lake trout [redacted] be hard put to survive, and for another it probably would turn Cayuga into a floating salad bowl of weeds and algae. In sucking up water from near the bottom, the plant would ingest nutrients that are inert from lack of sunlight. But spewed out and released into the upper layers, these nutrients—nitrates and phosphates—would become active fertilizers for plant growth. Four towns use the lake for drinking water, and blue-green [redacted] which imparts a disgusting taste to water, could only be eliminated at great cost. If need be, the committee is preparing to go to court to stop the utility from fouling the lake.

Any court case brought in New York State to prevent a utility from thermally polluting waters is likely to prompt the state itself to appear on the side of the polluter. The present state administration is nuclear happy, more so than any other state in the Union. A resident of Washington State who objects to thermal pollution only has to do battle against a weak state water-pollution agency and the AEC, but a New Yorker is forced to fight both the AEC and the State Atomic and Space Development Authority, a newly created bureaucracy that has so much muscle it makes the AEC look like a 97-pound weakling. This authority came into powerful existence last May when Governor Nelson A. Rockefeller, a firm believer in nukes for reasons not yet clear, pushed a bill through the closing session of the state legislature. The governor is an overwhelming figure in the state, not only by virtue of his office, but because he is the major contributor to state election campaigns, and he underwrites individual candidates as well. When Rockefeller says a bill is a must, he gets a quick response. No public hearings were held on the bill; indeed, it was just about impossible for an outsider to find a copy. The bill went through in record time; some legislators have since privately admitted that they did not even bother to read its provisions. Briefly, the bill gives the atomic authority immense powers and specifically charges it with "the maximum development and use of atomic energy. . . ." It is to have enormous sums of money at its command to subsidize both public and private plants. It has the power to condemn any lands in the state. Moreover, the authority is not subject to any of the state public service or conservation laws. In the language of the bill, all such laws are "deemed to be superseded," and should any provision of these laws seem to be in conflict with the authority this provision shall be "deemed to be superseded, modified or repealed as the case may require."

As a result of the power industry's refusal to recognize thermal pollution, a number of persons who were originally willing to live with nuclear power have begun to raise other questions. And with good reason. For instance, David Lilienthal, the first chairman of the AEC, expressed grave reservations in

his book, *Change, Hope, and the Bomb*, about the potential hazards posed by nuclear plants. Then there is the Scientists' Institute for Public Information, which has shown serious concern for insufficient safeguards and the emission of pollutants during normal plant operation. SIPI's membership includes some of the most distinguished and respected names in science. The purpose of SIPI, which has its headquarters in Manhattan, is to provide scientific information to the lay citizen who is interested in nuclear energy and environmental contamination. SIPI publishes a magazine, *Scientist and Citizen*, where articles have dealt with the release of various radioactive pollutants such as Krypton 85 and Iodine 131 from nuclear plants, and the effect such emissions may have, say, on the human body. Indeed, the whole frightening problem posed by nuclear plants is succinctly dealt with in a new book, *The Careless Atom*, by Sheldon Novick, associate editor of *Scientist and Citizen*. Last September, several members of SIPI, including Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, appeared at a conference at Stratton Mountain, Vt., sponsored by The Conservation Society of Southern Vermont, on the subject of nuclear power and the environment. The Federal Power Commission, the Fish and Wildlife Service and state and local agencies sent representatives to speak at this dispassionate, coolly clinical forum, but the AEC, which had been invited to attend, refused.

All the protests against the nukes have not been without effect on the federal level. Senator Edward Kennedy of Massachusetts plans to reintroduce a bill in the current session of the Senate which would call for a two-year moratorium on nuclear plant construction. During this period, siting studies would be conducted, a thoughtful overall policy made on power requirements and hazards eliminated. Representative Richard Ottinger of New York will introduce a similar measure in the House.

Curiously, the power industry couldn't seem to care less. It's still full steam ahead. A recent article in *Nuclear News*, a trade publication, made a joke out of thermal pollution. A supposed ecologist was quoted as saying, "Who says a shift in wildlife balance is bad? If an accidental 5° rise will kill salmon in the Columbia, why not a 20° rise—on purpose—to create an Amazonlike home for species of greater importance? Angelfish bring far more per pound than salmon. What sportsman would settle for trout when he could catch piranha?"

Quips like this do not prompt laugh-ins by fishermen or other concerned citizens, but it is surprising that in its search for suitable tropical fish to replace salmon *Nuclear News* did not mention the leaf fish (*Monocirrhus polyacanthus*), which will eat only living fish and demands seven meals a day. As the late A. J. Liebling wrote more than 30 years ago after observing the leaf fish in the New York Aquarium, "It has a profile like a public utility executive and an appetite to match."

MANDATORY PRISON TERM FOR COMMISSION OF CRIME OF VIOLENCE WITH PISTOL OR OTHER FIREARM IN DISTRICT OF COLUMBIA

Mr. FANNIN. Mr. President, on January 16, 1969, I introduced S. 327, which would provide a 5-year mandatory prison term for any person using a pistol or other firearm in the commission of a crime of violence in the District of Columbia.

Since introducing the bill, I have been swamped with mail from persons living in the District who support the proposal. I have received particularly enthusiastic support from merchants and others who have been victims of these crimes. I am hopeful that my bill will receive early and favorable consideration.

I ask unanimous consent to have printed in the RECORD two letters from Mr. Hyman R. Posin describing his experience with "yeggs" in the District of Columbia.

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

SILVER SPRING, MD.,
January 29, 1969.

Senator PAUL J. FANNIN,
Washington, D.C.

DEAR SIR: How can I help you with your proposed "Mandatory five year prison term for use of fire arms to commit a crime"?

Sincerely,

HYMAN R. POSIN.

The Washington Business man who has been: (1) Held up and robbed by four gunmen, (2) Held up and robbed by one gunman, (3) Again held up and robbed by four gunmen, (4) Again held up and robbed by one gunman, (5) Again by four gunmen, kidnapped in Maryland, Forced into the trunk of an automobile, Handcuffed and beaten, Transported to the District of Columbia, Threatened with death, And then forced to open the store safe.

SILVER SPRING, MD.,
February 1, 1969.

Senator PAUL J. FANNIN,
Washington, D.C.

DEAR SIR: Only last Wednesday, I sent you a letter asking how I could help you with your proposed "Mandatory five year prison term for use of fire arms to commit a crime"?

Today I was robbed again by two armed hold-up men who were immediately captured.

As a fellow Republican, I am asking if you can help me in any way to have just punishment dealt to these two men.

Sincerely,

HYMAN R. POSIN.

BUGGING UNLIMITED

Mr. EAGLETON. Mr. President, Congress last year passed the Omnibus Crime Control and Safe Streets Act, title III of which dealt with electronic eavesdropping, otherwise and colloquially called bugging.

A case can be made for the limited and judicially controlled use of bugging in national security cases. If we could agree on just what is or is not organized crime, a defensible argument might be espoused for limited and judicially controlled eavesdropping even in organized crime cases. However, title III of the Omnibus Crime Control and Safe Streets Act went far beyond these limits—dangerously far beyond, in my judgment. The 48-hour roving right to bug is to me especially disturbing.

Mr. President, the ultimate danger of such broad, uncontrolled eavesdropping power may not become apparent for many years. I simply caution that in enacting the broad and sweeping provisions of title III, Congress may have created a greater potential evil than it expects to cure.

Mr. President, I ask unanimous consent that two articles, one published in the January 29, 1969, edition of the St. Louis Post-Dispatch, which itself was a reprint of an article appearing earlier in the New York Times, and the other being a January 17, 1969, editorial in the Washington Post, be printed in the RECORD.

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

[From the St. Louis (Mo.) Post-Dispatch, Jan. 29, 1969]

ON TOWARD SNOOPING: WITH NEW ADMINISTRATION LEADING, STATES MAY TURN MORE TO ELECTRONIC SURVEILLANCE

(By Fred P. Graham in the New York Times)

Sometime within the next few weeks a federal agent will slip quietly into the chambers of a federal judge, show him a few affidavits, and leave with a historic document in his possession.

It will be a warrant authorizing the Government to tap the telephone or "bug" the premises of a United States citizen sus[XXXXXX] of being a criminal, and it will be the first paper ever issued by a federal judge for this purpose. [XXXXXX]

This prospect became a reality when John N. Mitchell, President Nixon's Attorney General, told the Senate Judiciary Committee at his confirmation hearing that the new Administration will use court-approved electronic surveillance in its efforts to curb crime.

The statement was hardly a surprise, since Mr. Nixon during the presidential campaign criticized the Johnson Administratio[XXXXXX] fusal to make full use of the wiretap power voted by Congress last June. Yet when the official word came that the power will soon be used, it suddenly drove home the realization that, as Senator Hiram Fong put it, the nation had embarked on "a new road."

For President Johnson's refusal to use the new wiretap power, except in national security cases—on the ground that it could produce "a nation of snoopers"—had obscured the sharp turn that Congress took when it passed the wiretap law.

First, it made eavesdrop evidence admissible in federal court for the first time, after decades in which wiretapping had been a federal crime and evidence gathered by most types of electronic surveillance had been barred from court.

Second, after a 25-year official policy that allowed eavesdropping only in national security investigations (which was not always faithfully observed), the new law authorizes federal agents to use it to gather evidence of a broad spectrum of crimes, ranging down to relatively unimportant gambling, bribery and embezzlement cases.

Before a listening device is installed an agent is required to obtain from a judge a warrant similar to a search warrant. These will be valid for 30 days, renewable indefinitely.

But the warrant requirement may prove a flimsy safeguard. Agents can go "judge shopping" to find the most amenable judge, and the law contains a potential loophole, already tagged "the 48-hour fishing expedition" by some lawyers. This permits officials to eavesdrop without a warrant in "emergency" situations, so long as a warrant is applied for within 48 hours.

Judges are supposed to notify the subject of the eavesdropping within 90 days after the device is disconnected, but again there is a potential loophole—the notice can be postponed at the government's behest.

Congress passed the wiretap law only after the Supreme Court dropped a pointed hint in a 1967 decision that court-approved eavesdropping under proper safeguards would be constitutional. In view of the freewheeling law that resulted, some lawyers expect it to encounter heavy weather in the courts.

This broad new grant of elbow room to governmental eavesdroppers could generate a "Big Brother" hysteria, but there are indications that in fact the Nixon Administration will use the power sparingly. At the hearing Mr. Mitchell came across as a deliberate, sure-footed type who would consider modera-

tion in the defense of liberty no vice, and he stressed that the law would be used "carefully and effectively."

Also, Mr. Nixon's top congressional advisers on crime are known to have advised him to go slow, especially with the use of "bugs," hidden microphones that have turned up in such sensitive spots as in suspects' bedrooms.

But since many Mafia types have long since learned to avoid telephones when planning mischief, pressure may build up for wider use of the almost undetectable "bugs."

Some lawyers believe, though, that by the time that the public realizes that "Big Brother" in Washington is indeed not listening, "Little Brother" at the local police station may be tuned in on everything in town.

They feel that the greatest threat to privacy may not be the new federal eavesdropping authority, but rather the fact that the law also gave local police even wider powers, if their state legislatures adopt laws patterned after the U.S. statute.

Some experts think a wave of enactments will occur as the legislatures meet this spring—partially as an unintended result of exertions by the country's two most dedicated opponents of police wiretapping, President Johnson and Attorney General Ramsey Clark.

Dut to Mr. Johnson's crime program, local police forces are receiving federal funds that could be used to buy expensive electronic gear. At Mr. Clark's urging, many states have formed state crime commissions that are now casting about for anticrime ideas to recommend to their legislatures.

As a result, police across the country may soon be offered wiretapping as a newly legalized crime-fighting device, and they may not use it as responsibly as the Federal Government is expected to do.

[From the Washington (D.C.) Post, Jan. 17, 1969]

TAP, TAP, TAP

The Attorney General-elect has now made it plain that he intends to protect us from crime even if he has to creep electronically into our homes and offices to do so. He has, of course, plenty of legislative authorization for this assault on rights of privacy long cherished by Americans; the omnibus, or ominous, crime bill says that he may tap telephones or bug private places wherever he thinks crime be under contemplation—and never mind what the Constitution may say to the contrary. There is, of course, nothing novel or surprising in this approach to the crime problem by Mr. Mitchell. President-elect Nixon has long let it be known that he warmly approves of electronic surveillance.

A few words of caution may be in order for those who assume that this callousness about privacy will bring about the sudden death of crime on January 20. Robbers, rapists, purse snatchers, muggers, footpads and hoodlums rarely plot their assaults by telephone or in quarters where electronic bugs can be concealed. Consequently, the conversations monitored by the eavesdroppers may provide a certain amount of wry amusement to leaven the tedium of police station life; but they are unlikely to diminish the crime in the streets about which we all talk so much in private and in public.

This monitoring may, however, diminish the criticism of policemen and of Attorneys General which is so common, and indeed so healthy, a part of American conversation. No one knows, of course, how many telephones Mr. Mitchell may tap, how many homes he may bug. He intends, he says, to use the new power "carefully and effectively." There's the beauty of it, you see. No one will know when his conversation is being overheard by the Attorney General. It's like a random audit of income tax returns; it keeps everybody cautious. Does that add to your sense of security?

CONFIRMATION OF NOMINATIONS OF JOHN H. CHAFEE AS SECRETARY OF THE NAVY AND OF ROBERT C. SEAMANS, JR., AS SECRETARY OF THE AIR FORCE

Mr. PERCY. Mr. President, I regret that I was in Illinois and, therefore, not able to be in the Chamber on Wednesday of last week, when the Senate confirmed the nominations of the Honorable John H. Chafee to be Secretary of the Navy, and the Honorable Robert Seamans to be the Secretary of the Air Force. I take this opportunity to congratulate the Nixon administration on these fine nominations and to congratulate the distinguished gentlemen on their appointments to these high national offices.

Mr. President, John Chafee's splendid career of public service to date most recently culminated in his three-term service as Governor of the State of Rhode Island. In this office, he has been a great credit to the Republican Party, but, more important, he has been an outstanding example of the wisdom of the people in selecting their elected leadership.

Behind this impressive public service lies a career which has aptly trained him for his present post and uniquely qualified him for service as Secretary of the Navy. As the hearing record indicates, he served in the Marines as an officer—in both World War II and the Korean war. He is an attorney, and served as a member of the House of Representatives of Rhode Island prior to his three terms as Governor.

As Governor, John Chafee's administration was a progressive one. Advances in the areas of public health, education, conservation, urban transportation, and fair housing reflect his sensitive and energetic approach to the problems of our increasingly complex society.

In short John Chafee's record imminently qualifies him for this high Federal post. I am confident that all Senators who have the opportunity to know and work with him will come to appreciate and admire him, as I have.

Robert Seamans is no stranger to Congress. As part of the management team of NASA over the past 7 years, he has distinguished himself as a technician, as an administrator, and as an effective and candid advisor to the Congress on space matters. I had an opportunity to work with him as a member of the Committee on Aeronautical and Space Sciences during the 90th Congress. I valued his counsel and admired his dedication throughout that period.

Those of us who regretted his departure from Washington last year to take a position at MIT have been greatly cheered by his rapid return. I know it is at some personal sacrifice on his and his family's part that he interrupts an orderly transition to the private sector to serve in this administration as Secretary of the Air Force. I know a great number of Senators join me in applauding his decision to return and in wishing him well as he undertakes his new duties.

Mr. President, in these two appointments, and in the continuation of Stanley Resor as Secretary of the Army, the Nixon administration has provided a superb balance in service secretaries to accompany the outstanding appointments of Defense Secretary Laird and Under Secretary Packard. The administration will meet the challenges of the years ahead with the best possible men in this critical sector of our national life.

FEDERAL HIGHWAY ADMINISTRATION PUBLISHES REPRESENTATIVE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM PREQUALIFICATION STATEMENTS

Mr. RANDOLPH. Mr. President, last week I presented in this forum a statement in the nature of an interim report on the activities of the Subcommittee on Roads of the Committee on Public Works in the field of equal employment opportunity programs in Federal-aid highway construction.

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Subsequently, the Federal Highway Administration published FHWA Notice No. 26–50, January 29, 1969, and a group of representative contractor statements which had been approved as prequalification declarations.

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Deputy FHWA Administrator John R. Jamieson expressed the view that those already-approved prequalification statements should help other contractors in the preparation of required equal employment opportunity compliance plans which they could reasonably expect would meet the requirements established by Federal Highway Administration Interim Order No. 7–2.

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It is gratifying that the samples have been made available for distribution and republication. This was done as a result of a request made to the Federal Highway Administrator by our Committee on Public Works during the course of the hearings by the Subcommittee on Roads. The FHWA response will enable those in the field charged with the responsibility of reviewing contractor EEO submissions to determine their adequacy with greater ease and with more uniformity.

Publication of these samples will help reduce the confusion which followed the initial agency order establishing the EEO program obligation of individual contractors. And we hope this will facilitate the expeditious development of a procedural memorandum which might mitigate the administrative complications brought to light during our hearings.

The Subcommittee on Roads of the Committee on Public Works will meet in executive session on Tuesday, February 18, to discuss and begin the formulation of its report and recommendations on the equal employment opportunity program in Federal-aid highway construction.

Mr. President, I ask unanimous consent to have printed in the RECORD the representative samples of prequalification contractor statements which have been approved by FHWA.

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

Subject: Representative prequalification statements.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,

January 28, 1969.

Attached hereto for the guidance of FHWA field personnel, State highway departments,

and Federal-aid contractors and subcontractors, are copies of six representative prequalification statements which have been approved in various regions. Since equal employment opportunity problems vary from State to State, and since program procedures vary from contractor to contractor, the attached prequalification statements will not necessarily be acceptable in every State and will not be compatible with the organizational structure of every contractor or subcontractor.

These prequalification statements should not be considered as model statements which are believed to be completely sufficient to guide any contractor or subcontractor in the preparation of his prequalification statement in a completely adequate and satisfactory manner. Several of the attached statements were approved by regional administrators with the understanding that improvements in designated sections thereof would be made by the contractor or subcontractor at the time of requalification, in most instances one year following the date of original prequalification under FHWA Interim Order 7–2.

Contractors and subcontractors who prepare their prequalification statements following the attachments hereto, and in coordination with the requirements and criteria set forth in Attachment 4 to FHWA Interim Order 7–2, should be reasonably certain that their statements will be acceptable, subject of course, to specific requirements established in consideration of the particular equal employment opportunity problems encountered in the State in which prequalification is requested, and the size and organizational structure of the contractor or subcontractor.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

COMPANY A—EQUAL EMPLOYMENT OPPORTUNITY PREQUALIFICATION STATEMENT PURSUANT TO FHWA ORDER INTER 7–2

CONTRACTOR—COMPANY A ADDRESS

1. General

The officials and the appointed Equal Employment Opportunity Officer for this Company have read all of Part I, General, of the Guidelines for Equal Employment Opportunity Prequalification Statement and Affirmative Action Program which was submitted to all Prospective Federal-Aid Contractors and Sub-Contractors by the State Highway Department.

2. Equal opportunity policy

The employment policies and practices of Company A are to recruit and hire applicants without regard to race, color, religion, creed, sex or national origin. This applies to all matters relating to hiring, promotion, transfer, or termination of our employees and covers all salaried and hourly paid positions in the office and the field and all hourly paid jobs within the respective trades.

It is also the policy of this company to cooperate to the fullest extent with the applicable regulations of the Civil Rights Act of 1964 and Executive Order No. 11246. It is intended that all officials and employees of this company be informed of this statement of policy and that this policy shall be applied to every phase of employee recruitment, including employment agencies and advertising.

This has been the policy of Company A since (Date), when the Board of Directors passed and directed implementation of an Equal Employment Opportunity Policy. This policy was amended (Date), to provide for affirmative action (See Exhibit No. 1).

The Company has in the past, and intends to continue in the future, its leadership within the community with respect to full employment of the capabilities and productivity of all citizens without regard to race, religion, creed, color, sex or national origin.

The Company also recognizes that implementation of the above policy is required and necessary and therefore, has in the past and will continue in the future, to promote and undertake a program of affirmative action to make known that equal employment opportunities are available on the basis of individual merit and to encourage all persons who seek employment with the Company to strive for advancement on this basis.

3. Equal employment opportunity officer

Mr. Doe, President, is the Company's Equal Employment Opportunity Officer. He will coordinate and promote the equal employment opportunity program through the efforts of Department Heads, Supervisors, Foremen and top management.

He shall regularly require the assistance of top management, Department Heads, Supervisors and Foremen to assist him in correcting deficiencies and to keep the Company's affirmative action program effective and up-to-date.

Mr. Doe will be the central point of contact within the Company for all Equal Employment Opportunity matters. If you have questions, problems, or complaints regarding our program, Mr. Doe may be reached during office hours at: (Address and telephone number).

Qualifications of Equal Opportunity Officer

Mr. Doe's qualifications for the Equal Opportunity Officer include:

1. President and Director of Company A, a leading highway contractor throughout the southeast.

2. Served as Equal Employment Opportunity Officer of the Asphalt Division of Company A, since (DATE). Has an active interest in and development of policies and practices to promote Equal Employment Opportunities within the Company over the past several years.

3. An active member of the State Branch of Associated General Contractors.

4. Past National Director of the "X" Association.

5. President of the "X" Association.

6. Former U.S. Marine Corps Officer.

7. Former principal of the offshore construction firm, employing foreign nationals.

8. Committee member (2 years) and chairman (2 years) of "X" Association, whose purpose is the training and upgrading of construction workers.

9. Chairman of the top management committee of the City Industrial Management Club whose purpose is to educate and upgrade employees of member organizations.

10. Member of the American Society of Training Directors (5 years).

11. Church member in the "X" Church, (Address).

4. Company Personnel Staff

The Company has in the past, and will continue in the future, to take appropriate steps to insure that all employees are advised of the Company's Equal Employment Opportunity policy through:

a. Distribution of the Company's policy statement to all employees.

b. Employees are periodically advised of the Company's policy through company meetings and employee meetings.

c. Utilizing communication media, including discussions, bulletin boards and employee handbooks to orient new employees. (See Exhibit No. 2 for bulletin board material now in use.)

The Company has in the past, and will continue in the future, to take affirmative action to educate all levels of management, including those engaged in recruiting, training and other personnel activities, with respect to their responsibilities under the Company's Equal Employment Opportunity policy and its Affirmative Action Programs. This will be done by:

d. Establishing policies consistent with and procedures to implement the Company's Affirmative Action Program with respect to Equal Employment Opportunity.

e. Requiring that these policies and procedures be followed in detail.

f. Educating all management, supervisory and clerical personnel concerned with these policies and, through personal attendance at meetings with the Equal Employment Opportunity Officer, emphasize the importance of the policies and procedures governing the Company's Affirmative Action Program.

5. Employment policy

a. We agree that if our company falls within the category of having within the past 12 months performed a Federal-aid construction project pursuant to the requirements of a previously approved Prequalification Statement in compliance with the Civil Rights Act of 1964, Executive Order 11246 and Federal Highway Act Interim Order 7–2, we will maintain and submit, as required, a summary of our Equal Employment Opportunity Program during this period based on our records maintained with respect to Section 1[illegible] of this Prequalification Statement. XXXXXX

b. We attach, as a supplement to our Prequalification Statement, a breakdown of our current work force showing the extent of minority representation. (See Exhibit Nos. 3 & 4). This breakdown shows (1) all classifications of employees on the contractor's work force, (2) the total number of employees in each classification, and (3) the number of minority group members currently employed in each classification. Exhibit No. 3 shows Office Employment Statistics. Exhibit No. 4 shows the Construction and Plant Site Work Classification Statistics in the seven [illegible] eastern States of Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, and Tennessee. XXXXXX XXXXXX

c. We give assurance that all advertisement (when advertisement is necessary) for employees contains the notation, "An Equal Opportunity Employer", and that all such advertisements will be inserted in newspapers having a large circulation among minority groups in the area from which the project work force would normally be hired. This will include advertisement in all newspapers listed in the "Advertisement for Bids", as well as other newspapers suggested or recommended to the Company by minority group employees of the Company and/or local minority group community leaders.

d. We have and will continue to make our Equal Employment Opportunity Policy known to our employees, prospective employees, and potential sources of employees, i.e. Schools, Employment Agencies, Minority Community Groups, College Placement Officers, etc.

These people, groups and agencies will be contacted by responsible management members under the coordination of the Equal Employment Opportunity Officer in person where practicable, or by telephone. To ensure a record of the Company's policy, these contacts will be confirmed by letter to all schools, employment agencies, college placement agencies, etc., contacted to further establish this Company's intent to promote to comply with our Equal Employment Opportunity Policy. (See Exhibit No. 1, page 6; Exhibit Nos. 5 & 6).

e. It is understood that we will conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants including but not limited to Schools, Colleges, and minority group organizations. This will be done through personal contact by officers, management, supervisory, clerical employees and by minority group hourly paid employees as well as through the use of letters, notices, etc., to sources of minority group employees. We agree that we will establish and utilize methods of identifying those sources of minority group employees in any given area of construction by consulting with minority group community leaders and appropriate governmental organizations.

f. We state that we have, and agree we will continue through personal contact by all management and supervisory personnel, to encourage our present employees to refer minority group applicants, among others, to

us for interview. Many of our present employees have been recruited by this method. As partial evidence of our intent and policy, we submit a copy of our policy on Temporary Summer Jobs. (See Exhibit No. 7).

g. We assure you that wages, working conditions and employee benefits are determined and administered on a non-discriminatory basis. This is done through our previously established policy covering Wage and Salary Administration. In addition, copies of our policies covering Change of Rate or Classification, Informal Leave, Lay-off Subsidy, Sick Leave and Temporary Summer Jobs are attached. (See Exhibit Nos. 7, 8, 9, 10 11 & 12).

h. We assure that we will guard against discrimination with regard to upgrading, promotions, transfer, demotions, lay-offs and termination of employment by requiring advance clearance with the Equal Employment Opportunity Officer on all forms governing these actions with the exceptions of termination for work rules violations. (See Exhibit Nos. 8, 9, 13, 14, & 15).

Equal Employment Opportunity Employer Information Report EEO–1 (Standard Form 100) has been prepared by this Company and filed with the Joint Reporting Committee, Federal Depot, 1201 East 10th Street, Jeffersonville, Indiana 47130. Date Submitted:———

6. We agree to make full use of training programs, particularly on-the-job training, as appropriate, to assist in locating, qualifying and increasing the skills of minority employees, among others.

Our present program is an informal on-the-job training program under the direction of a long-time minority group employee of the Company, reporting to one of the Company's managers. Results of this program have been particularly gratifying in that many of our minority group employees have attained increased skills which have enabled them to achieve promotions, wage and salary increases and increased responsibilities, leading in some cases to management positions. A summary of our employment records showing promotions and wage increases among all minority group employees is shown in Exhibit No. 16.

We propose to formalize our On-the-Job program by reducing job training requirements to writing and educating all supervisory levels in the use of the formalized program. This project is now underway, and we expect it to be completed by the start of our 1969 construction season. Our program will be compatible with and we intend to participate actively in the American Road Builders Association sponsored Southeastern On-the-Job Training Program once it becomes operational.

7. This Company is non-union, and although some of our employees carry union cards, we seek to bid and perform only non-union work.

8. Subcontracts

a. We agree to solicit the employment of qualified and bondable minority group Sub-contractors and qualified bondable Subcontractors with minority group representation among their employees. This will be done by soliciting Subcontractor bids from all qualified Subcontractors, but with emphasis on those in the minority group or with minority group representation among their employees. Bids are awarded solely on the basis of the lowest responsible bid received.

b. (1) We agree that we will not award any Sub-contract equal to or in the excess of $500,000 until (a) The Sub-contractor has submitted a Prequalification Statement pursuant to the approved GUIDELINES, (b) the Statement has been approved by the State Highway Department and concurred in by the Bureau of Public Roads and the Federal Highway Administration, and (c) the Sub-contractors approved Prequalifications Statement has been incorporated into the Sub-contract (by reference) as a contractual obligation of the Sub-contract.

(2) We agree that we will offer every assistance to prospective Sub-contractors to become prequalified relative to the Equal Employment Opportunity Program. Provisions will be made whereby Sub-contractors performing work less than $500,000 may adopt our Equal Employment Opportunity Program.

c. We agree to accept the responsibility to assure the Sub-contractor's compliance with the Equal Employment Opportunity provisions of the Subcontract, including the Sub-contractor's Prequalification Statement.

All Sub-contractors performing work of $500,000 or larger will be required to certify that they are prequalified before a sub-contract is awarded. We will aid them in becoming prequalified, if this is necessary.

All Sub-contractors performing work under $500,000 are and have been required to execute and return a letter (see Exhibit No. 17) stating their concurrence with our Equal Employment Opportunity Policy before the sub-contract is signed by our Company. It has been and will be our policy that no sub-contracts are entered into unless this letter is affirmatively acknowledged and returned.

All Sub-contractors may be requested to submit compliance reports to this Company and to permit periodic inspection and reviews with respect to compliance to this Company's Equal Employment Opportunity Program.

9. Program monitoring

We agree that we will monitor our Equal Employment Opportunity Program and that of our Sub-contractors, to assure compliance therewith and to effect changes therein, with the State Highway Department, the Bureau of Public Roads, and the Federal Highway Administration approval, which will increase the possibilities of achieving practical results.

This monitoring program will take the form of periodic overall surveys of our program and our Sub-contractor's programs. These surveys will be performed by the Equal Employment Opportunity Officer or his appointees from responsible members of management. A review committee may be appointed, including employees of the Company or members of outside local minority groups, employment agencies, or contractor associations, to assist the reviewing officer with his compliance review. The survey findings will be reviewed at periodic progress meetings conducted by the project manager. The minutes of these progress meetings will be retained in the permanent records.

10. Records and reports

a. We agree to keep such records as are necessary to determine compliance with, and progress under, our Equal Employment Opportunity Program.

We agree to keep records designed to indicate the following:

(1) The number of minority group members employed in each work classification during every payroll period of contract performance.

(2) To the extent permissible under the State law, the name and address of each minority group applicant for employment who was not hired and the reasons therefor.

(3) The progress being made in locating, hiring, training, qualifying, and upgrading minority group employees, among others.

(4) The progress being made in securing the services of minority group Sub-contractors.

(5) The general progress being made by each Subcontractor regularly used by the contractor, under such Sub-contractor's Equal Employment Opportunity Program.

We agree that all such records will be retained for a period of three years following completion of the contract work. We agree that all such records shall be available at reasonable times for inspection by authorized representatives of the State Highway Department, the Bureau of Public Roads and the Federal Highway Administration.

b. We agree to submit to the State Highway Department a monthly report for the first three months after the construction begins, and thereafter upon request for the duration of the project, said report indicating the total number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification required by the contract work.

Submitted by: Company A ———, address ———.

COMPANY B—AFFIRMATIVE ACTION PROGRAM

SECTION 1. GENERAL

Company B recognizes and accepts the responsibility of effecting equal employment opportunity in all aspects of employment practices, and the further responsibility [redacted] correcting any or all discriminatory practices and conditions presently existing. In order to augment the program, we will provide [redacted] creased employment opportunities for qualified minority group members, and provide opportunities for minority group members to become qualified for employment and for advancement within our organization. (Attachment No. 1)

SECTION 2. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Mr. Doe, Vice President-Administration, [redacted] has been designated as our Company Equal Employment Opportunity Officer. He is a graduate engineer, experienced in Construction for 30 years, of which approximately 40 percent has been spent in management at varying levels of responsibility and in direct contact with, and supervision of, hourly and annual personnel. Presently his responsibilities include: Company administrative details; recruitment and employment of technical personnel; chairing the Personnel Committee, and the Methods and Safety Committee. Attachments Nos. 2 and 3)

SECTION 3. COMPANY PERSONNEL STAFF

All members of our staff who are authorized to hire, promote, or discharge employees are fully aware of, and are committed to, our Affirmative Action Program. They have been fully oriented in the Affirmative Action Program both by reading and by verbal indoctrination. As seminars and workshops on the Affirmative Action Programs become available, from either public or private sources, they will be further indoctrinated by their required attendance at said seminars or workshops. Scheduled reviews of their effectiveness will be made by the EEO Officer in routine visits to the projects under construction. (Attachments Nos. 4 and 5)

SECTION 4. EMPLOYMENT

(a) Upon request, we will summarize and submit the results of our Equal Employment Opportunity Program from records we have kept during performance of a previously held Federal-Aid highway construction contract during the past 12 months (should such contract have been held).

(b) We agree to submit, on request, a breakdown of our current work force to indicate the extent of minority representation. The breakdown will show the work classifications, total employed in these classifications, and the number of minority group members employed in each classification. This report, when submitted, will be based on a continuous 2-week period during the 60-day period preceding filing.

(c) To further assist in securing a greater percentage of minority group employees in the construction organization, the Program will provide advertisements in newspapers which are circulated among the minority groups in the area from which the project work force would normally be derived. Such ads will contain the notation that our Company is an Equal Opportunity Employer, and will be placed in newspapers indicated in the advertisement for bids, as well as in any un-

listed publications likely to reach all segments of the minority group population.

(d) In order to acquaint our employees and prospective employees with our Affirmative Action Program, we will contact them by using letters, notices, bulletin board posters, and in the case of our presently employed personnel, an oral presentation at the Weekly Toolbox Meetings, the daily and week-end Work Conferences, and the Safety presentations. Employment agencies and unions within the work area will be oriented by correspondence from, and personal meetings with, the hiring personnel on the project involved. (Attachments Nos. 6, 7 and 8)

(e) Schools and project placement officers are oriented through correspondence and by personal conversation with the recruiting personnel as to our interest in the Affirmative Action Program, and our recruiting literature, application forms, and advertisements, carry the information that we recruit and hire employees without discrimination because of race, color, religion, sex or national origin, and treat them equally with respect to compensation and opportunities for advancement, including upgrading, promotion, and transfer. (Attachments Nos. 9 and 10)

(f) We will continue to encourage our present employees to refer any minority group applicants that they reach to us for employment. This encouragement is given our personnel at the time of employment, and is repeated by supervisory personnel on every occasion of meetings. In addition, Company bulletin boards, and bulletin boards in crew shacks are also posted with literature indicating our desire to recruit from minority group acquaintances of our present employees.

(g) Promotions, benefits, and working conditions within the Company are determined and administered by a Personnel Committee comprised of the Executive Vice President, the Division Managers, and the EEO Officer, all of whom are Vice Presidents. Reviews of wage rates, benefits and promotions, are conducted on a minimum of 6-month levels, and during the review the present wage rates, working conditions, and promotional opportunities are discussed. The basis of discussion is an appraisal sheet which is completed by the construction Project Managers, and reviewed with the employee prior to submittal to the Personnel Committee for further review and any revisions or adjustments as may be required. The basis of promotion and wage increases is entirely nondiscriminatory, and is based solely upon the man's record of performance, and upon the potential that he indicates for further responsibility.

(h) Each request for personnel procurement by a project will be circulated to the EEO Staff to insure that every opportunity of employment for minority group members is met, and that discrimination is not practiced in regard to promotions, transfers, upgradings, demotions, layoffs, or terminations of employment.

SECTION 5. APPRENTICESHIP AND TRAINING

We take every advantage of preapprenticeship, apprenticeship, and on-the-job training in assisting the qualification to increase the skills of minority employees. All employees upon hire receive an indoctrination talk by the Safety Officer and by the Project Manager or his assigned representative in the skills and practices required in the performance of the job for which they are hired. When they are assigned to a work crew, the crew foreman further orients and instructs them in the safe and proper methods of performing their work, outlines the work requirement, and gives any assistance and/or training to the new hire, as required by his background and experience. We cooperate with Road Building Associations in sponsorship and encouragement of personnel to attend training sessions to improve their kills, and thus qualify for a higher paid job. Our construction project payrolls absorb as many journeyman helpers as the construction schedule will permit. These helpers are assisted and trained in every way to improve their status to a journeyman's rank.

SECTION 6. UNIONS

We request of unions upon whom we call for employees that as many minority group individuals on their work lists as possible be assigned to our projects. We encourage the unions to enroll more minority group personnel into their apprenticeship programs. Since we are union contractors, we have contracts with the unions to furnish the required personnel. At our meetings with the union representatives on the jobs, we question their ability to furnish us with the apprenticeship program people and work closely with them to assist minority group employees to qualify for union membership. At our preconstruction meetings with the unions, we assure them that we are Equal Opportunity Employers and require that their programs, insofar as possible, permit us to hire other than nonunion members when minority group members are not available. (Attachment No. 11)

SECTION 7. SUBCONTRACTS

(a) Our Purchasing Department will solicit quotations for work from minority group subcontractors, or from subcontractors whom we are aware have minority group representation among their employees. In order to insure circulation of subcontracting opportunities to minority group subcontractors, we will establish lists of minority group subcontractors and of subcontractors with minority representation by working with ethnic groups and minority leadership to establish the identity of such subcontractors. Once these identities are learned, they are placed on our regular contact lists for specialty subcontracting work, and are circulated with regularity with all prebidding subcontract proposals. We will work with ethnic and minority group leaders and agencies in an effort to not only locate such subcontracts but also to assist these subcontractors in prequalifying for employment as a subcontractor on Federal-aid work. Such assistance will consist of education on the methods of securing leads to Federal-aid subcontracting possibilities, and assistance in preparation of bids or negotiation to receive Federal-aid subcontract work.

(b) We will not award subcontracts in excess of $500,000, to a subcontractor until his prequalification has been submitted and approved by the State Highway Department concerned, and concurred in by the Federal Highway Administration. All subcontracts written by us for performance will incorporate the approved prequalification into the subcontractual agreement. If the subcontractor should desire, he may use our prequalification agreement with any adaptation required to formulate his own prequalification. In order to assure prequalification of the minority group subcontractor, we will assist him in presenting and processing his prequalification statement with the Highway Department.

(c) It will be our responsibility to assure compliance by the subcontractor with the Equal Employment Opportunity provisions in the subcontract, as included in his prequalification statement. This will be done by periodic reviews and inspections of his payrolls and his work areas to assure compliance, and by insistence on the subcontractor's responsibility to submit compliance reports. We will verify the qualification of the subcontractor's personnel who are assigned supervisory functions in connection with Equal Employment Opportunity programs, and in his hiring and firing procedures.

SECTION 8. PROGRAM MONITORING

In order to assure compliance with the program, and to make any changes required to increase the possibilities of achieving practical results, a committee composed of the EEO Officer or his representative, the Project Manager or his representative, and a representative of the Contractors' Association, if available, will meet at monthly intervals at the start of the project for a period of up to 6 months. After the start-up period, the committee will meet at periods of 60 days or 90 days, as the conditions indicate. The State Highway and Federal Highway Administration are invited to assist in the committee reviews. The decision of the committee as to the effectiveness of the program will determine revisions or increased efforts to achieve the success of the program as required.

SECTION 9. RECORDS AND REPORTS

(a) Records will be kept by job personnel on a running basis to indicate the number of minority group members employed in each classification during every period. They will also keep a running record of the name and address of each minority group applicant for employment who was not hired, and why, to the extent that State laws will permit. Minutes of the meetings of the Program Monitoring Committee will be kept on file and available for inspection by State Highway and Federal Highway representatives as desired.

(b) Records will be kept of all minority group personnel undergoing preapprenticeship, or on-the-job training, as to their progress in qualifying for advances in types of work, responsibilities, and pay; as well as records which will indicate the cooperation of the unions in assisting the contractor in securing the services of minority group personnel.

(c) The Purchasing Department will keep a progress record of results in securing the services of minority group subcontractors. These records will include the names and addresses of subcontractors contacted, the results of the contact, and reason why the subcontractor was not qualified to perform on the contract if applicable. These records will also indicate the progress made by subcontractors who are awarded subcontracts on a time basis similar to the meetings of the Program Monitoring Committee and will record the progress of each minority group subcontractor in performance of employment of minority groups under the subcontractor's EEO Program.

(d) All records will be retained for a period of 3 years following the completion of the contract, and such records will be made available and accessible to inspection by representatives of the State or Federal Highway Administration. A report will be submitted monthly for the first 3 months after construction begins, and thereafter on request, indicating the number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification, to the extent permissible under State law. (Attachments Nos. 12 and 13)

COMPANY C—EQUAL EMPLOYMENT OPPORTUNITY PREQUALIFICATION STATEMENT AND AFFIRMATIVE ACTION PROGRAM

2. EQUAL OPPORTUNITY POLICY

(a) It is the policy of Company C not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

In addition, Company C will take affirmative action to insure that all employees, without regard to race, creed, color or national origin are treated fairly and with no discrimination as regards Hiring, Placement, Upgrading, Transfer or Demotion, Recruitment, Advertising, Solicitation for Employment, Training during Employment, Rates of Pay or other Forms of Compensation, Selection for Training including Apprenticeship, Lay off, Termination and any and all situations that may arise in connection with our work.

The particular steps that Company C will take to implement and achieve the above

statement of policy are set forth in sections 3–10. The section numbers agree with the numbers used in "Guidelines for Equal Employment Opportunity Prequalification Statement and Affirmative Action Program" (FHWA Order Interim 7–2 Attachment 4).

3. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

(a) Mr. Doe has been designated as the Equal Employment Opportunity Officer for Company C. Mr. Doe is a Civil Engineer. He attended the University of (State) and has been active in the construction industry for the past 27 years.

Mr. Doe has been a Company C Superintendent for the past 6 years, and as such, is thoroughly familiar with labor and union problems in the construction industry.

Mr. Doe has as of now been brought into the head office of Company C to assume the position of Equal Employment Opportunity Officer and, as such, will report directly to Mr. Roe, the Managing Partner for Company C.

4. COMPANY PERSONNELL STAFF

(a) Job workmen are in all cases hired, promoted and/or discharged by the Job Foreman under the direction of the Job Superintendents.

To insure that Job Foremen and Superintendents are fully cognizant of and committed to our Equal Employment Opportunity Policy we will hold monthly meetings on all projects. These meetings will be conducted by our Equal Employment Opportunity Officer who, as such, reports directly to Mr. Roe. Minutes will be kept of all Equal Employment Opportunity job meetings. These minutes and the meetings in general will be reviewed and discussed on the day following the meeting by Mr. Roe and the Equal Employment Opportunity Officer. Corrective action will be taken as required by Mr. Roe, partner in conjunction with, and with the approval of, our Equal Employment Opportunity Officer.

Company C has always been a strong advocate of the true principles of Equal Employment Opportunity.

Company C has in the past and does at the present time use minority group personnel as foremen. See Exhibit I attached at the end of this report.

5. EMPLOYMENT

(a) On (Date), Mr. Smith, Equal Employment Opportunity Regional Officer for the U.S. Department of Labor, conducted a job inspection on our Freeway Project at (Location). Copies of the reports in connection with this inspection are available if requested.

In addition, on (Date), Company C submitted a copy of Equal Employment Opportunity Employee Information Report EEO–1 Standard Form 100 (Revised) to the Equal Employment Opportunity Regional Officer, U.S. Department of Commerce. Copies of this report are available if requested.

This contractor agrees to furnish upon request a summary of his equal employment opportunity program on any Federal-aid highway construction project within the past 12 months. He also agrees to submit, if requested a breakdown of his current work force, showing the extent of minority representation.

5(b) Company C has, at present, two projects under construction. On both of these projects we have had an affirmative action program which has included a Reporting of Section 5—Employment—of Equal Employment Opportunity Employee Information Report EEO–1 (Standard Form 100, Revised, January 1967. This report has covered the Employment of Company C personnel and the personnel of major subcontractors for the weekly period on which the 15th of any month falls.

In keeping with Section 5(b) Requirement of "Guidelines for Equal Employment Opportunity Prequalification Statement and Affirmative Action Program," Company C will immediately enlarge the scope of this reporting to include a two week continuous period and will obtain the reporting monthly.

In addition, we have in the past notified all unions involved at the start of each new job that we do not discriminate in employment. Copies of these notices are also posted in conspicuous places at our job offices together with a list of the unions to whom they have been sent. We also have sent a brief statement of Company C's policy with respect to Equal Employment Opportunity to each job superintendent at the start of each new project.

Copies of two typical copies of such notices, and of our statement to the superintendents, are included as Exhibit Number II at the end of this report.

Copies of the present Company C Equal Employment Opportunity Employee Information Reports for our two current projects are included at the end of this report as Exhibit Number III.

These reports have been reviewed by Mr. Roe and do indicate that we have no evidence of discrimination in employment.

5(c) Company C is an Equal Employment Opportunity Employer. Included as Exhibit IV are copies of help wanted ads placed in the (Local Newspaper), and Daily Construction Service in ———. The (Name) is the major newspaper in this area and is widely read by all ethnic groups.

In the future, Company C will advertise in newspapers having large circulation in the Minority Group areas of (Locality). These will include: (List of Newspapers), as well as particular newspapers that may be set forth in the advertisement bids.

5(d) Company C has made our Equal Employment Opportunity Policy known to potential sources of employees. In connection with the inspection by Mr. ——— in (Date), Mr. Roe had talks with the local Carpenters Union, Engineers Union, and with Mr. ———, who, at that time, was Superintendent of the "X" High School and Junior College District. These talks are summarized briefly in my letter dated ———, 1966. In addition, notices have been and will continue to be sent to all unions as per Section 5(b) above, and copies of these notices together with the list of unions to whom sent will be posted on the jobs.

Mr. Roe, a partner in Company C, was the "X" Contractors Association negotiator during the recent negotiations in connection with the bargaining agreements for the Carpenters and Cement Mason's Unions.

Mr. Roe, at these meetings, strongly advocated the inclusion for the first time of an Equal Employment Opportunity clause in these agreements and these clauses were included in the final agreements. Copies of these clauses are included as Exhibit Number V at the end of this report.

As negotiations resume with the remaining union, Mr. Roe will bend every effort to have these clauses included in the final agreements for all the Building Trades Unions.

To conform to the intent of Section 5(d) of the guidelines, Company C will immediately institute the following program.

(1) On the day following the monthly Equal Employment Opportunity Policy meetings held as per Section 4(a) above, each job superintendent will personally advise each crew on the job of the Company Equal Employment Opportunity Policy and of our determination to achieve true Equal Employment Opportunity.

(2) The Equal Employment Opportunity Officer of Company C will arrange personal meetings with the following Administrators who have been designated in our area to assist in augmenting the Equal Employment Opportunity Program.

(a) Mr. Smith, Director, Special Funded Programs, County Union High School District.

(b) Mr. Jones, Placement Director.

(c) Mr. Brown, State Labor Relations Department.

(d) Mr. Green, Manager, Youth Opportunity Center.

It will be the purpose of these meetings to inform these Administrators of the opportunities in the apprenticeship programs and of our policy of Equal Employment Opportunity. Minutes will be kept of these meetings. Subsequent meetings will be held at not to exceed 12 month intervals and progress will be noted. In the event problems develop, steps will be taken to achieve affirmative action.

(c) The Equal Employment Opportunity Officer will arrange personal meetings with the Businesss Agents for the Carpenters, Laborers, Cement Finishers, Engineers, and Teamsters Union to insure that our Equal Employment Opportunity Policies are understood. In the event problem areas are uncovered, Company C will take positive action to resolve them. XXXXXX

5(e) Company C has a valid bargaining agreement with the Building Trades Unions and is a member of the Engineering XXXXXX Grading Contractors Association, Inc. As noted in 5(d) above, we will hold personal meetings with the Business Agents of the trades we use. This will result in complete awareness by the Unions that we do in fact want to hire minority group personnel.

For those employees not covered by valid bargaining agreements, Company C will, when hiring, recruit through public and private referral sources likely to yield XXXXXX fied minority group applicants.

These sources will include the State Employment Service, schools, colleges, and minority group organizations. This recruitment will be handled on a personal contact basis by our Equal Employment Opportunity Officer.

5(f) Each Company C Superintendent will in his monthly meetings with the job crews (see 5(d)(1) above), personally encourage each employee to refer minority group applicants for employment.

5(g) As an Enigneering & Grading Contractors Association member, Company C has valid bargaining agreements with the Building Trades Unions. These agreements cover wages, working conditions and fringe benefits. See also Exhibit VI and Section 5(d) preceding. Copies of our payrolls are on file together with the payrolls of our subcontractors.

As discussed in connection with 4(a) above (see also Exhibit V) it has been and is Company C Policy to promote job personnel with no discrimination with regard to race, creed, color or point of national origin. As noted above, we currently have two minority group personnel working as foremen. This situation will be reviewed continuously by our Equal Employment Opportunity Officer.

5(h) The Equal Employment Opportunity Officer will personally review all employee terminations and will determine that none are due to discrimination. Nearly all of our terminations result from lack of work and for no other reason.

Company C has never terminated nor discriminated against any employee because of race, creed, color or national origin.

In our construction industry, crews are often built up in number for a day's time only and on such occasions the additional personnel are paid off with field checks at the end of the day's work, often late at night on completion of a large concrete pour. All terminations of whatever nature will be reported on a Company C form and will be reviewed by the Equal Employment Opportunity Officer on the day following.

6. APPRENTICESHIP AND TRAINING

(a) Company C has in the past and will continue to make full use of the Apprenticeship Program. We will obtain copies of the Apprenticeship Programs for each of the trades and will advise our current employees of opportunities in these programs for them to upgrade themselves. This information will be conferred by the job superintendents on

their crew meetings (see 5(d)(1) above.) During the monthly Equal Employment Opportunity Policy meetings 4(a) above, the Equal Employment Opportunity Officer will personally request all foremen to be on the alert to identify lower classification employees who are capable and/or desirous of having their skills upgraded. Such personnel will be used whenever possible in areas that will job-train them for greater responsibility.

Company C will continue to support the Equal Employment Opportunity Programs of the Engineering & Grading Contractors Association. One such E.G.C.A. Sponsored Program is outlined on the E.G.C.A. Bulletin dated (Date), and inserted as Exhibit VII.

The E.G.C.A. currently is notifying all unions with a "Notice of Non-Discrimination in Employment," and is furnishing us with the lists of such unions for posting on our projects.

7. UNIONS

(a) The Equal Employment Opportunity Officer will hold personal meetings with the Business Agents for the trades we use as outlined in 5(d)(3) above. These meetings will be held a tthe start of each project of 6 months duration or more and no further apart than 12 month intervals during which Company C is hiring Building Trades Personnel.

One of the purposes of these meetings will be to increase minority group opportunities within the unions and to effect the referral of greater numbers of minority group employees by the unions. As noted in 6(a) above, Company C will endeavor to job-train current employees to fit them for promotion to Apprentice Programs of higher classification jobs.

8. SUBCONTRACTS

(a) Company C does agree to solicit the employment of qualified minority group subcontractors and subcontractors with minority group representation among their employees.

Company C will meet with the Engineering & Grading Contractors Association and will request the E.G.C.A. to advertise and compile lists of minority group subcontractors available. Company C will contact such subcontractors and will lend them assistance in every possible way.

8(b) Company C agrees not to award any subcontract equal to $500,000 or more until (1) the subcontractor has submitted a Prequalification Statement pursuant to these guidelines, (2) the Statement has been approved by the State Highway Department and concurred in by the Federal Highway Administration, and (3) the subcontractor's approved Prequalification Statement has been incorporated into the subcontract as a contractual obligation of the subcontractor.

Company C will immediately notify all of its usual subcontractors of the above requirement and will urge all of them to become prequalified at the earliest possible moment.

In addition, Company C will offer them every assistance to become prequalified.

8(c) Company C will accept the responsibility to assure the subcontractors compliance with the Equal Employment Opportunity provisions of the subcontract.

At present the Federal Requirements for Equal Employment Opportunity are included in all Company C subcontract agreements.

In addition, our Standard Subcontract Agreement has for several years included a clause regarding Equal Employment Opportunity as Section 16 of the agreement. (See Exhibit VIII at end of this report.)

In addition, no subcontracts are signed until after subcontractor has signed "Certification of Non-Segregated Facilities" and "Certification of Non-Discrimination in Employment." Copies of these two certificates together with a copy of the Federal Requirements are included at the end of this Prequalification Request and are labeled Exhibit IX. Exhibit X is a copy of a typical Company C subcontract agreement.

Company C uses the same procedure in connection with major material suppliers and a copy of such a material order is included at the end of this Request and is labeled Exhibit XI.

Starting immediately, Company C will require each subcontractor using lower tier subcontractors to submit copies of the above mentioned certificates signed by their lower tier subcontractors. In addition, all major subcontractors will be required to furnish the Equal Employment Opportunity Officer with the names and qualifications of their Equal Employment Opportunity personnel assigned to our projects.

9. PROGRAM MONITORING

(a) Company C will monitor its Equal Employment Opportunity Program and the Programs of its subcontractors.

The minutes of all meetings referred to herein as well as any other meetings that may arise will be reviewed by the Equal Employment Opportunity Officer. As subsequent meetings are held, the previous minutes will be reviewed.

The intent of this monitoring is to enable us to locate problem areas and to take affirmative action to correct them.

The Federal EEO–1 Standard Form 100 (revised) report form covering Company C Personnel and the personnel of all major subcontractors will be reviewed by the Equal Employment Opportunity Officer monthly. The State Highway Department will be invited to assist in connection with these monthly reviews.

10. RECORDS AND REPORTS

(a) Company C will keep records of the minutes of all meetings set forth herein. These records will include (1) the number of minority group members employed in each work classification during every period of contract performance, (2) to the extent permissible under State law, the name and address of each minority group applicant for employment who was not hired and the reason therefor, (3) the progress being made in cooperation with the unions to increase minority group employment opportunities, (4) the progress being made in locating, hiring, training, qualifying, and upgrading minority group employees, (5) the progress being made in securing the services of minority group subcontractors, and (6) the general progress being made by each subcontractor regularly used by the contractor, under such subcontractor's equal employment opportunity program.

These records will be available for 3 years following the completion of the project.

10(b) Company C will submit to the State Highway Department a monthly report for the first 3 months after construction begins and thereafter upon request for the duration of the project, indicating the total number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification required by the contract work.

COMPANY D—PREQUALIFICATION STATEMENT

1. In accordance with FHWA order, Interim 7–2, we submit herewith the Prequalification Statement of Company D, a Corporation qualified to transact business in the State of ———— with principal place of business located at (address).

2. EQUAL OPPORTUNITY POLICY

The Equal Opportunity Policy Statement of Company D as adopted by resolution of the Board of Directors in minutes dated is shown below:

Equal opportunity policy statement and affirmative action plan

The policy of Company D, is that equal employment opportunity will be afforded to all qualified persons without discrimination because of race, color, national origin, sex, creed, age or religion in hiring, promotion, transfer, treatment during employment, and termination of employees. Further, any such discriminatory practices and conditions, if existing, or if subsequently ascertained, will be promptly corrected.

Our company will comply fully with all applicable Federal, State and local laws and regulations pertaining to fair and equal employment opportunities and outlawing discriminatory practices.

The company's equal opportunity affirmative action program includes but is not limited to the following affirmative actions:

1. Our Equal Opportunity Officer is Mr. Doe (Title). He will be responsible for the company's affirmative action equal opportunity program including documentation of affirmative action accomplishments. XXXXXX

2. All advertisements for employees will contain the slogan, "An Equal Opportunity Employer." XXXXXX

3. All applicants, employees, subcontractors, vendors, suppliers, and recruitment sources will be notified in writing of the company's equal opportunity policy. Each nonexempt subcontractor, supplier, and vendor will be requested to advise the company in writing that they will comply with Executive Order 11246 and the Civil Rights Act of 1964 and will take affirmative actions to assure equal employment opportunity XXXXXX ployees and applicants. All nonexempt subcontracts and purchase orders will include an equal opportunity clause.

4. There will be no segregation of facilities or of employees on the company's premises or projects. All employee benefit programs will be administered without discrimination because of race, color, national origin, sex, creed, age or religion.

5. All required Equal Opportunity material will be conspicuously posted at job sites and in company's office where applicants and employees may have unrestricted access.

6. It is part of the company's policy to encourage increased employment opportunities and advancement opportunities for qualified minority group members and to encourage minority group employees to solicit or endeavor to seek employment with our firm when work is available or in similar construction work.

7. All supervisory and managerial personnel will be responsible for implementation of our Equal Opportunity Policy. They will periodically discuss the affirmative action requirements with the employees under their supervision.

3. EQUAL OPPORTUNITY OFFICER

(a) By action of the Board of Directors a meeting held (place) (date), Mr. Doe, was appointed Equal Opportunity Officer for the company and was given complete authority to perform his duties. Mr. Doe's selection was made because of his 27 years experience in the construction industry. Mr. Doe worked in the industry for 7 years as carpenter, 7 years as foreman, and for the past 13 years has been a partner and officer of the company which he formed and has been general manager and administrative officer. In order to be better informed of the problem and duties of the equal opportunity officer, Mr. Doe attended the State Contractors Association, Inc., one-day Seminar on (date) for training and educating equal opportunity officers of contractors.

(b) The duties of our company's equal opportunity officer include, among other things, the following:

(I) Reviewing the qualification and work record of personnel with a view toward ultimate advancement in position justified by experience or quality of work performance.

(II) Investigating circumstances under which particular employees are laid off or discharged with a particular view to ascertaining that such layoff or discharge is not

based upon discrimination because of race, color, national origin, sex, creed, or religion.

(III) Interview field personnel as to any complaints they may have because of alleged discrimination, lack of promotion opportunities or other personnel problems; and incident thereto, to regularly communicate with superintendents and foremen as to the work qualification and progress of the particular field personnel.

(IV) To prepare bulletins, to hold meetings with supervisory personnel and with employees regarding the carrying out of the company's stated equal opportunity policy and the encouragement of selecting and hiring and promoting personnel in minority groups.

(V) To review activities of subcontractors to insure compliance with Equal Opportunity policy and program.

(VI) To conduct or establish procedures for periodic review of wage rates, employee benefits and promotional capabilities for all employees on a nondiscriminatory basis, and to provide recommendations for adjustment, if any inequities are found.

4. COMPANY PERSONNEL STAFF

(a) The company's equal opportunity officer and all members of the company who are authorized to hire, supervise, promote and discharge employees, or to recommend such action, or who are substantially involved in such action, have been made fully cognizant of, and are committed to, our equal employment opportunity policy. Supervisory personnel were made aware of our equal employment opportunity policy by verbal discussion and by memorandum (date), to superintendents and foremen.

(b) The company's EEO officer was directed to, and has held and will continue, to hold regular meetings with personnel assisting him in his duties with regard to the carrying out of our equal employment opportunity policy, and with regard to investigating all discharges and all complaints. This has and will include reviewing with supervisory personnel the availability of recommendations for advancement with our organization.

The company's EEO officer will periodically talk with the men and their supervisors and foremen in the field in order to ascertain that our EEO policy is being carried out. He will visit each project at least once, or more often if required, for this purpose.

The company has established procedures to inform each new employee of our equal employment policy. This has and will be done by posting notices setting forth the nondiscrimination clause and the company's Equal Opportunity Policy Statement and Affirmative Action Plan in a conspicuous place in the company's home office and in each field office. Our company's application for employment has the slogan "An Equal Employment Opportunity Employer" printed thereon. In addition, we will furnish each employee with his first paycheck a memorandum which states our equal employment opportunity policy, the name of our EEO officer where he can be reached, and requests that he bring to the attention of the company's EEO officer any evidence of discrimination.

5. EMPLOYMENT

(a) We agree that, if requested to do so, we will submit to the Department of Highways a summary of our equal employment opportunity program during the past 12 months based upon the records we are required to maintain pursuant to Section 10a of the Prequalification Guideline.

(b) We agree to submit, if requested, a breakdown of our current work force showing the extent of minority group representation.

(c) All advertisements for employees will contain the notation "An Equal Opportunity Employer." All such advertisements will be inserted in newspapers having a large circulation among minority groups in the area from which the project work force would normally be derived. Such advertisements will include, but not be limited to, those newspapers listed by the Department of Highways. In addition, we will conduct our recruitment on a personal contact basis with referral sources of minority groups from, but not limited to, a listing furnished by the State Contractors Association, Inc., dated and as updated in the future. We will also on a personal contact basis, as well as by notices and bulletins, encourage our present employees to refer minority group applicants for employment when additional workers are needed.

(d) We will make the company's equal employment opportunity policy known to our employees, prospective employees and potential sources of employees. We will make known to our employees and prospective employees our intent to hire and promote qualified employees on a nondiscriminatory basis by stating so with memorandum attached to first paycheck, personal contact as stated in 5.b) above and by letter to employment agencies and college placement officers.

(e) Wages, working conditions and employee benefits have been, and will be determined and administered on a nondiscriminatory basis. Periodic review of wage rates, employee benefits and promotional capabilities have been, and will be conducted twice each year, or more often as required, specifically with regard to employees group life and medical insurance.

(f) There will be no discrimination with regard to upgrading, promotions, transfer, demotions, layoffs, and termination of employment. To assure that none of the above actions can occur in a manner which will result in discrimination against minority group employees, the company's EEO officer will participate in any such actions.

6. APPRENTICESHIP AND TRAINING

(a) We agree to make full use of training program, including preapprenticeship, apprenticeship, and to assist in locating and increasing the skills of minority group employees and applicants for employment. In this regard, we believe the interest of the minority group can best be served by encouraging our present minority group employees to solicit members of their group to come to us for assistance and referral to training programs available to them for construction work, and this we will do.

(b) We are an open-shop contractor with comparatively few permanent employees. Our on-the-job training program has, of necessity been confined to individual training and instruction of employees by fellow workers and foremen. In this manner, and on a nondiscriminatory basis, we have been successful in promoting laborers to carpenters and equipment operators and foremen. Included in this group were two minority group members. In addition to our individual training and instruction, we are willing to actively participate in education, safety and training programs sponsored by the State Contractors Association and its committees, and in the employment of graduates from such training programs or any other training programs.

7. UNIONS

(This section is not applicable to our company as we are an open-shop contractor).

8. SUBCONTRACTS

(a) We agree to establish procedures for seeking out, soliciting the employment of, and assisting in prequalification of, qualified minority group subcontractors and subcontractors with minority group representation among their employees. We have in the past subcontracted, and will encourage the submission of bids to us in the future, to a subcontractor whose labor force is predominantly minority group. We will also seek out other qualified minority group subcontractors through the assistance of the State Contractors Association and solicit their bids on the projects and offer to assist in their prequalification.

(b) We agree not to award any subcontract of $500,000 or more unless the subcontractor is prequalified. We will afford assistance to prospective subcontractors to become prequalified relative to the Equal Employment Opportunity Program. The subcontractor will be invited to adopt our company's Equal Employment Opportunity Program providing we are satisfied he is able and willing to meet its requirements.

(c) We agree to accept our responsibility to assure the subcontractors' compliance with equal employment opportunity requirements and will establish procedures for doing so. We will include in all subcontract provisions requiring the subcontractors to comply with applicable Equal Employment Opportunity requirements. These provisions will require those subcontractors that have approved prequalification statements to comply with them; allow us to investigate and review the subcontractors' operations and activities to insure such compliance; require subcontractors to keep records and reports as necessary for equal employment opportunity purposes; and make subcontractors liable to us for any delay or expense incurred by reason of any failure of the subcontractor to comply with equal employment opportunity requirements. Our project superintendents will be instructed to assume the responsibility to insure compliance by subcontractors on specific projects by inspections and reviews in the field.

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9. PROGRAM MONITORING

(a) We agree to monitor our equal opportunity employment program and that of our subcontractors, to assure compliance therewith and to effect changes therein, with State Highway Department and Federal Highway Administration approval, which will increase the possibilities of achieving practical results.

(b) We will undertake periodic, overall surveys of our program and that of our subcontractors. This will be done by means of a "compliance check list and audit" with space for remarks by the reviewer. As mentioned previously herein, our company is small, and therefore these reviews will be conducted by the company's EEO officer and/or a member of his staff who is fully informed of the company's equal opportunity program. If necessary, we will ask the assistance of the State Highway Department and/or the Federal Highway Administration in preparing the "compliance check list and audit" form and how to conduct our surveys.

10. RECORDS AND REPORTS

(a) We will keep adequate records to monitor and determine compliance with our company's equal opportunity program. Such records will be designed to indicate:

(I) The number of minority group members employed in each classification during every period of contract performance,

(II) The name and address of each applicant for employment who was not hired and the reason therefore,

(III) (Not applicable because our company is an open-shop contractor),

(IV) The progress being made in locating, hiring, training, qualifying, and upgrading minority group employees,

(V) The progress being made in securing minority group contractors, and

(VI) The general progress being made by each subcontractor regularly used by our company, under such subcontractor's equal opportunity program.

All such records will be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection of authorized representatives of the State Highway Department and the Federal Highway Administration.

We agree to submit to the State Highway Department a monthly report for the first three months after construction begins, and thereafter upon request, for the duration of

the project, indicating the total number of employees engaged in each work classification, and the number of minority group employees currently engaged in each work classification required by the contract work.

Signed and dated this (date).

Attest.

Name———

Secretary———

By (signed by President).

COMPANY E—AFFIRMATIVE ACTION PROGRAM

1. GENERAL

a. The following paragraphs are the requirements for Company E Affirmative Action Program submitted for the purpose of prequalification as required by FHWA Order Interim 7-2.

2. EQUAL OPPORTUNITY POLICY

a. It is the policy of Company E to take affirmative action in affording equal employment opportunity to all qualified persons without regard to race, creed, color, national origin, or age.

This includes, but is not limited to the following: hiring, placement, upgrading, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, selection for training including apprenticeship, layoff or termination.

It is further policy of this company to cooperate to the fullest extent with the applicable regulations of tl : Civil Rights Act of 1964, and Executive Order No. 11246. This policy pertains, so far as the responsibility of this Company is concerned, to any arrangement under which employees including apprentices and trainees, are selected or referred for work.

Listed below are the two company appointed Equal Opportunity Officers and their telephone numbers:

Mr. R. Roe, Office telephone Number.

Mr. H. Doe, Office telephone Number.

The above statement appears in the "Employees' Pamphlet" which has been given to all employees and to new employees at the time of hire.

3. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

a. Mr. R. Roe, Personnel Director, home office State, and Mr. H. Doe, Contract Administrator, field office, have been appointed Equal Employment Opportunity Officers. They are charged with the responsibility of securing compliance with the company's "Affirmative Action Plan for Equal Employment Opportunity" and reporting to top management as to progress of this plan. This appointment is made in stated plan and listed again in the "Employees' Pamphlet".

Mr. R. Roe is the appointed EEO Officer for the company to be assisted by Mr. H. Doe for the company's operations in the state. The EEO Officer will report to the President on the progress of the company's affirmative action plan and violations of the company's non-discrimination policy. He is charged with the responsibility of making recommendations to management for corrective action to noted deficiencies in the practical application of the affirmative action plan. The reports and recommendations will be either verbal or written as the situation may direct.

Mr. H. Doe will act in the same capacity reporting to the executive vice-president in charge of the company's operation in the state; and in addition, will keep the company's EEO Officer advised. In all other states in which the company is active, Mr. R. Roe is responsible for EEO activities. The president reserves the right to change the geographical areas of responsibility as the situation may direct.

4. COMPANY PERSONNEL STAFF

a. All supervisory personnel who are authorized to hire, supervise, promote, demote, transfer, fire or to recommend such action, or who are substantially involved in such actions, were fully informed and committed to the company's equal employment opportunity policy at the company's annual meeting held in State on (Date). This meeting was attended by all supervisory personnel who have this authority. This item is further emphasized in item 10 of the Company's "Affirmative Action Plan for Equal Employment Opportunity".

All supervisory personnel who have this authority have a copy of this plan as well as the company's non-discrimination statement found in the "Employees' Pamphlet". In addition a copy of the company's affirmative action plan is attached to the bulletin board at every construction site, regardless of whether the construction has federal monies.

All personnel on the company payroll of the week (Date), were furnished a copy of the "Employees' Pamphlet" with their pay check which was handed out on (Date). On (Date), all company officials, superintendents, and foremen, who have authority to hire new personnel, were furnished copies of the "Employees' Pamphlet" with the written instructions to give a copy of the pamphlet to all personnel employed on or after (Date).

On (Date), copies of "Affirmative Action Plan for Equal Employment Opportunity" were mailed to all major subcontractors, suppliers, and employment agencies requesting that they acknowledge receipt of the plan and understand that this plan is a policy of Company E, in all its business relationships both public and private.

The (Date) and (Date) issues of "The Right-of-Way" contained articles informing company personnel of the non-discrimination policy and affirmative action program.

Upon discovery and determination of actual violations of the non-discrimination policy, it will be reported directly to the president along with recommendations if required. The president will determine appropriate corrective and/or disciplinary action to be taken. In the event it is determined that corrective or disciplinary action is reduced to writing, copies will be maintained in the office of the EEO Officer.

5. EMPLOYMENT

a. Company E has not within the past 12 months performed any Federal-aid highway construction requiring an approved Prequalification Statement. However, on (Date), this company received a Contract Compliance Review by (Name), Representative of the Washington office of the Federal Highway Administration. A copy of this review is attached. Items 1 and 2 listed in paragraph two of this report have been initiated as stated in our letter to Region Three, Federal Highway Administration Office dated (Date).

During the months of June and July 1968 the personnel records of all employees were screened. Where the actual work being performed by an employee and the listed job description on personnel records justified the upgrading of the individual from unskilled to semi-skilled or semi-skilled to skilled, personnel records were so adjusted and pay scales changed if required. Close attention was paid to minority groups. During this same period two non-whites were promoted from skilled craftsmen to foremen. On (Date), the company met with Mr. Smith, State Road Builders Association, to finalize our enrollment in the "On-The-Job Training Program" being conducted in that state.

b. Requirement: The contractor must agree to submit, as a supplement to his Prequalification Statement, if requested, a breakdown of his current work force showing the extent of minority representation. (The term "current" shall mean the representative work force employed during any two-week continuous period during the 60 day period preceding the filing of a Prequalification Statement.) The request for this information will be made, if at all, prior to the approval of the contractor's Prequalification Statement, and will designate the geographic area relative to which the breakdown is desired. This breakdown must show (1) all classifications of employees on the contractor's work force, (2) the total number of employees in each classification, and (3) the number of minority group members currently employed in each classification.

Company E agrees to submit a breakdown of his current work force showing the extent of minority representation, if requested to do so. This breakdown will be submitted as requested above.

c. Company E will include the statement "An Equal Opportunity Employer" in all advertisements for employment. This is contained in item 5 of the company's "Affirmative Action Plan for Equal Employment Opportunity". Copies of such advertisements are on file at the home office.

d. Copies of the company's "Affirmative Action Plan for Equal Employment [redacted] tunity" have been sent and acknowledgments received from schools and employment agencies with which this company has [redacted]. Copies of the acknowledgments are on file in the home office. This company does not have a labor union contract.

Contact will be made with schools graduating individuals qualified to perform skills required by Company E in the geographical areas that the company has active work. As a minimum, this contact will be made to coincide as close to, but prior to, the graduation dates of the schools. Emphasis [redacted] placed on schools whose student bodies are of predominantly minority groups, and specializing in the skills that can be used by the company. When practical to do so, this contact will be made in person by the EEO Officer or an official of the company. In no event will this contact be made by a form letter or poster. When written contact is made, the letter will contain information as to the positions to be filled, requirements or related skills to fill these positions, and the physical location of these positions. Such letters requesting applications will be signed by an official of the company.

e. Company E makes use of private employee referrals, state Employment Security Commissions as sources likely to yield qualified minority group applicants. Supervisory personnel who have the authority to hire new personnel maintain contact with local "minority group leaders" as a further source likely to yield qualified applicants within the geographical area in which the construction is located. These instructions have been mentioned at the company's annual meeting on (Date), and again in the company's house organ.

During the visits of the company division chiefs to the construction sites for which they are responsible, as they have in the past, will stress the importance to their superintendents and foremen, who have authority to employ new personnel, of maintaining contact with local minority group leaders. Division chiefs normally visit the construction sites for which they are responsible at least on a weekly basis and sometimes more often.

At such times that Company E begins construction work in a new geographical area, it is the responsibility of the EEO Officer to establish initial contact with all local minority group leaders and any other such qualified source that can produce qualified applicants to fill the work force required in the new area. The EEO Officer will introduce the superintendents and foremen moving into the new geographical area to their source of available labor in the area with particular emphasis given to such sources that can supply qualified minority groups. It will be the responsibility of the superintendents and foremen to maintain this contact.

f. The company encourages its present employees to refer minority group applicants for employment during various "safety meetings" and in its house organ, "The Right-of-Way."

Company safety meetings are generally scheduled on a weekly basis. These meetings

conducted as a "tail gate" or "tool box" meeting by the superintendents and foremen. When practical, the meeting is conducted by the company safety officer when he is present. The company publication, "The Right-of-Way," is published monthly, generally distributed during the latter part of each month.

g. Payrolls on all Federal-aid contracts are submitted which show job classification and rate of pay which insures that wages are equal without regard to race, creed, color, or national origin. This is further stated in item 9 of the company's "Affirmative Action Plan for Equal Employment Opportunity." All applications for employee benefits submitted by employees meeting the requirements do not have any statement whereby the applicant's race, religion, or national origin can be determined, thereby preventing any possible discrimination.

As a minimum, the EEO Officer will review on a quarterly basis personnel records to insure that job classification and actual work performed are correct. At the same time, wage rates will be reviewed to insure that there is no discrimination of minority group employees as respect to wage rates paid them and other employees of the company.

h. Requirement: The contractor must assure against discrimination with regard to upgrading, promotions, transfer, demotions, layoffs, and terminations of employment.

This type of discrimination is expressly forbidden as stated in the company's Non-Discrimination Statement in the "Employee Pamphlet" and item 7 of the "Affirmative Action Plan for Equal Employment Opportunity."

The EEO Officer is charged with the responsibility of maintaining up-to-date data cards on each individual employee to show the following information: name, employee number, date of birth, race, sex, job description, skill level, and rate of pay. This information will be coded into the card so that the card will be processed by the electronic data processing machines. As stated in paragraph 5G, the EEO Officer will request a periodic report from the data processing department of this company. This report will be designed to show, by individual and groups, the present work force employed by the company.

6. APPRENTICESHIP AND TRAINING

a. Company E participates in the "On-the-Job" training program in (State) which is administered by the State Highway Builders Association and in the State Apprenticeship Council as evidence in making full use of various training programs.

It is the responsibility of the EEO officer to determine the formal "on-the-job training" or "apprenticeship program" which are being conducted in the states of which Company E has active work. He will make recommendations to the management of the company so that necessary action can be initiated in order that the company may participate in such training programs. In addition, it is the continuing responsibility of each superintendent and foreman to conduct an unofficial on-the-job training program for any of the employees which show an aptitude and desire for further advancement in their area of employment. This is to be done without discrimination by race, creed, color, sex, or age.

7. UNIONS

a. Company E does not rely in whole or in part upon unions as a source of their work force. The company is an "Open Shop" organization.

8. SUBCONTRACTS

a. Company E has sent and received acknowledgment for its "Affirmative Action Plan" to two hundred and twenty-four (224) of its major subcontractors, suppliers, and employment placement agencies. Copies of these acknowledgments are on file in the home office. This requirement is covered in item 3 of the affirmative action plan.

Where work is to be performed by subcontract, Company E will make every effort possible, as we have in the past, to locate qualified minority group subcontractors to perform such work. In order to locate deserving and qualified minority group subcontractors, the company will use its list of licensed contractors and subcontractors, personal contact with local subcontractors and the normal published sources of subcontractors.

The Accounting Department of this company will be made available to any such deserving subcontractors to assist them in preparing their financial statements in a form that would be acceptable for the purpose of bonding for subcontract work and/or arranging bank credit. In addition, the management of this company will recommend deserving and qualified minority group subcontractors to various equipment leasing agencies and financial institutions to assist them in the execution of subcontract work.

b. Company E agrees not to award any subcontract equal to or in excess of $500,000 until the subcontractor has submitted a Prequalification Statement pursuant to these guidelines, that the Statement has been approved by the State Highway Department and concurred in by the Federal Highway Administration and the subcontractors's approved Prequalification Statement has been incorporated into the subcontract as a contractual obligation of the subcontractor.

c. Company E agrees to accept its responsibility to assure the subcontractor's compliance with the equal employment opportunity provisions of the subcontract, including the subcontractor's Prequalification Statement.

It is the responsibility of the EEO Officer of this company to request that subcontractors, when contractually required to do so, furnish an "Affirmative Action Program" for review. He is also charged with the responsibility of informing the management of the compliance posture of the subcontractors and to make recommendations where corrective action should be taken if such is required. Personal visits by the EEO Officer to the home office of subcontractors will be used to the fullest extent practical. It is the further responsibility of the EEO officer to insure that contracts with subcontractors contain the necessary provisions as stated in Executive Order No. 11246 and the Federal Highway Act of 1968.

9. PROGRAM MONITORING

a. Company E does monitor its equal employment opportunity program as specified in appointment of Equal Employment Opportunity Officers in the "Affirmative Action Plan for Equal Employment Opportunity." Changes to the program will be effected to increase the possibilities of achieving practical results after such changes have been approved by the State Highway Department and the Federal Highway Administration.

During the first three months of a contract covered by the Federal Highway Act of 1968, the EEO Officer will assure that the equal opportunity program is completely set up as stated in the Affirmative Action Plan. This will be done by a personal visit to the construction site and the monitoring of contract records maintained. Periodic visits and review of contract records will be conducted as the situation may direct. Company E reserves the right to substitute a standard Affirmative Action Plan if such is approved at a later date.

10. RECORDS AND REPORTS

a. Company E will keep such records as are necessary to determine compliance with, and progress under, the company's affirmative action plan.

b. Company E agrees to furnish such reports as required by the State Highway Department on a monthly basis for the first three months after construction begins, and thereafter upon request for the duration of the project. This agreement is further stated in the company's "Affirmative Action Plan for Equal Employment Opportunity", item 2.

The undersigned hereby declares: that he is the Corporate Officer of Company E and that the attached Equal Employment Opportunity Prequalification Statesment and Affirmative Action Program is submitted for the purpose of becoming approved to bid on Federal-aid Highway contracts or subcontracts, as required by Federal Highway Administrative Order No. 7–2.

Firm Name: Company E.

Signature: President.

Date: ———.

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COMPANY F—PREQUALIFICATION STATEMENT

EQUAL OPPORTUNITY POLICY

a. Company F recognizes that all p XXXXXX are entitled to equal employment opportunity regardless of their sex, race, creed, color, or national origin. It is committed to a policy of affirmative action to insure equal employment opportunity in all phases of advertising, recruiting, employment, transfer, promotion, selection for training, rates of pay, layoff or termination. It further recognizes and accepts its responsibility to effect equal employment opportunity with respect to all aspects XXXXXX employment practices and to correct any and all discriminatory practices and conditions which presently exist as a condition to being permitted to bid on a Federal-aid construction project. It still further recognizes that a primary element in evaluating an equal opportunity program is the results that are accomplished thereunder in terms of providing increased employment opportunities for qualified minority group members and providing opportunities for minority group workers to become qualified both for employment and for advancement within its organization after employment and regardless of sex.

For a more detailed description, implementation, and accomplishment of these objectives, please see the following attachments made a part hereof:

Attachment No. 1–1 through 1–8, Plans for Progress, published 9 May 1962.

Attachment No. 2–1 through 2–4, Affirmative Action Commitment, published in 1962 as a supplement to Attachment No. 1.

Attachment No. 3–1 through 3–8, Affirmative Action Compliance Program, published in 1968 to meet new requirements.

Attachment No. 4–1, Published 28 October 1968 to supplement Attachment No. 3, especially with reference to feedback and control.

Company F has designated Mr. Doe as its Equal Employment Opportunity Officer. Mr. Doe is a member of the Board of Directors of the Corporation, also a member of its Operating Committee, and is a Senior Group Vice President. His jurisdiction includes supervision of the offices of Comptroller, Chief Accountant, Chief Internal Auditor, Director of Purchasing, Assistant Secretary and Assistant Treasurer, and General Manager of Personnel Services.

He has participated in administration and implementation of our Plans for Progress Affirmative Action Program since its inception in 1962, and has previously been, and is now in a top management supervisory capacity of Personnel Services, which have been and are now actively engaged in a continuing program of affirmative action.

His authority and responsibility are outlined in Attachment No. 3–1 through 3–8.

COMPANY PERSONNEL STAFF

Company F has heretofore made all its officers, division and department heads, and supervisory personnel (which includes those authorized to hire, supervise, transfer, pro-

mote, and discharge employees, or to recommend such action) cognizant of, and has directed them to continue to disseminate its policy at all employee levels, and, of course, will continue to do so. The company utilizes several procedures to accomplish indoctrination in all aspects of its EEO program:

1. Periodically, an Operating Committee memorandum is directed from top management to all officers, division and department heads, and supervisory personnel reminding them in detail of their continuing responsibilities.

2. With reasonable frequency the subject is brought up, discussed and suggestions made during the weekly staff meetings.

3. The General Manager of Personnel Services periodically confers with the division and department heads, after an analysis of their hiring practices and minority group representations, and makes suggestions for goals, timetables and improvement.

4. The Safety Department members, continuously in the field, bring the necessity of affirmative action to field supervisory personnel.

5. Quarterly IBM reports are made in the format of Form 100 on State levels, department levels and job levels, which are analyzed in order to confer with division and department heads.

6. A system of feedback and control has been implemented to monitor activity and results in the field.

Please see Attachments No. 3–7 and 3–8, also Attachments No. 4–1, also Attachments No. 5–1 and 5–2.

EMPLOYMENT

a. The company agrees that in the event, during any preceding twelve month period, it has performed a Federal aid highway construction contract pursuant to the requirements of a previously approved Prequalification Statement, it will, when requested, submit a summary of its EEO program during such period based upon the records it is required to maintain pursuant to Section 10a of a Prequalification Guideline applicable to this submission of its Prequalification Statement.

b. The company agrees to submit, as a supplement to its Prequalification Statement, if requested, breakdown of its current work force showing the extent of minority representation.

c. All of the company's advertisements for employees contain the notation, "An Equal Opportunity Employer." This includes "blind" ads. Please see Attachments No. 5–c–1 and 5–c–2 for examples in Texas, Arizona and Louisiana newspapers. The blind ad will be found in the upper left hand corner of Attachment No. 5–c–2 under the heading "Marine Diesel Mechanics."

The advertisements will be inserted in newspapers having a large circulation among minority groups in the area from which the project work force would normally be derived. For an illustration of a typical analysis of such a situation in order to achieve the largest circulation among minority groups please see Attachment No. 5–c–3.

Advertisements will also be placed in any publications not listed in the advertisement for bids, when necessary to reach other segments of the minority group population.

The company has an established practice of coordinating project employment requirements to insure utilization of every opportunity through its EEO program to employ minority group members. The Manager of Personnel Services continually monitors project needs and coordinates field and home office action. Accomplishment is achieved not only by use of advertisement, but also by recruiting trips to predominantly minority group schools, geographic areas, contact with placement services and by use of minority group employees as unofficial recruiters.

d. The company has heretofore made known, and will continue to make its Equal Employment Opportunity policy known to employees, prospective employees and potential sources of employees such as schools, employment agencies, and college placement officers. Please see Attachment No. 5–d–1 for notice to the Texas Employment Commission, Attachments No. 5–d–2 and 5–d–3 for notices to private employment agencies, Attachments No. 5–d–4 and 5–d–5 for notice to employees in the October 1965 issue of the "Scoreboard," the company magazine distributed to all employees.

More informal means are also utilized. Department heads make frequent checks with field supervisors, also safety representatives from the home office (under direction of the manager of Personnel Services) in their field meetings and make reference to the EEO policy. These field meetings include attendance by both field supervisors and employees.

The home office Personnel Department is in daily contact with employment agencies, usually by telephone contact. During these contacts the point is always raised that we are an EEO employer, and we frequently request that a substantial and proportionate number of minority group applicants be referred to us. These contacts include agencies handling substantial numbers of minority group applicants; some of the agencies are specialists in such minority group referrals.

e. The company conducts systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, such as schools, colleges and minority group organizations. Please see Attachments No. 5–e–1, 5–e–2, 5–e–3, 5–e–4 for recruiting dates in the fall 1968, and spring, 1969. The schools to be visited include some primarily minority group schools, others with substantial attendance by minority group students. The recruitment is achieved through personal contact on the campus by representatives from the company's Personnel Department.

In addition, personal conferences are held with minority group leaders and representatives. Several conferences have been held with University officials to suggest college courses which would enable students to enter or employ on a subprofessional basis, rather than as a trainee. We employed a professor in our Drafting Department for the summer of 1968 so he could give his students the knowledge of job conditions at our company.

We have participated in the (college) Summer Workshop, in the annual Job Fair, and in several othesr programs for placement and training disadvantaged youths. For example, our recruiter visited with Job Corps at (Location) on (Date) and hired six Negroes and one white.

Cooperation with Latin-American groups is indicated by Attachment No. 5–e–5, a copy of a letter from the LULAC National President.

f. The company encourages its present employees to refer minority group applicants for employment. For many years we have found this practice to be a sound and satisfactory method of recruitment. The present employee can explain in his own way the working conditions and other related matters. The loyal employee is our best salesman. Advantages of this practice even extend to car pool arrangements.

g. Wages, working conditions and employee benefits are determined and administered on a nondiscriminatory basis. Periodic reviews are conducted to discover and adjust any inequities. All employees are advised of their right to participate in any contractor-sponsored or authorized recreational activities.

h. The company has a practice of continuous analysis, monitoring and personal conferences with Department heads to give reasonable assurance against discrimination with regard to upgrading, promotions, transfers, demotions, layoffs, and terminations of employment. The Director of Personnel Services analyzes quarterly field labor reports, also quarterly IBM runs both on a departmental and job level. For many years one of the company's compliance officers (licensed to practice law) has participated in such analysis, made recommendations and given advance counsel and approval of such actions. This participation and advance clearance includes both group action (such as blanket raises) and individual employee approval forthcoming from the management level through the common laborer.

APPRENTICESHIP AND TRAINING

a. The company will make full use of training programs including preapprenticeship, apprenticeship, and on-the-job training, as appropriate, to assist in locating, qualifying and increasing the skills of minority group employees whose skills may be increased through company training at no cost to the employee. The company participates in various trade association on-the-job training programs, approved apprentice training programs and also continuing programs [redacted] refer to the penultimate paragraph in Attachment No. 3-7, wherein identification of a person shall be based not on what [redacted] do today, but whether he has the apparent potential.

For an illustration of a typical company program, please see attachment No. 6-a-1, 6-a-2. The September-October, 1968, issue of the "Brownbuilder," on page 6, in the lower picture shows five students of a company upgrading school for secretarial training. A majority of the five are minority group employees. [redacted]

UNIONS

The company considers this section as not applicable. The company has always been, and is now an open-shop organization. If this section should ever become applicable, the company would comply with any applicable requirements of this section.

SUBCONTRACTS

a. The company agrees to solicit the employment of qualified minority group subcontractors and subcontractors with minority group representation among their employees. Its subcontract administrative office is under the direction of an assistant manager of the company's Purchasing Department, and that office has had numerous conferences with regard to, and is quite knowledgeable as regards EEO requirements, both as to subcontractors and suppliers or vendors. The company will counsel and assist minority group subcontractors relative to methods and procedures to qualify as subcontractors on Federal-aid highway construction work and any related matters appropriate or incidental thereto.

b. The company agrees not to award any subcontract equal to or in excess of $500,000 until (1) the subcontractor has submitted a Prequalification Statement pursuant to the guidelines controlling this submission by the company, (2) the Statement has been approved by the State Highway Department and concurred in by the Federal Highway Administration, and (3) the subcontractor's approved Prequalification Statement has been incorporated into the subcontract as a contractual obligation of the subcontractor.

The company will afford every assistance to prospective subcontractors to become prequalified relative to the EEO Program. It will encourage adoption by subcontractors of the EEO Program of the company. It will take the initiative in processing a subcontractor's Prequalification with the State Highway Department.

c. The company agrees to accept its responsibility to assure the subcontractor's compliance with the EEO provisions of the subcontract, including the subcontractor's Prequalification Statement.

The company will include the subcontractor's work in the company's procedure of surveillance, analysis, monitoring, conferences and self-inspection, which responsibilities are already specifically assigned within the company organization. Periodic inspections and reunions will be made, compliance reports will be required from the subcontrac-

tor. Trained company EEO compliance representatives will analyze and verify the qualifications of subcontractors personnel assigned supervisory functions in connection with the subcontractor's EEO Program.

PROGRAM MONITORING

a. The company will monitor its EEO Program and that of its subcontractors to assure compliance therewith and to affect changes therein, with SHD and FHWA approval which will increase the possibilities of achieving practical results. The company will continue to engage in reasonably frequent overall surveys of its program and that of its subcontractors. Attachment No. 3–1 through 3–8, and Attachment No. 4–1, provide for standards in this connection, and procedures are established to accomplish this requirement. Wherever and whenever appropriate, representatives from local minority groups, contractor organizations, and other organizations, engaged in EEO will be included in review committees.

RECORDS AND REPORTS

a. The company will maintain such records as are necessary to determine compliance with, and progress under its EEO program. These records will indicate (1) the number of minority group members employed in each work classification during every period of contract performance, (2) to the extent permissible under State law, the name and address of each minority group applicant for employment who was not hired and the reason therefore, (3) the progress being made in cooperation with the unions, if any are involved, to increase minority group employment opportunities, (4) the progress being made in locating, hiring, training, qualifying, and upgrading minority group employees, (5) the progress being made in securing the services of minority group subcontractors and (6) the general progress being made by each subcontractor regularly used by the contractor, under such subcontractor's equal employment opportunity program. All such records will be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection of authorized representatives of the State Highway Department and the Federay Highway Administration.

b. The company agrees to submit to the State Highway Department a monthly report for the first three months after construction begins, and thereafter upon request, for the duration of the project, indicating the total number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification required by the contract work.

The undersigned hereby declares: that he is the (Owner, Partner, Corporate Officer). of (Firm Name) and that the attached Equal Employment Opportunity Prequalification Statement and Affirmative Action Program is submitted for the purpose of becoming approved to bid on Federal-aid Highway contracts or subcontracts, as required by Federal Highway Administrative Order No. 7–2.

Firm Name ——— Signature ——— ———.
Title ———.
Date———.

ABC–TV'S "COSMOPOLIS" OUTLINES THE URBAN CRISIS

Mr. MATHIAS. Mr. President, on January 13, the American Broadcasting Co. presented a very interesting hour-long documentary on the problems and potential of urban areas. Titled "Cosmopolis," this program surveyed many American cities, and ranged abroad to cover congestion in Tokyo, new towns in Europe, and other elements of the worldwide urban challenge.

The January 10, 1969, issue of Time magazine contained this comment on ABC's effort:

Cosmopolis is John Secondari's attempt to assay the urban crisis, and it is so successful that it manages to transform TV journalism into art. Editing shots of teeming Tokyo and sprawling Los Angeles so that they follow one another with a kind of rhythm, the producer-writer-narrator never lets his visiting experts stay on camera too long. Instead, Secondari uses the visual part of his program to show what the architects' voices are talking about. Thereafter, he juxtaposes imaginative plans for cities of the future with the rot now growing at the cities' hearts. The combination is disturbing, although Secondari has done his best to make it hopeful as well as ominous.

The insights and ideas presented in "Cosmopolis" deserve wide attention. I commend ABC–TV for this documentary effort, and ask unanimous consent that the script of the program be printed in the RECORD.

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

"COSMOPOLIS," JANUARY 13, 1969, ABC TELEVISION

GEORGE C. SCOTT. First there were the hills and the valleys, and the tribes, and then there were cities and communities, and it all began in Greece.

The idea of the city is a Greek creation. It was their answer to man's continuing search for a better life, a place for men to live together. To be built as beautifully as man could conceive, as solidly as rock could be fashioned so that it would last for eternity; not so large that it should dwarf man, yet not so small as to be insignificant in its surroundings. A place to symbolize man's achievement in nature.

And the Romans spread the concept until the whole of the ancient world was filled with cities, and the cities themselves grew in size and population as man learned the advantages of city living. Before the birth of Christ the city of Rome already was grappling with the problems we know so well: Traffic, overcrowding, noise, pollution. They were never solved. And the Roman Empire strangled in the decay and chaos of its glutted and increasingly inefficient cities.

Rome fell, but the concept of cities survived into the Renaissance. In fact, it became more important because only in cities were men safe. And still cities were built, and rebuilt, on the principles that the center of man's life should also be an inspiration for man's living.

A great deal of the wealth of the times went into the raising and adorning of cities, and what they built was both lovely and substantial, and intended to last and be enjoyed forever.

These were the ideas which we brought into our own new world—permanence, grace, space for the eye and the spirit, and convenience for all manner of people, the spirit of community.

And then, somehow, somewhere, we lost our way. [Music.]

SCOTT. Consider our modern city. It is not beautiful, neither is it convenient. The eye palls at the sight of so much sameness. One wonders what room for individuality there can be in such a mold of concrete uniformity. How can there be any sense of community in the face of so huge a sprawl? And this may account for some of the rootless feeling which affects most of urban mankind.

Urban man seems to live in a world out of proportion with his human frame. He competes for essential space with the products of his own ingenuity. He competes with his fellowman for room in this ever larger, ever insufficient urban area. Surfeited with humanity, he tends to withdraw, and loneliness, not solitude, is the price of our urban living.

Entire generations grow with scarcely the experience of a green tree naturally grown, or a cluster of wildflowers in a field. What dreams can we expect of eyes which have known only sooty concrete and steel?

Our cities suffer ever greater neglect, ever greater decay. These are less the products of economics than they are the results of the general surrender to bigness, to complexity, to selfishness, to lack of pride. Evermore, urban man feels himself a particle of a metropolis. But part of no community; alone against all the problems and nothingness a world beyond his ken has devised.

And yet it need not be so. Never before in the history of the world has man possessed so much wealth and power, been XXXXXX ter of so much technique and knowledge. It would truly be ironic if he could not bond all that experience and strength to the XXXXXX ice of the preservation of his chosen home. For man is today an urban animal, and the city is diseased, as architect I. M. Pei tells us.

PEI. I think our cities, by and large, are very sick. And you can't point to it and say where it is sick. It's sick everywhere.

So, if we do nothing about our cities they will first of all stop growing and go into a decay, a much, much worse decay than we have experienced to date, and then ev XXXXXX ally they will die.

SCOTT. This is a program about what cities will be like in the year 2000. It is largely an examination of possible solutions.

We call it "Cosmopolis." It is a Greek word meaning world city. It seems possible that as populations grow and cities spread, the world may become one great urban area.

It is a call for action. The time is already late. If we do nothing, the buildings we erect today might be our cities' Tombstones for tomorrow.

PART I

NARRATOR. The basic natural resource available to man is land, space. For growth, for expansion, for refreshment. There is a limited amount of land available in the world, ever smaller as men increase in numbers and cities spread.

We're living in the midst of history's greatest migration—away from the land and into the city. By the year 2000, rural inhabitants will be few. Most of the earth's mounting billions will be residents of some urban area. Already in some places we can see what that might mean.

Look at Tokyo. Twenty years ago, five million. Today, thirteen million. By the year 2000 it will hold forty million. Each day a tide of commuters floods the center of the city and fills it almost beyond endurance. The noise level of downtown Tokyo is up to the limit of human tolerance. So is the air pollution. Traffic deaths are almost five times as many as in any other city.

It is hard to see how Tokyo could hold more people. The population is already 84,000 per square mile. As tightly packed as the vegetables and the fish in the retail market.

And yet people continue to come, and they all need living space. Each month the Housing Authority holds a lottery for government-built apartments within the city—practically the only city apartments the middle-class can afford. The waiting time is more than two years.

The lottery prize is an apartment in a new building development. It is middle-income housing and, most important, it is within reasonable distance from downtown, say forty-five minutes. In Tokyo that is like being next door.

After a two-year wait, the Mizujiri family are lucky winners.

They are a professional family. Both husband and wife are college graduates. Mr. Mizujiri owns his own business. Mrs. Mizujiri is a teacher. In Toyko terms they are financially comfortable.

Their prize is this apartment. It is six-mat size, as the Japanese measure it. In our language it is one room 9 by 12. In this one room the family lives, cooks, sleeps, and counts itself fortunate. Of course, they would like more room. Some day soon their daughter will outgrow the sleeping shelf, but where is there more room to be had at a possible price?

The homes of Japan have always been compact; but today this is no longer a tradition. It is a necessity in a city where human pressure has outrun possible living space.

The city of Tokyo creates almost 7,000 tons of garbage a day. In a land where there is little space for people, there is no room for garbage.

So they dump it into the bay, methodically filling in the shallower portions, slowly stretching toward the reaches of that land-consuming animal, man. The project is known as Dream Island, and it will be the site of vast new housing developments. It will be desirable housing because it will be near the center of Tokyo. It will attract yet more people to the center city.

How ingenious: Yesterday's garbage to create the living space of tomorrow. How desperate.

Tokyo presents one disturbing aspect of the city of the future.

On our Pacific Coast, Los Angeles illustrates another face of the city of the year 2000. Again the basic problem is space, but in Los Angeles there is just too much of it. The metropolitan area spreads almost five-thousand square miles. It is the longest, largest building sprawl to be found anywhere in the world. Undeniably an urban area, doubtfully a city.

Greater Los Angeles is still growing at the rate of more than 500 per day, and as it grows it seeps out into the open country.

This is the pattern of our times. In our nation, every day we consume upward of four-thousand acres of open land for new building. That is equivalent to devouring the state of Rhode Island every six months.

If this continues where will the city dweller go to see anything but concrete and shingle, and how long will it take to get there?

What is happening in Los Angeles is also happening in almost all our metropolitan areas. It is the problem and anomaly of our times, that an urban people wants to live in private homes. Small homes devour space and, in the process, they create distance which man must travel. In cities, distance is the enemy of man and woman.

Life in Los Angeles moves on wheels, private wheels. The automobile is not a convenience; it is a necessity. The population density is so low, distances so great that public transportation systems are almost non-existent.

The city's ways have adapted to this existence on wheels. After all, Los Angeles has more cars than any city in the world—four million cars for three million adults.

Automobiles mean roads and highways; they mean garages and parking lots. Greater Los Angeles has almost 7,000 miles of roads and freeways, and they cover nearly a third of the city's downtown area. Another third is taken by the parking lots. Two thirds of downtown Los Angeles are given over to the automobile. And it is not enough.

It truly is the automobile life. [VO drive-in church]

PASTOR. This is the day which the Lord has made. Let us rejoice and be glad in it. A lot of tomorrow is happening today. And in this particular church we welcome all of you who are worshipping to find out how God is wonderfully working in this new venture for Him.

We are building for tomorrow. And this is the unique way in which God is doing it, and we want you to enter into it with us.

We ask that God will fill our lives with his spirit that we might live each day to to its best, discovering the new adequacy that He brings to every life that offers Him the opportunity.

NARRATOR. The city, the unplanned city in explosive growth, defies easy solutions. How can one reverse the course of uncontrolled development?

Moishe Safdie, town planner and architect.

SAFDIE. The one aspect that makes me optimistic about the prospects of the city is that things are getting so bad that change will have to take place. Up to now, things have been somehow manageable, but they are getting so bad, our transportation systems are just disintegrating. They cannot deal with the city. The availability of open space is just becoming non-existent.

Pollution and smog are just choking us, and so things are bad enough that it's become a first-rate political issue. And because it has become a thing that is in the public mind and the public conscious, I think we have reason to be optimistic that we will get the kinds of action and the kinds of program that will bring about very dramatic changes in the next few years.

NARRATOR. In Europe almost all nations have taken steps to limit and control the spread of their cities; the plans are similar.

London, for instance, it is the third largest city in the world—population twelve million.

To prevent the city's uncontrolled spread, the British government enacted legislation which created eight new towns as satellites of the city. London's expansion would take place there. The key to success was the cooperation of industry.

Here is Professor Peter Hall, London University.

HALL. If an industrialist in London apply to the government—and he must apply to the government if he wants to establish a new factory or to extend even his existing factory—then the government may well say to him, has said to hundreds and thousands of industrialists in London since the Second World War, "No, you have not got permission to build your factory or extend your factory here. We want you to relocate your factory in a new town twenty-five, thirty miles outside London."

The growth of the city instead of just being allowed to proceed outwards in the form of suburbs is stopped by means of a planned green belt which is a band of open country which is maintained as open country by the planners, prohibiting development on it.

Beyond the green belt the new towns are placed. This is the arrangement we have around London where there are eight new towns beyond the London Green Belt.

NARRATOR. This is the new town of Stevenage, 20 miles from London. It incorporates an older town which was already here, but the new one is a planned community. The British concept of new towns is closely tied to slum clearance. Many of the inhabitants of Stevenage are former slum dwellers. A shopping and community center is the town's social nucleus; it is built around a central square. Factories and services guarantee jobs. The key to the success of these new towns is government control of the relocation of industry—homes and jobs together.

Most houses are built by the British Government, although anyone may build his own home if he wishes. Each home has its own little plot of green, but there is common land all around in whose enjoyment all share. Walking paths are separated from traffic arteries, and here one has the impression that life is led on a human scale.

Like many residents, Mr. and Mrs. Lawrence came from the slums of London. This is what they have to say about their life in Stevenage.

Mr. LAWRENCE. One of the best things about Stevenage of course is that it's what I term to be an open town. Lots of green open space. The children can freely run about in safety. The whole town is a complete network of footways and cycle paths which are completely away from the main roads themselves. It's possible to walk from practically anywhere in this town into the industrial area without ever having to cross any of the main artery roads in Stevenage.

Whenever I get out of the train again at Stevenage after a visit to London I take a deep breath and say I'm glad I'm back.

Mrs. LAWRENCE. Well, I feel quite passionate about living towns, and the good way of life that it's created for people.

My roots have gone down so very firmly in this town that I really don't remember what it was like to live in London. And one has become involved in so many activities in which one takes part that I just don't remember ever being bored or depressed. Which I think is a great deal to be thankful for in this life.

The children of course are so much [redacted] free and, you know, happy and uninhibited than those sort of living in a large, over-[redacted] crowded town. And one particularly [redacted] that when you go back and visit.

I mean, here the town is comparatively safe and they know what it's like to see things growing wild, and they know what it's like to climb trees and observe birds and things living in a natural pond. You know, they really grow up knowing even though this is perhaps an urban area it's planned so carefully to preserve the trees and the open [redacted] way of life, and this is so terribly [redacted] I think, to the mental well-being of anybody. You know, to notice all the different color greens there are. And children do grow up observing this.

NARRATOR. All this did not happen by accident. The children of Stevenage enjoy the result of years of planning and decisive action.

They may not realize it, but without government planning on a broad regional scale they would now be living amid the cement caverns of the world's third largest city.

Regional planning has permitted Britain to build 24 new towns, all successful, all different. This is Cumbernauld, in Scotland, a satellite of Glasgow; one of the newest new towns. It is more urban than Stevenage. The concept of new towns is flexible.

There are new towns in Scandinavia, including—in Finland this one of Tapiola.

Already there are forty new towns and cities in various stages of existence all over Europe. Their appearance is different, but their basic concept is similar, built with access to open space, conceived to offer both homes and jobs, desirable and attractive place to live.

They are all the result of a continuing cooperation between government and industry, and of a form of comprehensive planning which in America never has been attempted. (Sof Peter Hall)

HALL: I think it's quite simple to see what's going to happen in the big metropolitan areas of the United States if there isn't any regional planning of the type we have practiced in Britain and in Europe these last twenty years.

What will happen is simply an extension on a much bigger scale of what's been happening already in North America the last twenty years. A great increasing sprawl of very low-density suburbs, separated by increasing distances from the places where people work, with no open space between one suburb and another. The result will be that people will spend increasing amounts of time and increasing amounts of money in getting to and from work each day.

I can't say what the people who are moving into the suburbs in the United States now really want or really would want if offered the choice. This is a difficult point. But I think they aren't being given the choice of a different style of life.

NARRATOR. Some Americans are being offered a choice. There are a dozen new towns being built and planned in the United States. All of them are private incentives. None of

them are government aided. None are the result of overall regional planning.

The oldest of these American new towns is Reston, Virginia, now four years old. It is twenty miles from Washington, D.C. Like its European counterpart, it is an effort to offer an alternative to the usual suburban subdivision. A complete community with work and homes in the same area.

It offers a variety of housing—apartments, town houses, detached homes. A gamut of recreational facilities. In fact, the project was so ambitious that its original concept had to be modified. Now they are building more moderately-priced homes.

Today Reston has 5,000 inhabitants and 22 industries. When it is completed it will hold some 75,000 people; but for those who live there, the town already is a success.

This is Mrs. Elizabeth Espino:

MRS. ESPINO. We're living in Reston because it gives our family a wonderful way of life. Houses all clustered together enable us to have large areas of natural woods, of green spaces that keep us all the time close to nature.

I think that beauty is around every corner in Reston, and I think that it's something when even you're not conscious of it, makes your life wonderful here.

Everyone just doesn't have their own individual backyard. There are large areas that are being preserved for wilderness appreciation.

The children have a wonderful freedom here. They can do the things that they would be doing elsewhere, but they can do them on their own. They can walk, without crossing any streets in total safety.

I could live here for the rest of my life. I really love it very, very much.

NARRATOR. Homes in Restor range from $22,000 to $60,000. It is exclusively a middle-income community, and for all its advantages it is not a solution to the slum conditions of any city.

Here's architect Philip Johnson:

JOHNSON. Reston is a perfectly beautiful little town center with the waters right as you go shopping within the little squares, enclosed to catch the sun. And you shop in a very dense shopping area.

The car has been conquered in Reston. The pedestrian has been given a chance. The water and the amenities that the St. Marks lovers, and the people who love to go to Venice and say how much prettier it is there, have a chance in Reston to have a similiarity.

Now, the reason that Reston is not more copied is an obvious one—money, you see. There's another new town, Columbia much bigger, but again there the architectural values have been kept as near the current American taste as possible.

NARRATOR. Columbia lies between Baltimore and Washington, D.C. It is little more than one-year old, and thriving. It is planned that eventually it will hold 100,000 people, and from the beginning it will be an integrated community. Seventeen industrial complexes soon will offer jobs to the citizens of Columbia. There are plans to build low-income housing with Federal funds.

The town is planned as a series of neighborhoods. Each neighborhood is built around a nucleus which holds shopping and facilities for community activities. Each neighborhood has its own swimming pool and child care centers for all the homes in its area. There will be at least 50 elementary and high schools. Columbia is definitely oriented towards the young family. But then, all new towns are planned to serve the needs of young children.

But Columbia, too, is basically a middle-income community. None of the new towns being developed in this country today are primarily intended to offer low-income housing.

As such they can only hope to be partially successful. A healthy new town must be an extension of the society out of which it grows. It must not only offer homes and jobs, but a variety of homes and a variety of jobs for a variety of people, and all ethnic groups.

It must be thoroughly planned architecturally, economically, socially. It must make prudent use of basic resources, such as land and water.

It must be adequately connected to the region's systems of transportation.

It is the European lesson that all this can be achieved, but only through regional planning on a broad scale, and through the constant cooperation of government, private industry, and other groups.

It is the European experience that it is government which must take the lead.

In this country we have until now attempted to do the job with private capital alone, and only in a few experimental communities. It will take hundreds, even thousands of new communities to accommodate the natural growth of our urban population.

It is time this essential work was begun.

PART II

If there are new towns and new cities in our future, their use will be to limit the sprawl of the city. But how to deal with the spreading rot at the city's core?

Increasingly the city is becoming the home of the poor and the black. The affluent are leaving it for the pleasanter, if less convenient, suburbs. Commerce is following the affluent in their flight.

The squalid disease spreads through the city's downtown.

Here is architect I. M. Pei:

PEI. There are certain parts of the city that are more seriously in trouble than others, and those are the parts that may have to require surgery. And other parts may not be as sick, so perhaps medication would do.

So the solution for the ills of the city depends on the seriousness of the malaise and I think if it's very serious we have to operate. If it's not so serious we can probably do it by less drastic means.

NARRATOR. The problem is how to determine what can be saved, and how.

In New York it was thought that this old neighborhood could be rehabilitated through a revolutionary technique. The buildings were hollowed, and then a new prefabricated interior was lowered into place.

Instant rehabilitation. The tenants were out of the building only forty-eight hours. What they returned to was the same, familiar neighborhood; but to modernized homes—fresh, new, convenient interiors.

It was an experiment, and it proved too expensive for wide use.

What has been most often done with slum areas is to level them to the ground and substitute new housing projects on the site. In the last thirty years we have spent $7 billion and built more than 700,000 dwelling units through federally-assisted public housing. This is a form of slum clearance which alters the look of the city, but does not truly change the circumstances which create the ghetto. The poor consort exclusively with the poor in their endless competition for living. It is a mutation in the form of misery.

Southwest Washington, D.C. represents another approach. Here were some of the worst slums in America. They were substituted with this model community, one of the happiest architectural experiments in the land. The area holds more than six thousand dwelling units of various size and architecture, designed for a wide range of pocketbooks. It is an integrated community. But, unfortunately, most of the space is beyond the economic reach of the slum's previous dwellers.

The ever-present problem of urban renewal is how can the dwellers of the old slums afford to live in the housing which is built to replace them?

Take Philadelphia. When, at long last, it was determined to do something about its unsightly center, the architectural and commercial needs of the city received priority.

Today downtown Philadelphia offers one of the most brilliant outlooks of any of our cities. It is lovely to look upon. It is functional; it is convenient for shopping, business and just plain urban living of a graceful sort.

All this has made the center of Philadelphia most desirable as a place for business, as a place to live. But with all the safeguards and prudence, this form of life is still beyond the means of the people who once lived here.

There is almost nothing we cannot do about our decaying cities. We can rehabilitate what must be rehabilitated; we can discard what is worthless; we can replace it with desirable, even lovely structures.

Two questions: How do we pay for it? And what do we do with the poor whom we [redacted] place?

Here is architect Moishe Safdie:

SAFDIE. The most immediate challen[redacted] architecture today I think is whether we are going to be able to use the tools of industrialized housing and industrialized construction to create a decent environment.

When it comes to considering construction itself, the process of building, the most dramatic thing about the present state of the industry is that it's totally archaic. We build today pretty well the same way that we built fifty years ago. Technology, the whole w[redacted] of technology as it has affected every other industry, has not affected the construction industry. It's basically a craft process. The application of mass production and assembly line techniques is non-existent. The whole relationship of design to construction, design construction and marketing, is stratified.

Where other industries are able to design and manufacture the product and market it within a single organizational structure, in construction we have this totally divided. Architects have nothing to do with industry, and industry has nothing to do with the contractor. And the only way that we are going to be able to build faster—which is one thing we have to do to deal with population growth itself—and build cheaper so we can improve the quality of housing that the average individual gets, is to apply technology through industrialization and mechanization to the construction industry.

NARRATOR. Already there have been examples of a dramatic potential for industrialization.

For instance, in San Antonio, Texas, this hotel was built in record time by using completely prefabricated elements called modules. Each module was assembled at the factory: Walls, ceiling, floor, carpeting, furniture, fixtures, wiring, plumbing. A complete living unit ready to be raised into place.

The building of this hotel took only nine months—one-half the usual time. This industrial experiment is a success.

Habitat 67, in Montreal, was built to show a type of housing for the future. It is another aspect of the use of the prefabricated modular construction system.

Here the modules are more complex in design, adaptable to various combinations for differently sized apartments. Terraces and garden areas can be designed into the components. The system is flexible. It can be used to build luxury apartments such as these, or for more modest housing. The basic principle is build the home in a factory using factory methods, and then erect it on the building site.

Habitat's designer, Moishe Safdie.

SAFDIE. One of the problems we must face is that on one hand we have to build greater densities and on the other the quality of life that the single-family house offers is something that we don't want to give up. We do want to have a garden, we do want to have greenery around our house. We want to have the privacy that permits us to head our family life without hearing our neigh-

bors. And our present forms of higher density housing just don't offer that.

The typical apartment is an unacceptable place for a family to live in. And where families have had choice they've chosen the single-family house in suburbia.

And so what we must do now is evolve new forms of construction of housing where even though we're dealing with a multi-story, higher-density development we still offer the family a garden; we still offer them a front door that leads to a pedestrian street and that leads to playgrounds, and children can go out and play with other children and they don't get involved in corridors and traffic, et cetera.

In Puerto Rico we have had the opportunity to design and start construction on a project which will work out many of the technical problems that we've faced in Habitat. There is a site which will accommodate 800 housing units. It's a hill in the center of San Juan. And the corporation who is putting it up will be building a complete factory to mass produce the houses which will serve not only Puerto Rico itself but serve all the Caribbean islands at close range.

And the housing modules will be produced in this factory and shipped to the site and eventually to other sites and grouped in a pattern similar to that of Habitat in Montreal.

A three-bedroom house with its garden and covered parking space and all the community services will cost $14,000 to build, and will sell with the land costs, et cetera, for $17,000. And with this particular financing program it will mean that each family will pay $95 a month. It's a cooperative so it's $95 a month for its mortgage and maintenance cost of the dwelling.

Low-income housing has never cost less to build than middle-income housing and what we must do is use industrialization and mass production, and assembly-line methods to reduce the cost of all housing. And to improve the quality of all housing. And if it contributes to one income group it's going to contribute to the other.

NARRATOR. But if economically-priced housing is within reach, the problem remains how to replace slums, with healthy, economically, socially and racially integrated communities.

Here is City Planner Clarence Funnye:

FUNNYE. The alternative, I believe, is planned, deliberate, directed program for the elimination of existing ghettoes. And for the construction within suburbs of balanced, economically and ethnically balanced new towns.

At the same time that we plan for new towns in the suburbs, plan to loosen up the central city housing market so as to provide room for development.

Now given the compact development we haven't got the room. So I suggest that we use in all of those cities where we have land being held just abandoned, laying fallow, by various governmental agencies, that this land be taken over and used immediately for in-city new towns. This provides your loosening up the flexibility that you do need to start tearing down and redeveloping your inner city housing areas.

NARRATOR. The federal government already has started just such a project in Washington, D.C., at Fort Lincoln, a 350 acre tract of undeveloped government land within the city limits. It eventually will house 25,000 people. Town planners refer to it as a new town in the city. This new community is being planned to accommodate families of all income levels. It will relieve housing pressure in other parts of the city which then can be rehabilitated.

It is an experiment, and very interesting. But it is facilitated by the fact that the land was all under government ownership. In cities perhaps the hardest job and one of the most expensive, is the piecing together of large parcels of land from many owners, each with varied demands.

It is for this reason that architects and planners are looking to areas other than land as probable building sites. This is architect Buckminster Fuller's project for a floating city. It could be sited wherever there is a waterfront. Each building complex would house an entire neighborhood of five thousand people in one megastructure; that is, one building which would hold housing, shopping, schools, services, utilities, all under one roof.

Separate megastructures would be connected by roadway bridges. The whole could be prefabricated, assembled in a shipyard and floated into place. It is one solution to the problem of how to create more living space near the center of a waterfront city without increasing its population density. Furthermore, architects claim, the cost of such a project would be reasonable, at least competitive with other building plans.

The Japanese, whose search for space is vital, have a plan for a series of floating islands, with a roadway network running along the top, and terraced homes descending to the water level. Each island would be a megastructure holding an entire community, and complete in itself.

Also, Japanese is the project for free-form megastructures built in a conventional city. This might be a solution for cities, large sections of which are blighted. The condemned areas could be leveled and these huge structures built to accommodate entire communities, together with schools, shops, services, all self-contained. The free-form is adaptable to any size or shape of land available.

But perhaps the most practical of these space-creating Japanese projects is Kenzo Tange's plan for building over Tokyo Bay. The buildings would follow an arterial highway, which would also be a bridge to the other side of the bay. The settlement would be clearly connected to the land; part of it would actually abut on the land.

The megastructures would be of a style in tune with the central city out of which the communities would grow; each would house thousands of the people who each year increase the population and density of Tokyo.

All of these projects are flexible. All of them are potential solutions—at least partial solutions—to some of the problems of some of our cities.

This is the model of a community project proposed for the mountains overlooking Santa Monica, California. The top of the mountain would house the community and shopping center, with storage space for cars. Housing would be built on terraces along the mountainside with footpath and elevators leading to every level.

By concentrating the housing into well-defined areas the maximum natural green and trees would be left in the immediate reach of all. It is an idea useable wherever there are hills, or a mountain.

But all of these are projects, plans, some lovelier than others.

The reality is still the sprawling, rotting city which threatens to engulf us all if we do not act. For we can act, if we want to, if we organize, as we must.

The alternative is too unpleasant even to consider.

EPILOGUE

NARRATOR. Many are the projects to control the spread of our cities, renew, revitalize and refurbish their centers; many more will be proposed. Man has been conscious of his urban crisis only a relatively short time. The means to correct it exist, the techniques are available, the money can be found. Then why have we not yet scored a greater success?

One of the great challenges we face in the renaissance of our cities is basic organization. Los Angeles is a collection of seventy-five independent communities.

New York counts more than fifteen hundred separate local governments within fifty miles of Times Square.

Our cities are no longer cities, they are regions spilling over county, even state lines, and there is no adequate regional planning.

[SOF Hall]

HALL. I think there is a very large problem which the United States faces as a society in trying to plan its major metropolitan areas. This is that there is no social acceptance of regional planning as we understand it in Europe.

In Europe, Western Europe, we have a great variety of governments, some of which are conventionally labeled left wing and some of them right wing. But all these governments are united in virtually every country in their acceptance of positive planning of metropolitan areas, of controls over metropolitan growth in a way which is [redacted] foreign to most Americans. This I think gives us much greater capacity to deal with our emerging urban problems than [redacted] can metropolitan areas have.

If Americans cannot see their way to accepting metropolitan area planning covering a wide area of growth around the major cities then I see a rather bleak future for urban America and for urban Americans.

NARRATOR. Chairman of the National Commission on Urban Problems, former Senator Paul Douglas.

DOUGLAS. By the year 2000 we will [redacted] ably have a total population of around three hundred million people, or a hundred million people more than we have now. Most of this growth will be in the suburbs. Some small portion of it will be in the central cities.

Our present units of local government are altogether too minute. For example, the suburbs of Chicago have over a thousand separate units of government and it's almost impossible to get any united plan from them when you have so many different small units to deal with.

I think we will have to have larger units of local government, not merely county units taking over many of the functions of the towns, but probably metropolitan areas which will operate as a unit under the states.

Chicago, for example, could have six or seven units, not a thousand. Or possibly one unit for the entire metropolitan area, if that could be achieved.

This is going to require the sweeping away of a lot of local barriers and the adoption of broader systems of government.

Now people differ as to whether they think this program is possible. Those who are pessimists by nature say that it's impossible, that the conflicts within society are so great as to prevent action of this type.

I suppose I am an optimist by nature. And it's my belief that this country which has come through many crises in the past which have threatened it, still has the ability to adapt, to move forward along democratic lines. But this is going to depend on the people of the United States. The issue is up to them and is in a sense up to you.

NARRATOR. During this hour we have shown you some of the proposed solutions to the problems of cities. We can control the spread of metropolitan areas. We can build new communities. We can renew our cities. We can build opportunity, eliminate squalor. The challenge is great but our means to overcome it are far greater than the challenge. What we need is the will, the determination to move, to act, to accomplish.

The city is the very expression of man. It was born out of his need. It has grown and spread in answer to his demand. Very little time, thought or effort has gone into the recent development of our cities. But the stifling creation which today threatens us could become man's greatest achievement. Indeed, it must!

MORRIS SCHAPIRO: A MAN WHO MADE THE AMERICAN DREAM COME TRUE

Mr. TYDINGS. Mr. President, Baltimoreans are often puzzled about it, but there is a good reason why the city of Baltimore is the home of the Boston Metals Co. That is because Morris Schapiro, who founded the company and is responsible for its phenomenal success, spent his first night as a resident of the United States in the city of Boston.

He had come here from Latvia in 1902. Like so many thousands of other Americans, he had left a country where people of his faith were being persecuted to come to the United States where it was said that an enterprising man of any faith could achieve success.

But the streets of Boston were not paved in gold for Morris Schapiro; his years there were neither happy nor rewarding.

In 1904, therefore, he came to Baltimore, which had just been devastated by fire. Out of the ruins and debris, he began a career in the metal industry by hauling scrap. Within a year, with two relatives and a combined capital fund of $200, Morris Schapiro had founded the Boston Metals Co.

Sixty-five years later that company is the biggest exporter of American-built diesel parts and the biggest firm in the world involved in the replacement of machinery. At the age of 85, its founder and now chairman of the board is one of Baltimore's most beloved figures and one of her most ardent boosters, as well as providing one of her most notable success stories.

I ask unanimous consent that an article published in the Baltimore Sun at the time of Mr. Schapiro's 85th birthday be printed in the RECORD.

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

HE GIVES GIFTS ON HIS BIRTHDAY

(By Helen Delich Bentley)

Morris Schapiro, Baltimore's ship scrapping and race track tycoon spent Friday distributing $100 bills to each employee of Boston Metals Company, a custom built up over the past decade in honor of his birthday.

Yesterday he was 85. But because his birthday fell on Saturday, he distributed the money on the last working day for the full staff.

However, he spent his birthday wandering around the shipbreaking yard in Fairfield just as he does every Saturday. Even now he goes up and down ship ladders, perhaps not as agilely as he did years ago, but he still does it.

During the week, Mr. Schapiro is on the job from 9 a.m. to 1 p.m. at his 313 East Baltimore street office where the walls are covered with photographs of ships which have helped him become one of the biggest men in the business and photos of his wife, two sons, two daughters, seven grandchildren and seven great-grandchildren.

CREDITS LUCK FOR RISE

Despite the fact that today he moves in the circles of the biggest shipowners in the world, D. K. Ludwig, with whom he started in business and who always writes him a letter on his birthday, and Aristotle Onassis to whom he sold the Canadian frigate which today has become the celebrated yacht Christina on the Mediterranean, Mr. Schapiro still offers a "thank God every night for my family."

The smiling, pink-cheeked octogenarian is still modest enough to credit his rise to the top in his field internationally to luck, but those who have known him over the years are well aware that "lots of hard work and good solid management" have added a great deal to his spectacular achievement.

Although ship breaking is still the main business of the Boston Metals Schapiros, the horse racing business has added considerable glamour and romance to their operation. The initial interest began about 1943 when Morris Schapiro bought Gulfstream with a partner and ended five years later when they fell out of tune.

In 1950, he upset Maryland racing circles when he purchased Laurel Race Track, because no one was certain what the outcome would be. Today they are simply envious of the tremendous success which is Laurel, and agree that it has been good for Maryland.

STRONG LOCAL ALLEGIANCE

Although the Schapiros have interests all over the United States and overseas, Morris's strongest allegiance is to Baltimore and Maryland. A few years ago when there was a possibility that Maryland Shipbuilding and Drydock Company might be taken over by the Fifth Avenue Coach crowd, for whom he had little respect, Morris Schapiro said he would put up $1 million and looked for someone with another $1 million to work with him to save the company.

The stock involved was sold to him and Thomas Nichols, the late head of Olin-Mathieson Chemical Corporation, because they were recognized for being "decent men who want to build up a company rather than to purge or liquidate it."

Throughout his life, Morris Schapiro has faced challenges and crises which would make lesser men quail. His Horatio Alger story goes back to 1902 when the imperial Russians were riding high and Czar Nicholas II had little time or sympathy for his Latvian subjects, particularly the Jewish ones.

"It was the old story of persecution," he relates. "I was 19, discouraged and couldn't speak a word of English. But I got steerage passage to America on the old Pennsylvania and landed in New York all alone."

Upon landing in New York, he took a train to Boston because that was as far as his money would carry him. He describes his stay there miserable years, during which he worked as a butcher boy, grocery clerk and "half heartedly for a wholesale grocer."

Finally he fled to a distant cousin in Georgia who set him up as an itinerant country peddler wtih a mule, a stock of soap and a wad of dry goods, plus an earful of good advice.

That lasted one day because "I couldn't see myself for the rest of my life pushing that stuff on countrymen."

With $12.75 in his pocket, he headed for the coast and was wandering around the Savannah (Ga.) waterfront where he saw a seaman with a sign reading "Passage to Baltimore, $12."

When he landed at Block street, he did not realize that the greatest disaster ever to hit the Maryland city would help launch him on his career.

The burned-down city of Baltimore, in February, 1904, was still paralyzed. He found an old cart amid the junk, saw all the metal, scouted out the city's junk yards and began hauling junk back and forth—earning the magnificent sum of two cents a trip.

By the end of 1904, he had $30 and the determination to set up a business. With two relatives who had arrived from Latvia, they pooled $200 and established the Boston Metals Company—named after the city where he spent his first night in the United States.

Today, Boston Metals is the biggest exporter of American-built diesel parts and is the biggest firm involved in the replacement of machinery in the world.

GUN CRIMES IN WASHINGTON

Mr. DOMINICK. Mr. President, gun crimes in Washington, D.C., continue to be a matter of increasing concern.

On Friday last, action was taken by a U.S. District Court which may well mark a turning point in the war on crime. Judge George L. Hart, Jr., using a provision of the 1967 District of Columbia crime law, imposed a sentence of 15 years to life, in addition to the penalty for the substantive crime, because the defendant carried a gun at the time.

The story was reported in an Evening Star article entitled "Comes Under 1967 Law: Robber Gets 15 Years to Life," written by Donald Hirzel, and published January 31, 1969, and in a Washington Post article entitled "Stiff New Penalty Imposed on Thief," written by Thomas Lippman, and published February 1, 1969. I ask unanimous consent that both articles be printed in the RECORD.

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

(See exhibit 1.)

Mr. DOMINICK. Mr. President, Senators will note that court officials were reported as stating most cases tried under this time involved offenses which occurred prior to enactment of the new law. I am delighted to learn this situation is now changing.

Unfortunately, one reporter is for the most part accurate when he states this has been a "little-noticed" provision of the law. Those in the communications media who have the means to bring it to the attention of the public have done little to do so.

Such is not the case with the Senate.

Four times during 1968 I spoke of this provision on the floor of the Senate: CONGRESSIONAL RECORD, volume 114, part 14, page 18506; CONGRESSIONAL RECORD, volume 114, part 15, page 19288; CONGRESSIONAL RECORD, volume 114, part 16, page 21180; CONGRESSIONAL RECORD, volume 114, part 21, page 27142.

It was on this last date that the Senate added almost identical language to the National Gun Control Act of 1968 by adopting my floor amendment. That provision was subsequently modified in conference with the House.

With eligible cases only now coming before the courts, it is obviously too early to judge the effectiveness of this added penalty.

Yet, the cry is prevalent that Congress should pass still another law—this time containing mandatory minimum fixed terms.

During the September debate I said I was not against mandatory minimum penalties, but that two Presidential Crime Commissions took a very dim view of that approach. I said I had reason to believe my amendment would result in a stronger sentencing structure than mandatory fixed minimums for several reasons. I also quoted from the conference report on the 1958 national act issued when Congress first began to enter the field of indeterminate sentencing. The conference report reads:

> Testimony submitted at the hearing on this legislation disclosed that terms served under indeterminate sentences average longer than do terms under the fixed system.

For those who advocate rigid fixed penalties and argue indeterminate sentencing is weak, let them consider the fact that the defendant in this case will serve "at least 15 years before becoming eligible for parole." The indeterminate formula permits this flexibility to deal with each case individually. The judge determined the nature of the attack warranted the heavier sentence.

As this law becomes operative, the Senate District Committee should keep close tabs on its impact. Change it, if necessary.

To be effective it must be utilized, and its availability must be made known to every potential gun criminal.

Judge Hart has begun use of the law we enacted.

Now a large measure of the responsibility rests with the news media, in its many reports of crimes, to circulate widely the notice that the gun crime criminal in the Nation's Capital runs the risk of imprisonment for life.

EXHIBIT 1

[From the Washington Evening Star, Jan. 31, 1969]

COMES UNDER 1967 LAW: ROBBER GETS 15 YEARS TO LIFE

(By Donald Hirzel)

A federal judge today tapped a section of the D.C. Crime Reduction Act of 1967 which permits life sentences for crimes of violence with use of weapons to impose a 15-year-to-life sentence on a man who robbed a liquor store of $622.

U.S. District Court Judge George L. Hart Jr. gave notice that "anyone else convicted by a jury before me on an armed robbery can expect similar treatment."

The law became effective on Dec. 27, 1967, and is believed to have been used only once before in the court.

The reason it has not, according to court officials, is that the court backlog is so great most crimes tried within the last year were committed prior to its enactment.

However, from now on most of the cases being processed will involve offenses which occurred following enactment.

The defendant before Hart today was James McCoy, 25, of the 1600 block of Kenyon St. NW, who had been found guilty of armed robbery, assault with a dangerous weapon and possession of a prohibited weapon—a sawed-off shotgun.

He received 15 years to life for the armed robbery, 40 months to 10 years for the assault and one year for the prohibited weapon. The two lesser charges will be served concurrently with the armed robbery sentence.

McCoy was charged with the $622 holdup of the Congressional Liquor Store, 406 First St. SE, last June 22, with another man.

McCoy was armed with the shotgun and his partner had a pistol. The store owner resisted the robbery and was hit with a whiskey bottle and the pistol butt as the two escaped.

Witnesses noted the tag number of the escape car and on July 11 McCoy was arrested and charged with the robbery.

He was released on bond and on Sept. 9 was arrested on charges of forgery and released on personal bond until his trial on the robbery charge.

McCoy denied any involvement in the holdup.

Defense attorney James Hughes filed an appeal and asked that McCoy be released pending the outcome.

Hart replied that "the nature of the attack indicates that he is a walking keg of dynamite on the street," and refused release.

[From the Washington Post, Feb. 1, 1969]

STIFF NEW PENALTY IMPOSED ON THIEF

(By Thomas W. Lippman)

A District Court judge invoked a little-noticed provision of the 1967 D.C. Crime Act yesterday to impose a prison term of 15 years to life on a convicted liquor store robber.

Judge George L. Hart, Jr. also "served notice," he said, that "anyone else convicted by a jury before me of armed robbery may expect a similar sentence."

The crime bill provided that a judge may impose life imprisonment for any crime of violence in which a dangerous weapon is used. Court officials said they could recall only one previous case in which such action had been taken.

Without the crime act, Judge Hart said, the longest sentence he could have given to James E. McCoy would have been 15 years.

McCoy, 25, of 1636 Kenyon st. nw., was convicted of the robbery of Congressional Liquors, 406 1st. se., last July. The jury also found that McCoy used a sawed-off shotgun to threaten the store's owner, Bernard Levine.

"At close range," Judge Hart said, "a sawed-off shotgun is the most dangerous weapon known to man."

Judge Hart also noted that McCoy had been charged with forgery while awaiting trial in the robbery case. The sentence he imposed yesterday, he said, will be consecutive to any sentence given to McCoy in any other case. McCoy will have to serve at least 15 years before becoming eligible for parole.

REFORM OF THE ELECTORAL VOTE

Mr. BYRD of Virginia. Mr. President, as one who favors reform in the electoral college system, I found much meat in an article by Tom Wicker, New York Times columnist, which was published in the Times of January 30.

Mr. Wicker's column was captioned "Case for Direct Vote."

I have been inclined to the proportional approach—namely proportional division of a State's electoral votes according to its popular votes, this to be done automatically and without the use of electors. I am a cosponsor with the Senator from North Carolina (Mr. ERVIN) on such legislation.

As an alternative, I look with favor on the proposal of the Senator from South Dakota (Mr. MUNDT) which would assign electoral votes according to the popular vote of each congressional district.

While I would prefer to reform the electoral system but keep its framework, I do not rule out the approach to which Mr. Wicker directs himself.

I ask unanimous consent that the text of Mr. Wicker's article be printed in the RECORD.

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

CONGRESS SPLIT: CASE FOR DIRECT VOTE

(By Tom Wicker)

After the fears aroused by the 1968 election, the time seemed as ripe as it would ever be for fundamental reform of the way in which we elect presidents. But the time is never really ripe for fundamental reform, and the election effort is in danger of bogging down, for two predictable reasons.

One is that while most members of Congress and officials are for doing something, not enough are agreed on what it ought to be. The Senate Subcommittee on Constitutional Amendments, for example, now lines up about as follows:

Senators Bayh of Indiana and Tydings of Maryland for direct popular election; Senators Ervin of North Carolina and Dodd of Connecticut for proportional division of a state's electoral votes according to its popular votes; Sen. Hruska of Nebraska for assigning an electoral vote to each congressional district; Senators Fong of Hawaii and Thurmond of South Carolina for either the proportional or the district plan; Senators Eastland of Mississippi and Dirksen of Illinois, fluid.

The other major problem is the ironic misconceptions many politicians hold, almost as articles of faith, about direct popular election—which happens to be the only reform plan that has great public support (79 per cent in the latest Harris Poll on the subject) and that would eliminate all, not just some, of the dangers of the electoral college system.

These misconceptions, nevertheless, have produced an opposition to the direct voting plan that rests largely on two directly contradictory propositions, neither of which is true—that direct popular voting would damage the interests of the small states or else that it would damage the interests of large states. (Neither small nor large states, of course, have any necessary similarity of interests, not even rural or urban; Texas and Michigan are large states with substantial rural interests; Rhode Island and Connecticut are small but urban states.)

The small-state argument holds no water at all. It is based on the fact that the automatic assignment of at least two electoral votes to every state gives greater proportional representation in the Electoral College to the voters of sparsely populated states. Alaska, for instance, gets one electoral vote for only 75,389 persons, while California gets one for 392,930 persons. This looks good on paper; but in politics Alaska's "advantage" is worth less than Wally Hickel's standing with the Sierra Club. California still casts 40 electoral votes to Alaska's three, and anyone who doesn't understand what that means need only count how many presidential candidates visited Nome or Fairbanks last year.

In fact, the 12 largest states, in the Electoral College could choose a president with 281 votes, no matter what the other 38 states did. And the power of Alaskans and other small-state residents in a presidential election would be substantially enhanced, not reduced, by direct popular voting. That is because, under the system in which a state popular vote winner takes all of that state's electoral votes, the ballots of those who supported the loser are completely negated; in popular voting, they would be counted equally with the votes of every other voter in every other state.

This does not mean, however, that the people of the big states would be damaged by popular voting—although it is true that the ability of those states to dominate the Electoral College (which they have in fact seldom done: witness 1968) would be reduced. These states would remain the major population centers, and presidential candidates would continue, in Barry Goldwater's phrase, to "hunt ducks where the ducks are." Does anyone imagine that New York and California would not remain the prime hunting grounds of presidential candidates? Or that candidates and presidents would not conduct themselves generally in such a manner as to appeal to urban voters?

While urban-based minority groups might lose some of their power over big blocs of electoral votes, is there any longer a justification for that advantage now that the one-man, one-vote rulings are putting an end to rural-dominated state legislatures? All minority-group votes would be counted, moreover, under the direct election plan; those of blacks who voted for Hubert Humphrey in Illinois, for example, were negated when

Richard Nixon took all that state's electoral votes in 1968.

Neither the small states nor the large states, in short, would suffer from direct voting. The people of one would only become as important as the people of the other—no more and no less.

THE VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT

Mr. HATFIELD. Mr. President, following the introduction on January 22 of the Voluntary Military Manpower Procurement Act of 1969 (S. 503) in behalf of myself and nine other Senators, there has been pro and con editorial comment upon the bill. In the belief that it would be helpful to other Senators to have a few representative editorials placed in the RECORD for their reference, I ask unanimous consent that the following editorials and letter be printed in the RECORD:

Editorial entitled "Ending the Draft," from the Washington Post of February 3, 1969;

Editorial entitled "Draft To End, but Not Soon," from the Oregon Journal of January 27, 1969;

Editorial entitled "How Not To Reform the Draft," from the New York Times of January 24, 1969;

My letter response, dated January 28, 1969, to the New York Times.

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

[From the Washington Post, Feb. 3, 1969]

ENDING THE DRAFT

It would be premature to assume that the draft is on the way out because President Nixon has ordered the Defense Department to prepare a "detailed plan" to replace it with a voluntary system. The White House is not thinking of an immediate shift to an all-volunteer army, but of such a transition after expenditures on the war in Vietnam have been substantially reduced. After the plan has been worked out at the Pentagon, it will have to be approved by the President and Congress, and funds to put it into operation will have to be found.

The length of the road to be traveled, however, does not minimize the importance of a good beginning. The drafting of young men for service in the war in Vietnam has been a source of widespread unrest in the country, and that unrest is not wholly related to pacifism or isolationism. In part it reflects the grave injustice that is inflicted on young men drafted to fight in Vietnam for a fraction of the pay received by other young men who stay home and pursue their civilian careers.

This inequity must be ended. In fixing the pay of civilian Government workers Congress has accepted the principle that it should be comparable to the salaries paid for similar work outside the public service. No such comparison can be made for soldiers and sailors, but that is a poor excuse for keeping their pay far below what they would earn in civilian life. If differentials are to be made, they should run in favor of the GIs who may be on duty 24 hours a day at the risk of their lives.

We hope, therefore, that the Defense Department will move with dispatch in devising a plan for the kind of orderly transition that the President and many members of Congress want. Meanwhile the problems of transition would be eased if Congress would raise the pay of soldiers in the ranks so as to encourage volunteers and fairly to reward those who remain in the service after their required tour of duty has expired.

It is interesting to note that Senator Hatfield and eight of his colleagues are already sponsoring a bill to boost the pay and privileges of enlisted men with the object of abolishing the draft. One of the attractive features of this measure is that it would provide special training for men who now seek military service but are barred by slight physical or educational deficiencies.

We surmise that there is a good deal of legislative steam behind this bill. It will serve to remind the Pentagon and the White House that Congress may move without waiting for their specific advice if the promised recommendations should be too long delayed.

[From the Oregon Journal, Jan. 27, 1969]

DRAFT TO END, BUT NOT SOON

Sen. Mark Hatfield's proposal to replace the draft with a volunteer army will be controversial only in some of its provisions, mainly the timetable for the switch.

The idea has the broadest possible support. The seven co-signers with Hatfield include conservative and military-minded Barry Goldwater, along with liberal Democrats and Oregon's freshman Sen. Robert Packwood.

In his campaign, President Nixon advocated an end to the draft—after the Vietnam war is settled. The principle is supported nationally by such diverse individuals as William Buckley, arch-conservative writer and commentator, and the leaders of student protest movements. The Department of Defense sees some advantages in a volunteer army.

Military conscription has never been popular in this country. Earlier periods of our history recorded far greater controversy and more violent protest over this issue than we have seen in recent years. Civil war draft riots took hundreds of lives. The extension of a temporary U.S. draft law while Britain was fighting for its life in the earlier stages of World War II was controversial. The late Sen. Robert Taft, a conservative, strongly opposed the extension of Selective Service not long before Japan bombed Pearl Harbor.

A replacement of the draft is desirable for many reasons, including the fact that conscription is not and cannot ever be fair and impartial, particularly when the number of men needed may be only a fraction of those available. It is a major source of discontent among young people at a time when our nation has enough other issues which divide our people. It is costly to train men who serve only short periods of time.

A volunteer army will be costly too. The men will have to be paid substantially more. There is no guarantee even then that the service will attract the kind of personnel the military desires. Our country has seen periods in the past when the defense posture was weakened by total reliance on volunteers. There is also legitimate concern about the wisdom of having an all-professional army—made clearer if, for the word "professional" one substitutes the less friendly term "mercenary."

This is not to say that the problems cannot be overcome. It does suggest that the transition will not be easy and cannot be swift. There is confidence, even in the Defense Department, that a workable volunteer system can be devised and that in the long run it will have advantages over the draft.

Congress is likely to agree with President Nixon that the draft cannot be ended until the Vietnam war is settled and surely will reject the rigid provision in the Hatfield bill which would discontinue conscription six months after the bill's enactment. Hatfield himself recognizes the need for a standby draft. Under his proposal, registration would continue, and the draft could be reinstated in an emergency with recommendation of the President and the concurrence of Congress.

The replacement of the draft with a volunteer system is almost certain to come. The only question is when. The length of the Vietnam war and the turn of events in other potential danger spots will have a great deal to do with the answer to that one.

[From the New York Times, Jan. 24, 1969]

HOW NOT TO REFORM THE DRAFT

Almost every analyst agrees that something basic should be done about the inequitable Selective Service System, a major cause of unrest among the nation's youth, who are its chief victims. The military manpower bill introduced by Mark O. Hatfield of Oregon and eight other Senators this week, unfortunately, is not the answer.

The Hatfield bill would not reform the draft, as a Presidential commission recommended two years ago. Rather it would abolish military conscription altogether, substituting an army of volunteers who would be attracted by higher pay and other incentives.

The trouble with the Hatfield approach is that it ignores evidence amassed in a number of studies that pay raises even higher than those proposed in the Senator's bill would fail to attract sufficient volunteers to meet the nation's military manpower needs while the Vietnam war goes on. Although the Senator has critized Pentagon estimates that an all-volunteer Army might add as much as $17 billion to the defense budget, he offers no precise figures on the cost of his program or on the size of the armed forces it might be expected to support.

There certainly is merit in the Hatfield proposal for "upgrading the conditions and status" of military service. But any warranted improvement in pay or other standards ought to apply to those who are compelled to serve their country involuntarily for a limited period as well as those who voluteer for careers in the armed forces. Until Vietnam needs drop substantially, it is an illusion to believe the draft can be abolished. The urgent—and long overdue—requirement is immediate Congressional action to revise the Selective Service Act along the sensible lines proposed by President Johnson's National Advisory Commission.

JANUARY 28, 1969.

To the EDITOR,
THE NEW YORK TIMES,
New York, N.Y.

GENTLEMEN: Your editorial of January 24 opposing the bill I and nine other Senators are sponsoring to return our nation to a volunteer military contains several errors in fact that should be corrected.

You stated that I offered "no precise figures of the cost" or size of the armed forces under a volunteer system. However, in my introduction of the bill on the Senate floor I did precisely state that the pay raise I propose would cost an additional $3.7 billion in salaries at current force levels of 3.5 million men. In addition, I made much more extensive cost projections in testimony before the Armed Services Committee in 1967. Also, I had placed in the *Congressional Record* for January 23, 1969, an article by economist Walter Oi relating to these costs. Professor Oi has made the most exhaustive and technical analysis of the economic feasibility of a volunteer military that have been made public and he has projected that it would cost $4 billion to recruit a volunteer army during peace time and about $9 billion during wartime.

Your editorial commented that my approach "ignores evidence amassed in a number of studies" that pay raises would fail to attract sufficient volunteers. Unfortunately, as far as I know this "evidence" consists almost exclusively of unsupported declarations by the Pentagon. We have only seen the *conclusions* of these so-called studies and not the working papers or raw statistics on which these judgments were based. These "conclusions" have been accepted as final authority although their validity has never been publically proved and, unfortunately, too rarely questioned. The one survey I have

seen of servicemen's attitudes that supports the Defense Department's assertion, asked only if pay raises would influence the decision to enlist or remain in the military. My bill does not rely on just a monetary incentive but would help make the armed services competitive with private enterprise in terms of compensation, fringe benefits, living conditions and status. I have never felt that raising salaries without improving the general conditions and status of military life would be sufficient.

Your editorial also implies that improved conditions and compensation would be given only to volunteers and not draftees. First, when my bill passes there will be no more young men drafted and second, there would be no discrimination made between volunteers and draftees in the service at the time of the bill's enactment. Everyone in each grade would receive the same treatment whether or not he initially enlisted or was drafted.

Finally, you recommend the adoption of the draft reforms proposed by the Marshall Commission. I cant really believe that the TIMES or any concerned and rational person would settle for such half measures in solving a problem when a full solution is both available and feasible. The problem, of course, is having many more draft eligible men than are actually needed by the military. Adopting the lottery system comes down to just substituting one arbitrary system of conscription for another. Relying on Lady Luck instead of local draft boards to fill military ranks does not eliminate the basic inequity of the draft; the injustice of forcing some men into two years of what amounts to involuntary servitude while granting the majority their liberty.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

THE 21ST ANNIVERSARY OF THE INDEPENDENCE OF CEYLON

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to the 21st anniversary of the independence of Ceylon and extend my congratulations to the people of that young nation.

At a time when the stability of new nations is a serious question mark in our world, the maturity that Ceylon has reached in 21 short years is heartening. This country has survived as a parliamentary democracy in a part of the world not known for such success.

Mass educational efforts have sharply increased the literacy rate, and the standard of living continues to grow.

Industrial development has increased, and the birth rate has declined, resulting in an annual growth rate for the economy of 7 percent.

Ceylon has not accomplished this stability and this growth without significant international assistance, and its Government is quick to acknowledge this help. But this has been truly international aid, and Ceylon has not been forced into unilateral dependence on one foreign power. This, Mr. President, is one of the most encouraging aspects of this nation's growth. Ceylon has demonstrated that the developed nations of the world, the United Nations, and the World Bank can work together on behalf of an undeveloped country—to a point where that country can achieve a significant level of self-sufficiency.

As we congratulate Ceylon today, and as we look forward to many more years of continued freedom, stability and growth for her people, I think we can also note with pride the means to her success. We can look with some hope to a time when her experience is the rule rather than the exception.

POSTAL REORGANIZATION

Mr. HANSEN. Mr. President, on January 22, I introduced, for myself and Senators BAKER, FANNIN, GOLDWATER, WILLIAMS of Delaware, and COOK, a bill (S. 492) to implement the recommendations of the President's Commission on Postal Reorganization.

I have long been concerned with the critical need for reorganization and greatly improved service within the Post Office Department. I believe S. 492 represents an opportunity for Congress to streamline and make more dependable a service on which nearly every citizen relies every day.

For several months, I have maintained in my office a file containing complaints from constituents about postal inefficiency, and documentation of many examples of serious breakdowns in the present postal system. This file continues to grow thicker. Since the introduction of S. 492, several more examples have come to my attention which demonstrate most graphically the urgent need for prompt enactment of this measure.

Dismayingly typical of the examples in this "poor service" file is a letter received this week from my State of Wyoming, noting that correspondence from my office to Wyoming, sent via air mail, had taken 5 days to reach its destination. Another letter from a Wyoming citizen notes that it took 31 days for an important document sent from the Department of the Interior to be finally delivered.

The need for vastly improved service and efficiency within a system on which the Nation's businesses, Government and citizens depend so heavily has reached the critical point.

A New York Times columnist recently appended to the familiar watchwords of the postal service—

> Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.

The further comment:

> Where snow, rain, heat and gloom of night have failed, bureaucracy may succeed; America's postal service is in desperate shape.

This, unfortunately, aptly sums up the sad state of our postal system. Its ills were thoroughly cataloged by the President's Commission on Postal Organization in its revealing report, "Toward Postal Excellence," issued in June of last year.

They run the gamut from outdated plant facilities, to poor management, to impossible working conditions, to unproductive labor-management relations, to unnecessary political interference in the workings of the Post Office Department.

Let me be a bit more specific about these problems which are plaguing the Nation's postal service.

Outdated plant facilities: A contractor for the Kappel Commission estimated that the productivity of some postal facilities could be increased by as much as 50 percent through systems-engineering techniques already in common use in private industry. Much of the work in post offices is done in the same manner as it was a hundred years ago, and labor-saving automated equipment is not used nearly to the extent it should be. The Commission reported noted:

> The Commission visited one major post office to which five new automatic machines had been delivered nine months previously. Only one machine had been installed, and it was not working properly. The other four were still in packing crates.

Poor management: Although the Kappel Commission was impressed with the caliber of the managers of the postal service, they realized that because they are not vested with the authority to run the postal system, they were powerless to correct its faults by themselves. The involvement of the postal service in the normal budgetary process and the congressional restraints this entails, the statutory constraints imposed on the service over the years, and the patronage method of selecting postal managers all contribute to the management crisis of the Post Office Department.

Impossible working conditions: Procedures for hiring, discipline, promotion, and grievances have remained relatively unchanged in the Post Office Department over the last few decades. It takes at least 13 weeks to hire an employee, and a recent Department survey showed that 67 percent of job applicants in 17 large metropolitan areas did not wait around to complete the process. About 85 percent of all postal employees are in the five lowest grades, and over 80 percent finish their careers at the same grade level at which they start them. Comments the Kappel Commission:

> The small number of higher positions in the personnel structure, the patronage and residency requirements for postmaster appointments, the practice of not transferring supervisors from one office to another and the extraordinary emphasis on seniority not only hamper management but seriously limit postal career opportunities.

Unproductive labor-management relations: The Post Office Department is the most highly unionized Federal Government agency. But postal unions differ sharply from those in the private sector. They represent workers who are by law forbidden to strike, and they exercise their primary influence not at the bargaining table but with the Congress. Executive Order 10988, promulgated in 1962, marked the beginning of formal labor-management relations in the Federal Government as a whole. It has been less than successful in the postal service, according to the Kappel Commission. Many of the problems stem from the exclusion from bargaining of most items normally bargainable between labor and management. In addition, union officials complain that management's national bargaining team fails to appreciate differing situations among local post offices, and management on its part alleges that grievance and dismissal procedures are unnecessarily complex and time consuming.

Unnecessary political interference: We all know that the political process openly determines the selection of postal officials at three levels: top management, postmasters, and rural carriers. When efficiency and effective service should be

the hallmarks of our postal system, what an anomaly it is to continue to interject partisan politics into the Post Office appointment process. The Kappel Commission's report summed this up very well:

> The mission of the Post Office is simpler and narrower than that of most other Federal activities. It is by far more important as an economic activity than as an instrument of public policy. For this reason, and even laying aside management considerations, we cannot help raise the question as citizens whether the Congressional and Executive energy devoted to the details of postal affairs represents the most productive use of the talents of our national political leadership.

S. 492 reflects the feeling of the Kappel Commission that a basic restructuring of the Post Office Department is essential if any real progress toward solution of its many problems is to be made. My proposal would establish a Postal Corporation, chartered by Congress, to run the postal service on a self-supporting basis. Full management responsibility and authority would be vested in a nine-man Board of Directors. Six of the Directors would be appointed by the President, and they in turn would choose a Chief Executive Officer for the Corporation who would also be the Chairman of the Board, and two other corporate officers. The Presidential appointees would serve on a part-time basis, while the other three Directors would be full-time managers of the Corporation.

The postal service is big business; 82.3 billion pieces of mail were handled in 1968, and it is expected that volume will increase to 110.1 billion pieces by 1975. Seventy-four percent of the mail originates in business establishments, while 20 percent comes from households and 6 percent from Government. Except for the tradition of the Post Office as a policy arm of the Government, there is no reason for it to remain a Cabinet-level department. The Kappel Commission speculated that the Post Office probably would have developed in the same manner as other utilities, as a private industry regulated to a certain extent by the Government, had it begun when the country had reached a more advanced stage of technological and economic development.

In his 1948 budget message, President Truman commented as follows on the purposes of the Government corporation:

> Experience indicates that the corporate form of organization is peculiarly adapted to the administration of governmental programs which are predominantly of a commercial character—those which are revenue producing are at least potentially self-sustaining, and involve a large number of business-type transactions with the public.
>
> In their business operations such programs require greater flexibility than the customary type of appropriation budget ordinarily permits. As a rule the usefulness of a corporation lies in its ability to deal with the public in the manner employed by private business for similar work.

This description fits the postal system perfectly.

A fundamental management objective of the Postal Corporation would be to get the Post Office on a sound financial footing through operating efficiencies and increased revenues. And this can be done through greater mechanization and modernization, and with the cooperation of top management officials and postal employees.

Under my proposed legislation, postal rates would be set by the Board of Directors of the Postal Corporation subject to veto by the Congress. Changes in rates or classes of postal users would be the responsibility of an officer of the Corporation known as the Rate Manager. A panel of three expert Rate Commissioners, independent of operating management and responsible only to the Board of Directors, would hold hearings on the proposed changes and render an initial decision on their merits. The board of Directors would then accept or modify the Rate Commissioners' recommendations and issue a formal rate change notice, to take effect within 60 days unless disapproved by concurrent resolution of the Congress. This is a procedure somewhat similar to that used to disapprove Presidential reorganization plans under the Reorganization Act of 1949. It would protect the public against abuse of rate-setting authority while freeing Congress of involvement in technical rate details.

No political tests or qualifications would be permitted when hiring officials and employees for the proposed Postal Corporation. Collective bargaining would determine the conditions of employment of nonmanagerial and nonprofessional employees, and disputes that cannot be settled otherwise would be referred to the President for final and binding settlement. Nonprofessional and nonmanagerial employees of the Post Office Department would be transferred to a new career service within the Corporation, without losing their accrued Civil Service benefits.

The net result of these basic changes in the structure of our postal system would be, in time, a self-sustaining postal service which offers much more efficient and greatly improved service to the public. And this, after all, is what the Post Office Department should be organized to do. I disagree with those who say that removing the Department from the Cabinet will "downgrade" it. In whose eyes? If a postal corporation initiates the needed improvements in operations; if it makes a conscious effort to find out what the public wants from its postal service and endeavors to meet their needs; if it improves working conditions for postal employees; and if it is able, through operating efficiencies, to relieve the current drain on the Treasury caused by the continuing deficit in postal operations, the postal system can only be upgraded in the eyes of the millions of private citizens and businesses who must depend on it.

There is no question in my own mind that we must act, and act quickly, if the postal service is to win the "race with catastrophe" that former Postmaster General Larry O'Brien described so graphically. Our new Postmaster General is a highly respected businessman, and I suspect that he, too, will recognize the need for change.

I am convinced that the creation of a wholly owned Government corporation is the best solution to our postal problems, and that, by bringing accepted business techniques to bear, it will mean improved postal service for all of us.

"DECISION TIME FOR TACTICAL AIR POWER"—ARTICLE IN FORTUNE MAGAZINE

Mr. THURMOND. Mr. President, an article in the December 1968 issue of Fortune magazine affirms what I and many other have been saying about the alarming decline of our military power. Many experts and article after article in our press the past year have expressed serious doubts about our system of developing and producing weapons.

Mr. President, our lack of tactical airpower for air superiority is one pr[redacted] that has suffered from the so-called cost effectiveness. Instead, billions have been wasted with little retu[redacted] the dollar for security. This country has not produced a new tactical aircraft in the last 8 years except the F–111 which is still subject to proof of promised capability. To quote from the December issue of Fortune magazine:

> The F–111 had been developed for common use by the Air Force and the Navy, and it stands, in fact, as the only truly sign[redacted] innovation in military air technology that was attempted by the Kennedy and Johnson Administrations in their eight years of power.

Mr. President, I am sure it is not necessary for me to review the tragic history of the F–111. Senators are well aware of the billions of dollars wasted in trying to design a tactical airplane that would serve the design characteristics of both the Navy and the Air Force. Nevertheless, the F–111 program cannot be ignored in the critical decisions that lie ahead.

Decisions must be reached without delay to prevent the Soviets from overtaking the United States in another critical weapons area. The Soviets flew seven new models of aircraft last year. They have added twice as many types of operational aircraft to their inventory than has the United States over the past 10 years. This includes the Soviet Foxbat which is the present holder of the world's speed record.

Last October, the Senate Preparedness Investigation Subcommittee Report on the U.S. Tactical Air Power Program made 11 recommendations to help overcome the tragic errors of the F–111 program. Our first recommendation was that "the United States initiate and pursue with vigor the development of a new air superiority weapons system."

Mr. President, some of the costly lessons learned in the F–111 program and the serious state of our tactical airpower today are brought to our attention in an article entitled "Decision Time for Tactical Air Power," written by Mr. Charles J. V. Murphy, and published in the December 1968 issue of Fortune magazine.

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:

DECISION TIME FOR TACTICAL AIR POWER

The tactical air power of the U.S. stands today in a critically depleted state. In contradistinction to strategic air power or missile power, which reaches over long distances to strike at the enemy's sources of strength

at home, tactical air power consists primarily of air forces that support troops engaged directly with the enemy. By choice, American air action in Vietnam has been overwhelmingly of a tactical character. In the course of three and a half years of heavy use there, our tactical air forces have been gradually worn down. The program for the F–111, the 1,600-mile-an-hour swing-wing fighter-bomber that was confidently expected to give American fighting forces capacity for rapid and summary intervention in the most distant limited-war situations, has foundered, and the hope that the F–111 would serve the needs of both Navy and Air Force has been abandoned.

Meanwhile, air technologies have advanced. The experience in Vietnam, where the battle got turned around at the cost of over $70 billion, has stimulated new tactical concepts. The Air Force and Navy have laid before the Secretary of Defense and the military committees of Congress ambitious and costly plans for advanced machines that they wish to be able to deploy not later than the mid-1970's, in time (presumably) to replace their run-down aircraft inventories and to offset the known and untiring improvement in the Soviet tactical air forces. Those plans constitute one of the most serious pieces of business awaiting the new President and the Ninety-first Congress in January.

In the country of the Wright brothers, making the technical case for or against military investments of this sort—the programs, if authorized, will run into billions—should be by now a fairly familiar proposition. The U.S. has been, after all, the world's foremost air power for a full quarter of a century. It alone of the great powers has exercised military air power in all of its variety across all the seas and continents. But the puzzling fact is that our government has not been managing its air power very well lately. It is having trouble with the planes it builds. In Vietnam, it turned unsure about how widely and how heavily air power should be employed. Now, with the conflict in Asia still unfinished, the government stands confused over the kind and amount of air power that it should be preparing for the 1970's and beyond. Finally, of course, a surging demand for social programs of unprecedented size in a nation turning more and more in upon itself could well drown out the military's plea for further immense capital investments in tactical air power, especially in the aftermath of the collapsing F–111 program.

A good deal of the current confusion arises, naturally enough, from the difficulty of determining where the next military challenge will come from. Who the next enemy is, how the fighting starts, and the kind and quantity of weapons the enemy employs must necessarily have profound bearing on the effectiveness of whatever air power the U.S. has in being.

This is an uncomfortable interval for Americans of the victory-through-air-power generation, who looked to the airplane to provide the nation—a high-technology society with an abhorrence of using ground troops—with a swift, sure, rational technical advantage in war. On the public evidence, the machine itself appears to have been less than decisive in the limited-war situation presented in Vietnam. In the context of the Vietnam experience, the effectiveness of air power remains unproved.

In the midst of this experience in disillusionment, the strange breakdown of the huge F–111 fighter-bomber program has thrown a cloud over the Air Force's competence even to take a difficult design into satisfactory production. The F–111 had been developed for common use by the Air Force and the Navy, and it stands, in fact, as the only truly significant innovation in military air technology that was attempted by the Kennedy and Johnson Administrations in their eight years in power. Now, as a result of the utter failure of the Navy version to satisfy the stern requirements for sustained carrier operations, the Navy has ended up empty-handed. The Air Force, as things are shaping up, is likely to buy far fewer of the land-based versions than was anticipated. The planes that it is receiving are costing, moreover, at least twice as much as was first gingerly forecast; and their versatility, in consequence of a combination of design compromises and technical miscarriages, is a good deal less than was hoped for when the design was settled upon six years ago.

Plainly, the government is having quite as much trouble in trying to fit the airplane into a dependable strategy as it is experiencing elsewhere in fitting the airplane as a commercial vehicle into an overcrowded environment. Either we Americans have misused or misunderstood the Wright brothers' legacy, or their invention is turning out to be less valuable than it was cracked up to be. The hearings in the new Congress on the military appropriation bills currently in preparation for the fiscal 1970 budget would be an appropriate place to start finding out. But before the Navy and the Air Force can hope to engender broad popular support for their proposed programs, their planners will have to come forward with convincing answers to at least three highly pertinent questions:

What has gone wrong with the F–111 program, and why was the trouble so long in being discovered?

What has there been in the prolonged and generally unavailing Vietnam war experience to justify pouring more billions of capital into high-performance aircraft for limited wars?

What is there on the horizon to justify the case for inventing and building planes of a different character than those that have proved to be of only limited usefulness in a limited-war test?

The answers to the first two questions, on the basis of the evidence slowly coming into view, are likely to be rather different from those that crystallized at the height of the fierce controversies surrounding these two altogether separate issues. Here the answers are of particular and perhaps even vital importance, for the obvious reason that the future of U.S. tactical aviation, and with it a very considerable fraction of the more advanced aeronautical technologies, will be shaped by fiscal 1970 appropriations. As regards the third question, the evidence takes on an added dimension because the U.S. remains the only large producer and user of advanced and versatile air power in the non-Communist world.

EMPTY SKIES AFTER THE F–111

According to an old saw, between wars the generals usually prepare to fight the last war all over again. But the F–111 is a stupefying example of what can happen when the civilians ignore or overrule the generals. The plane was to have become Robert McNamara's masterpiece in the civilian management of military programs. When he awarded the contract to General Dynamics in November, 1962, the job was expected to evolve into one of the biggest single programs in the history of military procurement—perhaps as many as 1,700 planes to cost about $7 billion, including research and development. In money, at least, the undertaking has turned out to be every bit as big as expected. In May, at the start of the special inquiry into the F–111 program by the House Appropriations subcommittee on defense, Chairman Mahon of Texas, a temperate man, noted mournfully that Congress had already appropriated $5.2 billion and, with the end nowhere in sight, was being asked for $2.6 billion more in the fiscal 1969 budget.

The F-111 was also to have supplied a stunning demonstration of the usefulness of the cost-effectiveness technique—another aspect of the McNamara "revolution"—in choosing wisely among contending weapon systems. When McNamara took charge at the Pentagon, the Air Force and the Navy were both in the market for a new type of tactical aircraft, each intended for a quite different mission. The Air Force wanted a supersonic fighter-bomber, or penetrator, that could sweep undetected through enemy radar and missile defenses and put bombs, including tactical-size nuclear weapons, on supply depots, troop concentrations, marshaling yards, bridges, and the like, scattered about in the enemy's rearward logistical system. Because the machine was intended chiefly to support a ground battle in Western Europe and the controlling military requirement was for swift deployment from the U.S., the design emphasized long-range and prolonged endurance combined with blinding "dash" speed and deadeye navigational accuracy regardless of weather. The Navy, by contrast, was interested primarily in a fleet-defense plane—one that would maintain a high-watch at some distance for hours at a time and have the capability, with radar-guided computer-directed missile systems of its own of shooting down at a range of fifty miles or so attacking bombers and even missiles aimed at the fleet.

It was McNamara's inspiration to insist that these two different missions could be taken over by a single plane designed to execute both. He predicted that the savings achieved by such "commonality"—a word he popularized would approach $1 billion. Another change rung in by him was to shift the main emphasis in the Air Force version from essentially a nuclear delivery system to one that would primarily deliver conventional "iron" bombs in the function of interdiction. This change became a kind of landmark in the emerging Kennedy-McNamara strategical concept for moving the U.S. air strike forces from a nuclear footing to one adapted primarily for a flexible or graduated response to a conventional military challenge.

THE PLANE DRAWS FIRE

Grand concepts, though, often run aground on hard realities. An early sign of disillusionment with the F–111 came when the British Government, under great budgetary pressures, canceled outright its order for fifty F–111's. Now the Australians, who ordered twenty-four, are having heated parliamentary discussions and long second thoughts about their wisdom in rushing into the program. And the U.S. Navy's version, designated the M–111B, was shot down in the last session of Congress. In the face of the Navy's wrathful catalogue of the plane's shortcomings for carrier operations, the Senate and House decided to appropriate no more funds for the seagoing fraction of the program, which was itself expected to number upwards of 240 planes. The Air Force order, calculated in 1966 to aggregate 1,100 planes, is likely to be reduced greatly.

Part of McNamara's commonality plan included provision for a somewhat bigger, heavier model to be assigned to the Strategic Air Command for use against that command's near-in targets. This version, called the FB–111, was scheduled for a production run of 210 planes. In early October, however, a shock went through the Pentagon secretariat when McNamara's own cost-effectiveness expert, Dr. Alain C. Enthoven, Assistant Secretary of Defense for Systems Analysis, urged that the bomber fraction of the program be abandoned. Enthoven said that the plane would cost too much for the limited bombing job it could perform. With the smell of burning bridges now rising on the Capitol air, Senator Stuart Symington, a Missouri Democrat, who is well grounded in military aviation, all but called for terminating forthwith what remains of even the Air Force part of the program.

The initial production contract in the F-111 program, firmed up finally in May, 1967, called for 493 planes at a total cost of about $1.82 billion. By the end of October this year a total of 135 planes had come off General Dynamic's assembly line at Fort Worth.

These included twenty-four R. and D. or prototype versions, of which six were in the now-defunct Navy program. Eleven have been lost in accidents. While a considerable increment in the Air Force order is tentatively included in the fiscal 1970 budget, the soaring costs and the damaged reputation of the machine have made the incumbent Administration reluctant to grasp that nettle. The rate of output, which was scheduled to rise next year to twenty-eight planes a month, has in the meantime actually leveled off at about fourteen.

In the final McNamara projections, the Air Force was to have absorbed about 1,100 planes, on one model or another, between now and the mid-1970's. Now by the most optimistic estimates the Air Force will be lucky to get as many as 800 or 900. As matters stand the Air Force feels that it has been hornswoggled, short-changed, and made the butt of bad politics and bad management.

Not so much as a principle, but in grossly mistaken application, commonality has clearly failed. Yet, for all that, the F-111 has been made to look a lot worse than it really is. The Navy never wanted the plane; the Air Force was unhappy over having to share the design with the Navy and in the hauling and pulling the simple revelation that the plane is altogether unequaled in the world for one important function, the mission of interdiction, has unfortunately been forgotten. The F-111 has a radius of action (out and back, with a reserve for combat) of about 800 nautical miles, a top chase or getaway speed of mach 2.5 (about 1,600 miles per hour) at 30,000 feet, and a dash attack speed of about mach 1.2 (or about 900 miles per hour) at near treetop level for quite some minutes. On a strike foray, it can lift eight and a half tons of bombs. It is equipped with an automatic terrain-following radar, tied into an automatic computer-directed inertial navigation system. That allows the pilot to chart and hold hands-off a military profile course that hugs the contours of the invisible earth at a steady 500-foot altitude for hundreds of miles. He can do that through the foulest weather, at night as by day, and not be off target by more than a mile for every hour of flying—which is to say not more than one mile of error in every 800 miles or so.

Two of the eleven planes lost in accidents during the past two years disappeared without a trace while on combat missions in Southeast Asia. Because of these accidents, and the cracking of a structural steel plate during a static test at the General Dynamics factory, F-111's have been grounded briefly on at least four different occasions and even now are operating under certain flight restrictions. No fundamental design or structural failure caused these losses, so far as the investigations by the Air Force and General Dynamics could determine. Air Force pilots rate the plane an honest flying machine—solid, competent, easy to handle. During the few weeks it was tentatively in action in Southeast Asia, the accuracy of the automatic navigational and bombing systems in bad weather, against cave redoubts and jungle depots invisible through monsoon rain and forest canopy, astonished the pilots. In such a mission, the F-111A is superior to any fighter-bomber in the world. And some of its features are being copied: the Russians at the last Moscow air show displayed two prototype fighters using the swing-wing principle, and D assault's latest French fighter-bomber, the Mirage G, has also gone to the swing wing. But neither has the advanced avionics of the American.

A SECOND-RATE AIR FORCE?

The trouble is that as an interdiction bomber, charged with delivering iron bombs against flitting light infantry, the F-111A costs too much—more than $6 million, apart from the continuing R. and D. charges. The Navy's last estimate for the F-111B model, before the program was canceled, stood at $13 million, about four times the original and admittedly tentative projection. Part of the general rise is attributable to an inflationary increase in factory costs and engineering and research costs, which have risen at an average rate of 8 percent annually, twice as much as was allowed for. Further, the authorizations for the R. and D. work, first tentatively fixed at about $700 million, now stand at $1.5 billion, of which $1 billion has already been spent. Tooling costs per plane will also be higher because production runs will be much shorter than originally planned. So the F-111A unit cost could well rise by $2 million and even $3 million more.

THE BLACK HORSE TROOP

Mr. BAYH. Mr. President, this is the first opportunity I have had to call the attention of the Senate to the fact that January 20 marked the sixth appearance of Culver Military Academy's Black Horse Troop in a Presidential inaugural parade.

This college preparatory school in Indiana has gained international prominence with its Black Horse Troop, the largest equestrian unit in the country.

For President Nixon's inauguration, Col. Floyd W. Townsley and his horsemanship staff organized a unique display of State and territorial flags and presented "The United States on Review."

These flags are gifts of alumni and friends of Culver Military Academy which will be displayed for years to come as visible symbols of the esteem in which Culver is held.

I congratulate the members of the Black Horse Troop on their outstanding performance in this and in earlier inaugural parades.

EXTENSION OF VOTING RIGHTS ACT OF 1965

Mr. FONG. Mr. President, I am happy to join the distinguished Senator from Maryland (Mr. MATHIAS) in sponsoring the bill—S. 818—to extend the provisions of the Voting Rights Act of 1965 for an additional 5 years.

Unless this bill is adopted, the effect of section 4(a) of the law—79 Stat. 438, 42 U.S.C. 1973b(a)—is that the law will expire on August 6, 1970.

MOST FUNDAMENTAL OF ALL RIGHTS

The right to vote, the right to choose our own leaders, is the most fundamental of all rights in our free, democratic system of government. It is a right which Thomas Jefferson described as the "ark of our safety."

It is a right which indisputably must be extended to every American citizen. The 15th amendment of the Constitution provides that—

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It directs that—

> Congress shall have the power to enforce this Article by appropriate legislation.

A century after this amendment was adopted, many of our fellow citizens were still being unconstitutionally disenfranchised because of their race and color.

Prior to the adoption of the Voting Rights Act in 1965, the Congress passed "appropriate legislation" six times to eradicate this deep and very unjust flaw in American democracy.

PRIOR LAWS INEFFECTIVE

In 1948, Congress passed three laws making it a felony to deprive a citizen, or to conspire to deprive him, of any constitutional right, or to intimidate him for the purpose of interfering with his right to vote. These laws were very ineffective, because of the virtual impossibility of securing convictions from southern juries and because they did not provide a way to register Negroes.

In 1957, during the Eisenhower administration, Congress passed a civil statute empowering the Attorney General to initiate suits for injunctions against discrimination in voting and intimida[redacted] tion. This law also was very ineffe[redacted] because of the long periods of delay involved in judicial litigation. [redacted]

Suit had to be brought to get registration records, which were often destroyed. Again, there was the problem of getting Negroes registered, even after a suit proving discrimination had been won.

In 1960, the Eisenhower administration proposed, and Congress passed, a law allowing the Attorney General, a[redacted] winning a suit under the 1957 act, to ask the court in another proceeding to find a "pattern or practice" of voting discrimination in the area involved in the suit.

If the court so found, any Negro in the area who complained that he had not been allowed to vote could ask the court to issue an order declaring him qualified. The court could appoint a referee to take evidence and make a finding. Then either the court or the referee could issue a certificate declaring the Negro qualified.

The process of assembling proof to convince some judges of a pattern or practice was extremely difficult and time consuming.

Further, there was still the untouched problem of discriminatory use of application forms and literacy, or interpretation, tests by registrars.

To deal with this problem, Congress in the historic Civil Rights Act of 1964 prohibited registrars from applying different standards to Negroes on application forms and interpretation tests. Registrars also were prohibited from disqualifying applicants for inconsequential errors or omissions—such as crossing a "t" or making an error in giving their age in years, months, and days.

None of these enactments have been effective.

Litigation on a case-by-case, county-by-county basis simply did not work. Even when there was a favorable judgment, some State and local authorities unfairly applied voting qualifications and standards of eligibility to many of our Negro citizens.

In addition, some State legislatures were quite inventive and ingenious in devising new voter requirements—even after decisions had been won striking down old ones as discriminatory.

VOTING RIGHTS ACT OF 1965

Mr. President, for all these reasons, the Congress in 1965 enacted the Voting Rights Act—a good, strong law, which gave the Federal Government the

requisite power to intervene in States, localities, and counties where voting rights had been manifestly denied Americans.

The law was designed to deal with the principal means State and local governments had used to frustrate the effective implementation of the 15th amendment.

At the core of the act which has been the key to its effectiveness is its automatic trigger. These provisions suspend the use of literacy tests and other devices in any jurisdiction in which less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percent of such persons voted in the 1964 presidential election.

Such tests and devices were to be suspended unless it could be shown in a declaratory judgment proceeding that, during the preceeding 5 years they had not been used to deny or abridge the right to vote on the grounds of race or color. No such declaratory judgment could issue, however, with respect to any plaintiff for 5 years after the final judgment of any Federal court had been entered—other than the denial of a declaratory judgment—determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the plaintiff's jurisdiction.

These are the provisions which will render the law ineffective as of August 6, 1970, unless the instant bill is enacted.

It gives me a great deal of satisfaction to say that I gave the Voting Rights Act my strongest support when it was considered in the Senate. Indeed, it was my privilege to have participated in the drafting and the molding of the law, both in committee and on the floor; and the Senate, by an overwhelming vote of 56 to 25, adopted an amendment which I proposed to require the assignment of Federal poll watchers in areas where Federal registrars had been appointed—the only amendment the Senate adopted to the measure.

My satisfaction in having supported the act stems from the fact that all the evidence indicates that it has been effective and that it does work.

In each of nine Southern States, comparative statistics clearly reveal that the number of Negroes registered to vote, as a percentage of the total eligible, has risen by approximately 50 percent, when compared with figures prior to the adoption of the act, as follows:

VOTING STATISTICS IN 9 STATES

State	Percentage of voters registered				Percentage of total voting population, nonwhite
	Prior to act		Present		
	White	Nonwhite	White	Nonwhite	
Alabama	69.2	19.3	82.5	56.7	26
Georgia	62.6	27.4	84.7	56.1	25
Louisiana	80.5	31.6	87.9	59.3	29
Mississippi	69.9	6.7	92.4	59.4	36
North Carolina	96.8	46.8	78.7	55.3	22
South Carolina	75.7	37.3	65.5	50.8	29
Arkansas	65.5	40.4	75.2	67.5	19
Florida	74.8	51.2	83.8	62.1	15
Virginia	61.1	38.3	67.0	58.4	19
Tennessee	72.9	69.5	80.6	71.7	15

Sources: Civil Rights Commission; Bureau of the Census; Southern Regional Council, Inc.

Mr. President, these figures show that we have made tremendous progress in effectuating the mandate of the 15th amendment since we enacted the Voting Rights Act in 1965.

But these figures show, just as clearly, that much remains to be done. Many thousands of our citizens have not yet been enfranchised. More time is required to accomplish our goal.

FIVE YEARS NOT ENOUGH TIME

When we passed the law in 1965 it was our belief that 5 years would be enough time in which to enfranchise all qualified citizens, who would then elect representatives of their own choosing to speak for them in the various State legislatures. However, another very critical statistic—the number of Negroes who have been elected to the legislatures of the nine States I listed above—indicates that we have not yet accomplished what we set out to do. The number of Negroes new serving in these State legislatures are as follows:

	Senate	House
Alabama	0	0
Georgia	2	12
Louisiana	0	0
Mississippi	0	0
North Carolina	0	1
South Carolina	0	0
Arkansas	0	0
Florida	0	1
Tennessee	2	6
Virginia	0	0

Source: Voter Education News dated November 11, 1968; figures inclusive of the November 1968 elections.

INGENIOUS ARSENAL OF BARRIERS

Resistance to progress in enfranchisement of qualified Americans has been far more subtle and far more effective than we had thought possible. An amazingly ingenious arsenal of barriers to circumvent the basic right to vote has been created and perfected.

Legislative districts have been racially gerrymandered.

The terms of office of incumbent white officers have been extended.

Elections have been switched to an "at large" basis.

Counties have been consolidated.

Full-slate voting has been instituted.

Elective offices have been abolished where Negroes had a chance to win.

The appointment process has been substituted for the elective process.

Negro poll watchers have been excluded and interfered with.

There has been a refusal to provide or allow adequate assistance for illiterate Negro voters.

Election officials have withheld necessary information for voting or running for office.

Bonding companies have been reluctant to bond Negroes who had managed to win an election.

There has been discriminatory purging or failure to purge voter lists.

There has been discrimination in the selection of election officials.

There has been disqualification of Negro ballots on technical grounds.

There has been harassment of Negro voters, poll watchers, and campaign workers.

There has been a host of physical and economic intimidations.

POLL WATCHERS

One concrete example of the way in which Negro voting rights have been frustrated took place in the 1966 State elections in Alabama. Shortly after election was held, reports reached me that Alabama primary Federal poll watchers were not permitted in some counties to observe how local election officials instructed or assisted poorly educated Negroes in marking their ballots.

As a result of these reports, I wrote a letter to the Attorney General, pointing out these infractions and expressed hope that he would specifically and publicly instruct poll watchers in the primary runoff elections that they were authorized to observe all phases of the voting procedure.

In my letter I pointed out that from a study of both the statute and legislative history Congress intended to allow poll watchers to observe every phase of the voting process; the poll watcher provision was an integral part of the work of the examiner to carry out the intent of the law; namely, to permit the assignment of poll watchers to deal with any and all methods of discrimination or evasion of the law—including misleading advice or instructions at the polls; therefore, poll watchers were entitled to enter any polling place "for the purpose of observing whether the persons who are entitled to vote are being permitted to vote"—to quote the law—and I added that the word "vote" is specifically designed by the act to include "all action necessary to make a vote effective."

Mr. President, these and many, many more ruses and techniques have been used to frustrate and slow the march of political equality.

TIDE OF FREEDOM

The Nation has already waited far too long for effective legislation guaranteeing, once and for all, the right of the franchise to all Americans, to have a proven and strong law washed off our statute books before it has had an adequate opportunity to achieve full enfranchisement of all qualified Americans.

To deny the many millions of American citizens who have not yet been enfranchised the blessings of liberty is to commit grave injustice, and deny the noble ideals of equality, justice, and human dignity on which our country was founded.

The Civil Rights Commission, in a report dated May 1968, has strongly recommended an extension of the Voting Rights Act of 1965.

The Constitution of the United States commands it.

The outraged conscience of our Nation demands it.

The harsh judgment of history again awaits our action.

In the end, I believe that Congress will extend the provisions of this law, for the tide of freedom will not be stayed.

RETIREMENT OF FRANK M. KARSTEN FROM MIGRATORY BIRD CONSERVATION COMMISSION

Mr. METCALF. Mr. President, I wish to pay tribute to Hon. Frank M. Karsten, with whom it has been my privilege to serve on the Migratory Bird Conservation Commission. Mr. Karsten has retired from Congress and consequently relinquishes his place on the Commission. We are reluctant to lose his wise counsel but we remember that he has showed us the way and are grateful.

Congress formed the Migratory Bird Conservation Commission in 1929. Its seven members include the Secretaries of the Interior, Transportation and Agriculture, two Senators, and two Representatives. The Commission passes on recommendations by its Chairman, the Secretary of the Interior, for additions to the migratory bird refuges. The cost of the additions is paid by the sale of duck stamps to hunters.

Mr. Karsten was the dean of the Commission, having served longer than any other man. During his 22 years of service, dating back to 1947, purchases totaling 740,000 acres of land have been approved for addition to the national wildlife refuge system. This included lands for the establishment of 59 new refuges and another 58,500 acres were approved for leasing. At the end of 1968, the land for refuges to help preserve our migratory bird population totaled 7,571,126 acres.

Mr. Karsten's service on the Commission has been in the more difficult years, as environmental pollution has reached new levels, as the pressures of an increased population have multiplied and as land prices have soared.

For instance, much of the time of the Commission has been devoted to the reconsideration because of vastly increased land values of already approved acquisitions. At a meeting last July, we reviewed eight of these—on some the increase was 15 percent, on several between 30 and 90 percent and on one, over 200 percent.

The Senator from Nebraska (Mr. HRUSKA) and I, the two Senate members, have relied heavily on Frank Karsten's prior experience, great knowledge, and good sense. Devoted to the cause of conservation, his yardstick remained the interests of all the people of the United States and they are the beneficiaries of decisions made by the Commission in which he played so large a part.

PIONEERING WITH WILD FLOWERS

Mrs. SMITH. Mr. President, the Dean of the Republicans in the U.S. Senate is a man of many talents. Perhaps one of his lesser known talents is that of author. If he is, then it is because his talent of statesman is so great and because of his intense modesty.

Before our Nation benefited from his statesmanship in the U.S. Senate, GEORGE D. AIKEN authored the book "Pioneering With Wildflowers" published in 1935, 5 years prior to his entry to the U.S. Senate. In 1963 a revised edition of that book was published and now a third revision edition has been published by Prentice-Hall.

This latest edition is a truly remarkable book. It is a real treasure to lovers of nature. I am, of course, prejudiced because I am a devoted admirer of GEORGE AIKEN, whom I consider to be a tremendous person, and I am a devotee of wild flowers.

I thoroughly enjoy gathering wild flowers back home in Maine at both of my residences. To me it is a thrilling adventure to go exploring and hunting for wild flowers. One of the greatest hurts I ever received was when someone during my absence from my Maine residence on the coast came on the grounds of my place and dug up my bed of precious ladyslippers and appropriated them and took them away.

This latest edition of GEORGE AIKEN's remarkable book is truly a beautiful thing to behold—not only because of its fascinating and intriguing text but as well because of its beautiful presentation and photography. Particularly treasurable are the preface and the introduction of the book for they capture and reveal the greatness and the measure of the man GEORGE D. AIKEN.

Yet, I think what captivated me the most in this remarkable book is the dedication of the book for it literally sparkles and shines and reflects that rare combination of winsome wisdom and gracious wit that personifies GEORGE AIKEN. The dedication says:

> To Peter Rabbit in the hope that flattery will accomplish what traps and guns have failed to do and that the little rascal will let our plants alone from this time on.

I cannot improve upon the publisher's description of the book that appears on the front and back flaps of the cover to the book. That description states:

> Everyone appreciates the beauty of a field or woods dotted with gay and colorful wildflowers, yet few of us can call them by name or recognize their distinguishing characteristics, and even fewer have considered raising them. Years of experience as a nurseryman have given Senator Aiken an abundant knowledge of wildflowers. Here, in a warm and chatty style he opens a new dimension in home gardening—cultivating wildflowers.
>
> Anyone—from farmers with an idle acre to urban dwellers whose gardening is restricted to window boxes—can participate. Home gardens are the perfect testing grounds for experimental work in propagating and raising native plants.
>
> *Pioneering With Wildflowers* discusses over 250 species found throughout North America—from Ladyslippers to Ferns—including physical descriptions, and how, when, and where each grows best. In addition, it explains the principal methods for increasing the supply of wildflowers and for transplanting them. For the novice the essential requirements for a healthy garden are also discussed: soil acidity, drainage, shade, fertilizer.
>
> Richly illustrated with both color and black-and-white photographs by Charles Johnson, a noted wildlife photographer, *Pioneering With Wildflowers* is an invaluable addition to any home library, as well as an ideal gift. Whether you are a beginner or a pro, here is all the information you will need for developing a healthy and successful wildflower garden.

MANPOWER REQUIREMENTS OF THE ARMED FORCES

Mr. METCALF. Mr. President, it is likely that Congress will soon be asked to consider the question of replacing our present system of selective service for a purely voluntary system to meet the manpower requirements of the Armed Forces.

While there is no question in my mind that the draft law must be amended to reduce existing inequities, I foresee grave danger to America should we sub[redacted] our citizen Army for professionals.

For a democracy in time of war [redacted] is really no answer except universal military service, which touches all men over a given age, or a random system of selection which cannot discriminate by situation in life, degree of education, or other criteria except physical or mental unfitness.

I do not care for the idea of a voluntary professional Army. It seems [redacted] that a professional military cadre simply because it is professional, does violence to our traditions. We have always held it essential that there be civilian control over the military; hence, the President serves as Commander in Chief, and the Secretaries of Defense, the Army, the Navy, and the Air Force are civilians, and the prerogative of appointments to the service academies is reserved to Members of Congress.

A professional Army is a potentially lethal weapon that can be turned in any direction, instances of which have been woefully numerous in nations to the south of us. An Army composed largely of civilians is a different thing altogether. I think the constant infusion of civilians into and out of service is an invaluable deterrent to the growth of a powerful military machine that would be separated from the mainstream of democratic traditions and thus tend to be elite. When those of us who have served in the Army or Navy return to civilian life, our experiences generally reinforce the wisdom of this traditional control by civilians of the military.

The framers of the Constitution feared a standing army. Article I, section 8, lists the powers of Congress to lay and collect taxes, to provide for the common defense, and so forth, and "To raise and support Armies, but no appropriation of money to that use shall be for a longer Term than 2 years." Some of the State constitutions which preceded it were even more restrictive, as the Federalist Papers tell us.

Our distinguished first citizens knew their history and feared for the safety of this Nation that would result from foreign involvements. They knew and we should not forget that the dangers of armed intervention increase proportionately with the availability of such force. A standing, professional army, fully equipped and trained, always ready, would offer a tempting, dangerous means of seeking solutions to problems that

might better yield to more peaceful persuasion.

Mr. Richard Wilson, in last night's Evening Star, addressed himself to this question. I ask unanimous consent that Mr. Wilson's article be printed in the RECORD.

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

PROBLEMS OF ENDING THE DRAFT AND WAGING WAR

(By Richard Wilson)

When, on Oct. 17 during the presidential campaign, Richard M. Nixon delivered one of his polished radio addresses advocating ending the draft in favor of a volunteer army, the political effect of such a proposal seemed paramount. He had outdone both Gene McCarthy and Hubert Humphrey in his promise to youth.

It now seems that Nixon was quite serious and he has begun the process which he hopes eventually may lead to placing the draft on a standby basis.

Oddly enough the general public is not very optimistic about the prospects. The average man as measured by the Gallup Poll seems to think it is not a bad idea for young men to be required to serve a couple of years in the armed forces entirely aside from the practicality of getting enough volunteers of the best kind.

But there is certainly enough opposition to the peace-time draft as undemocratic, arbitrary and contrary to national traditions to keep the subject alive so long as the President considers it a long-range goal of his administration.

Nixon has estimated that the cost of shifting to a wholly volunteer armed force would run $5 billion to $7 billion more annually than the present mix of draftees and volunteers. He recognizes that this is an obstacle but he has dismissed other objections which may be more serious.

In spite of all his experience, Nixon may not yet quite fully appreciate his role as commander in chief of the armed forces. Former President Lyndon B. Johnson's experience was more extensive than Nixon's but his national security advisers say that he did not fully appreciate the importance of this role when he took office.

Had Johnson been able to fight the war in Vietnam wholly with volunteer, professional forces—as seemed his original aim—the political pressure hostile to the war might have had less significance.

In the beginning it could be said that the men who were sent to Vietnam were professional soldiers by their own choice.

But as time went on it was necessary to fill their ranks with drafted men, and it was then that objection to the war rose among the young and among their parents, and other relatives, and the nation came to question the forced draft of the young to carry out presidentially determined international political policies.

Vietnam has been a geopolitical war in a stronger sense, even, than the Korean war. There was no challenge to the immediate or prospective security of the United States.

Our boundaries or far outposts were not threatened. The Vietnam Communists were not about to seize Hawaii, the Aleutian Islands, or the Philippines. Los Angeles and San Francisco could feel quite safe.

The war made sense only in terms of the justifiable exercise of power to arrest Communist expansion on the farthest periphery of our influence and by doing so to stabilize and pacify that part of the world in which we are and wish to remain a great power.

These are concepts, however valid, which give little moral sanction to war. Their validity can be challenged as unreal and beyond the actual limits of our ability to exercise power. It can be said further that the decision to exercise power in this way was not a true national decision commanding the unquestioning support of the whole nation.

Congress did not declare war. The nation was taken into what proved to be a major war by presidential decision and interpretation of the powers that had been granted to him by Congress in a resolution which, whatever else it was, was not a declaration of war.

These wars by presidential decision—the Korean war and the Vietnam war—may have been essential to the national interest. That point is not argued here. The point is that a president is freer to decide for war if he is able to carry it on with armed forces which have volunteered to accept the orders of their commander-in-chief to go into battle.

Once the obstacle of conscripting men has been surmounted, the pressure on the commander-in-chief to have a moral cause demanding the highest patriotic sacrifices of the whole nation tends to diminish.

Nixon has dismissed these implications by saying that the threat of universal military influence is exaggerated. If it ever did come, he said, it would come from top officer ranks, not the enlisted ranks, and we already have a career officer corps.

Exactly. And if the top officer corps were given an elite, highly trained, highly motivated volunteer army of the size and kind required under modern conditions it would feel more confidence in counselling the President on entering wars like Korea and Vietnam.

So, the question of ending the draft is not simply one of correcting odious inequalities or restoring the traditions of American democracy. In the modern world it involves problems taken quite seriously in Congress on the de facto powers of the chief executive to initiate and wage war.

THE FUTURE OF FARMING AND RANCHING

Mr. HANSEN. Mr. President, the September 1968 issue of Western Farm Life—an excellent agricultural magazine published in Denver, Colo.—asked its readers to respond to a series of questions about the future of farming and ranching.

The responses were then divided into percentages and included in a subsequent open letter to the Secretary of Agriculture to let him know what is on agriculture's mind, and what farmers and ranchers will expect of the new Secretary.

Secretary Hardin, in my mind a man most excellently qualified for the challenging tasks he has undertaken, has indicated his desire to talk with farmers and ranchers and leaders of agricultural organizations to receive their comments and suggestions. I cannot think of a better approach to finding solutions for the many and complex problems the industry faces today.

Mr. President, even though the persons who responded to Western Farm Life's opinion poll represent only a small segment of the rural population of America, I believe the overall trend of the answers very likely is indicative of the thinking of a majority of our farmers and ranchers.

I ask unanimous consent that the letter reflecting these answers, entitled, "Who Knows What's on Your Mind," written by Western Farm Life's managing editor, Andy Kurtz, be printed in the RECORD.

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

WHO KNOWS WHAT'S ON YOUR MIND? AN OPEN LETTER TO THE NEW SECRETARY OF AGRICULTURE, WHOEVER HE MAY BE

(NOTE.—Here are the results of the "who knows what's on your mind?" grassroots opinion poll published in the September issue of Western Farm Life.)

DEAR MR. SECRETARY: Who knows what's on agriculture's mind better than ranchers and farmers? No one. So we, the editors of Western Farm Life magazine, have conducted a grassroots opinion poll to find out just what is on western agriculture's mind. Here's what you should know about western ranchers and farmers:

Our farm, livestock and commodity organizations don't speak for all of us. In fact, 37 percent of us feel these organizations are no help in meeting our pressing economic problems. According to our poll, the Farm Bureau represents 46 percent of us, the Farmers Union 16 percent; and the National Farmers Organization 14 percent. Our poll shows 45 percent of us belong to a livestock organization or association.

Farm, livestock and commodity organization leaders do a much more effective job for agriculture than those in the USDA, state agriculture departments, cooperatives, marketing orders, trade associations or extension service.

We are unsatisfied with the prices we receive for our products. This is our one big hangup. It overshadows all else at this time. In fact, the majority of us feel it will still be our biggest problem five years from now. Curtailing our production isn't the answer—only 34 percent think it is.

Most of us—75 percent according to our poll—are unhappy with the present method of marketing our crops.

Just how we are going to change our marketing programs is unclear as only 28 percent of us belong to a bargaining association or organization. And, naturally, we aren't completely satisfied with the bargaining that we do.

Two things will affect our future marketing methods. Right now, according to our poll, only 33 percent of the western ranchers and farmers have direct personal contacts with the processor of their crops and livestock. And 62 percent want more marketing information. (Our poll shows that these agribusinessmen don't want more of the same. Instead, they want accurate marketing information, no matter where it comes from.)

We are divided upon the value of more legislation to help us in our marketing future. We—53 percent of the western ranchers and farmers participating in the poll—are against the pending legislation to permit any agricultural commodity to come under provisions of the federal marketing act of 1937. This bill, as you know, would permit the establishment of minimum prices, market quotas and negotiations for farm prices under collective bargaining procedures. These actions, if approved by the majority, would then be binding on all growers of that commodity.

Here's how we feel about this legislation on a state-by-state basis:

[In percent]

	Against	For
Arizona	43	--
Colorado	--	58
Idaho	73	--
Kansas	57	--
Montana	65	--
Nebraska	--	50
New Mexico	86	--
Utah	--	63
Wyoming	85	--

Our urban cutomers, friends, relatives, etc. are indifferent to our farm problems. It's up to us to change this situation. And we feel you are one of us. We want your help in getting our story across to today's urban majority. You have a hard row to hoe because your predecessor has caused many of us to lose faith.

Western agriculture does have faith in itself. Only 38 percent of the ranchers and farmers responding to the poll would sell out today if a fair offer were made on their ranch.

We may need some help with our labor, foreign competition and synthetics problems. But our big, immediate problem is the price we receive for our products. Help us solve this and we solve many of our other problems at the same time.

Mr. Secretary, help us help ourselves; we're depending upon you.

Sincerely,

ANDY G. KURTZ.

(For our reader poll participants and western agriculture.)

IT IS TIME TO LET GO IN VIETNAM

Mr. MONTOYA. Mr. President, the time has come for Uncle Sam to thrust the Government of South Vietnam out into the harsh world of reality.

It is time for the GNV to begin "going it alone."

Through expenditure of 30,000 American lives and uncounted treasure we have earned the right to ask our friends in Saigon to hurry their progress toward assuming the major burden of their war.

A time has clearly come, after a decade of steadily increasing U.S. military and economic support, for Saigon to begin justifying the faith the American people have been asked to place in its sincerity in developing a government responsible to the people.

We have been working toward this objective for a long, long time.

U.S. military aid in the war against the Communists in Indochina goes back to December 1950, when Uncle Sam agreed to begin supplying ammunition and weapons to French forces then in control. By 1954—year of Dien Bien Phu—the U.S. share of the cost of struggle against the Viet-Minh was close to 80 percent of the total sum.

American military and economic aid—foreign economic aid was also first extended to Saigon in 1950—continued to increase sharply during the fifties and into the sixties. So did Communist terrorism which began even before the December 1960 announcement by Hanoi that a "National Liberation Front for the Liberation of South Vietnam" had been formed.

In February 1962, the American Military Assistance Command (MACV) was established to help in planning of military operations and to supervise American military personnel which then totaled 12,000.

Economic aid was increased at the same time. Early in 1962, Washington and Saigon jointly announced a broad economic and social program aimed at improving the standard of living of the Vietnamese people. The expanded economic effort included programs in community development, health, education, communications, transportation, agriculture, flood control, and industrial development.

On October 2, 1963, the White House issued a policy statement reaffirming an intention to work with the GVN and people of South Vietnam to repel Communist aggression but also stated that major U.S. assistance was needed only until the "insurgency has been suppressed or until the national security forces of the GVN are capable of suppressing it."

Completion of the major part of the U.S. military task was foreseen by the end of 1965.

Following overthrow of Diem in November 1963, in a New Year's message to the new military junta, President Johnson assured them we would continue to furnish support and maintain American personnel and material in Vietnam as needed.

American policy toward Saigon during the early 1960's was to match increasing Communist pressure with increased American material and personnel in an advisory role.

The Gulf of Tonkin episode, in which two American destroyers were reportedly attacked by North Vietnamese torpedo boats off the coast of North Vietnam, was a point of no return for American policy in the Vietnam conflict. It resulted in the so-called Tonkin resolution, passed by the Congress in August 1964, at the urgent request of the President. It stated, in part:

> The United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

This resolution became the albatross that dragged the United States deeper into the rice paddies of Vietnam.

Hostilities between American and Communist forces soon intensified with U.S. air and naval strikes being carried out in retaliation for attacks against allied installations in South Vietnam.

A February 1965 State Department white paper—entitled "Aggression From the North," described the conflict in Vietnam as a totally new kind of war, a struggle in which a Communist government has "set out deliberately to conquer a sovereign people in a neighboring state" using every resource in a "carefully planned program of concealed aggression."

Along with intensified air strikes against North Vietnam, the United States began introducing combat troops in March 1965. During the next 3 years, U.S. participation in the struggle greatly expanded.

Except for brief bombing pauses, an increasingly widened number of targets were attacked by U.S. bombers throughout North Vietnam.

Objectives of this strategy of intensification were to show that so-called wars of liberation, far from being cheap and safe, are costly and doomed to failure if met with determined opposition. Bombing of North Vietnam was designed to impose a direct penalty upon the source of aggression, to impede infiltration of men and supplies from the north, and to remind Hanoi it must pay an increasingly heavy price for continuation of its support for the Vietcong.

Total numbers of U.S. fighting men in Vietnam grew from 23,000 in 1965 to 180,000 in 1966 to 486,000 by the end of 1967 to over half a million today.

Communist strength grew from an estimated 100,000 at the beginning of 1965 to close to 250,000 at the end of 1967.

U.S. casualties soared from 1,300 killed during 1965 to a total of over 30,000 killed by the end of 1968.

Most sources place cost of the conflict to our taxpayers at $30 billion per year.

Where do we stand today?

What is the net result of this massive outpouring from America to that tiny country so far away?

Have we achieved our objectives in Vietnam?

Should we continue the present level of support or should we now begin a gradual, orderly transition of responsibility for the major burden of the effort to the Vietnamese?

No foreign bombs fall here. Yet we have explosive, expensive domestic problems, while at the same time we continue to pour billions of dollars into s[redacted] for the effort in Vietnam.

Can we afford to continue the [redacted] the present level of effort?

Our huge expenditures in Vietnam are depriving our critical domestic problems—urban decay, poverty, racial tension—of vital Federal money and effort.

Our preoccupation with the war has diverted attention from far more important areas of foreign policy, causing our international prestige to sink to [redacted] precedented low.

Vietnam has created a moral crisis here, dividing our national conscience.

Our obsession with Vietnam has resulted in neglect of Europe, which should be the real pivot of our foreign policy. Vietnam's demands on U.S. funds and fighting men has directly contributed to reduction of our troop levels in Western Europe.

Perhaps the most important negative result of Vietnam has been the effect of the war on Soviet-American relations—the carefully nurtured thaw of the early sixties has been replaced by a deep freeze.

America can no longer afford the price of Vietnam.

We have coddled, nurtured, promoted, and protected the Saigon government for years. There are indications that even Saigon is realizing American largesse cannot go on forever.

Our essential purpose in Vietnam has been to provide a shield behind which a government, responsible to the people, could develop and flourish.

Through American prodding, local and national elections have been held and a constitution adopted.

The framework is there. What has been lacking is the will by the Saigon government and ARVN to win respect and support of the people through honest, diligent effort on their behalf.

Corruption, although diminished, continues.

"Saigon cowboys," youths whose parents are affluent enough to buy them deferment from the draft, still roar around Saigon on new Japanese motorcycles, often past battle-weary GI's.

Some ARVN units still avoid combat by operating in areas where they expect no opposition.

Social justice, adequate health care and decent educations still remain only dreams for the average Vietnamese.

The crucial point is that the Government of Vietnam will not "shape up" until the Americans "ship out."

Anyone who has served in Vietnam in any capacity knows that a Vietnamese official will not do for himself what an American will do for him—and he will not respect the American for doing it.

Our policy in Vietnam has wisely been to encourage the GVN and ARVN to do things for themselves. Yet it is perhaps inevitable that in frustration and to get the job done the American adviser often winds up doing it himself.

This could go on forever, but I say a time has come to begin to cast ourselves loose from our manifold entanglements in Vietnam.

I do not advocate abrupt withdrawal such as the French pullout in 1954.

What I do advocate is a section by section, division by division shift of responsibility from American civilian and military advisers to their Vietnamese counterparts—and make it stick.

At the provincial level the USAID refugee adviser, for example, should begin to shift responsibility to his Vietnamese counterpart, where it belongs anyway.

In the field, Vietnamese Army units, when fully equipped with the M–16 rifle and other modern equipment, should begin receiving combat assignments previously borne by the U.S. Army and Marines.

In Saigon our highest level people should begin to make it clear to Messrs. Thieu and Ky that we are finally, irrevocably, passing the ball to them.

I believe this transition of responsibility for conduct of their war can be effectively and productively transferred to our Vietnamese allies if properly handled.

In the long run, this is the only way that a viable, stable government can develop in Saigon, for as long as big brother Uncle Sam is watching over their shoulder, the government will not have respect or support from the people. The Vietnamese people have seen too many client rulers.

Like a generous, indulgent, often naive parent, we have brought the Saigon government from the pangs of birth to what should be maturity.

We must not keep them under our wing too long.

We cannot afford it, and neither can the people of Vietnam.

FREE TRADE ZONE FOR MACHIASPORT, MAINE

Mrs. SMITH. Mr. President, on behalf of myself and my distinguished colleague from Maine (Mr. MUSKIE) I ask unanimous consent to have printed in the RECORD a resolution adopted by the Past Pomona Masters and Past Pomonas Association of York County Pomona Grange, relative to the establishment of a free trade zone for Machiasport, Maine.

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

RESOLUTION FROM THE PAST POMONA MASTERS AND PAST POMONAS ASSOCIATION OF YORK COUNTY POMONA GRANGE, JANUARY 12, 1969

Whereas, The Past Pomona Masters and Past Pomonas Association of York County Pomona Grange (Maine) is made up of citizens and tax-payers throughout this County, and

Whereas, this Association is vitally concerned in the economy of this Area, as well as the State and Nation.

Therefore, be it resolved: That the Past Pomona Masters and Past Pomonas Association of York County Pomona Grange goes on record as being in favor of a "Free Trade Zone" for Machiasport, Maine.

And be it further resolved: that a copy of this resolution be sent to the six New England Governors, to President-elect Nixon, and to the Secretary of the Interior, designate, and also to Senators Edmund S. Muskie and Margaret Chase Smith, and Representatives Peter N. Kyros and William Hathaway.

PATRICIA N. HIGGINS.

NEED FOR A NEW MARITIME PROGRAM

Mr. HOLLINGS. Mr. President, a matter of critical importance facing Congress is that of the serious decline of the U.S. merchant marine. Surely remedial action on a large scale is required, and no Senator is more aware of that need than the distinguished chairman of the Senate Commerce Committee, the Senator from Washington (Mr. MAGNUSON).

Last Thursday, in remarks delivered before the AFL–CIO Maritime Trades Department, Senator MAGNUSON discussed the prospects for a meaningful revitalization program for the U.S. merchant marine. His remarks are a concise and accurate statement of the problems facing Congress in resolving this most important issue and should be read by every Senator concerned about the economic and defense well-being of the Nation.

I ask unanimous consent that Senator MAGNUSON's speech be printed in the RECORD.

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

REMARKS OF SENATOR WARREN G. MAGNUSON BEFORE AFL–CIO MARITIME TRADES DEPARTMENT, JANUARY 29, 1969

It is a pleasure for me to appear before the AFL–CIO Maritime Trades Department and participate in your seminar on prospects for revitalizing the United States Merchant Marine.

There is no question in my mind—and I am sure that that is the situation with others familiar with your excellent program—that these seminar sessions and the other promotional efforts of your organization have done a substantial amount to educate the public as well as those in Government about the decline of our merchant fleet and the great necessity of remedial action.

I believe there are good prospects for a meaningful revitalization of the U.S. Merchant Marine. The issue is whether those prospects will be realized—whether we will be able to take advantage of our present situation and move forward with a program the nation so desperately needs. Whether we are able to grasp the opportunity now so clearly before us depends primarily on three factors: (1) the attitude of the new Administration (2) the attitude of the Congress and (3) the attitude of maritime labor and management.

So far as the attitude of the new Administration is concerned, about the most I can say is that I am "cautiously optimistic" about our chances for a meaningful revitalization program in the 91st Congress. As you are no doubt aware, the political persuasion of the new Administration and my own political persuasion are not the same. However, I am hopeful that we share a determination to see the United States regain its rightful place upon the seas.

Let me explain the basis for my "cautious optimism" about the attitude of the new Administration toward our Merchant Marine. I am "cautious" because the fiscal considerations which face the new Administration are quite similar to those which faced the previous Administration. Our Federal expenditures are still in large measure committed to our effort in Southeast Asia.

I am also cautious because I am aware of the national priorities facing the new Administration. In addition to the tremendous priority which must be placed upon resolving our conflict in Southeast Asia, there are in addition profound problems facing us on the domestic scene which rightfully demand and should receive substantial Federal attention. Until there is a meaningful solution in Vietnam, with the resulting lack of pressure for defense funds, until we can look with great confidence on our military posture in Western Europe, until we can institute meaningful solutions to the urban area problems involving housing, job opportunities and training, and special educational programs it seems clear that the expenditure of great sums on behalf of the United States Merchant Marine will be subject to severe criticism in some quarters. And even within the field of transportation there is the issue of priorities, for many believe that our most urgent transportation problems are alleviating airport congestion, highway congestion, and unclogging inner-city traffic.

As you know, the Merchant Marine receives Government support in large part because of the statutory designation of the Merchant Marine as a military auxiliary. The view of the Department of Defense as to the merits of rebuilding our merchant fleet cannot be under-estimated. Unless the Department of Defense is willing to state that there is a bonafide national security need for a stronger U.S. flag fleet, then the new Administration will be hindered in any attempt at massive rebuilding of our fleet. These are all factors which lead to a degree of "caution" in my "optimism" about the attitude of the new Administration toward rebuilding our Merchant Marine.

But I believe that there is also room for optimism and that is why I have said I am "cautiously optimistic" about the new Administration. I am optimistic because I do not see how we can possibly have any substantially lesser degree of cooperation from the new Administration so far as rebuilding the Merchant Marine than we received from the previous Administration. The previous Administration refused to support the Congressional proposal for a strong domestic building program, and then finally submitted a program which was so deficient that it was rejected almost unanimously by those in Congress and soundly criticized by nearly all in industry. And the previous Administration vetoed the Congressional legislation to establish an independent Maritime Administration. In short, we have nowhere to go except up in our relations with the Administration so far as promoting the cause of the United States flag fleet.

The terrible plight of our fleet is such that it cannot long be ignored. I am hopeful that the new Administration sincerely wants to serve the needs of the United States and if those needs are to be served there must be a rebuilding of our fleet. And if the campaign promises of the President prove to be an accurate guide to his future actions in the area of the Merchant Marine then we should receive from the new Administration a meaningful proposal to revitalize the fleet.

So far as the attitude of the Congress is concerned I am more than "cautiously optimistic." I believe we well demonstrated last year that many in Congress are concerned about the plight of the Merchant Marine and sincerely hope to remedy that plight. And I can pledge to you at this time that the Senate Commerce Committee, of which I am privileged to serve as Chairman, will continue and heighten its activity in this area toward the end of insuring that the Merchant Ma-

rine receives a new program in the coming Congress. We must, of course, reach an accord with the Administration and others working toward strengthening our sea power. I shall re-introduce the maritime program that Senator Bartlett, Congressman Garmatz, Congressman Downing, Senator Brewster, and I wrote last year. As you will recall, that program called for the building of approximately 40 ships a year, a nuclear ship program, construction differential subsidy to the tramp fleet, operating subsidy for new bulk carriers and additional liner operators, tax deferred reserve funds for the entire fleet, and a greatly expanded effort in research and development. I think we have the basis of a good program and by introducing it we will be able to start moving forward and encourage the new Administration to formulate its own proposals. I will also introduce and we shall again consider the independent agency bill which we passed last year, but was subjected to a pocket veto by President Johnson.

Thus I would again affirm my optimism in the attitude of Congress in the development of a new maritime program. We shall do our part both as to the development of specific proposals and in working with the new Administration to come to an accord for the benefit of the entire Merchant Marine.

The third factor to be weighed in analyzing the prospects for a meaningful revitalization for the Merchant Marine is that of the attitude of maritime labor and management.

I believe that you will not find a single person who has a good working knowledge of the Merchant Marine, its relationship to the Federal Government and the history of efforts in recent years to develop a new program for the fleet who would disagree with the following statement: It will be virtually impossible to enact a meaningful and effective revitalization program for the United States Merchant Marine in the absence of a unified industry effort on behalf of any such program.

Probably the most critical factor affecting the future of any new maritime program will be the action of the industry—and in using that term I include both labor and management. Only the industry can give Congressional maritime leaders the support required to convince a majority in Congress that major maritime legislation is warranted and needed now. As you know, the real problem comes once you get beyond the relatively few men in Congress who are knowledgeable and intimately concerned about the future of the Merchant Marine. Those in Congress who have no great concern about the Merchant Marine seem to outnumber those who understand the terrible plight of our fleet. All in Congress are aware to some degree that the maritime picture is bleak, but not all share a conviction that effective remedial action is now warranted. Until the maritime industry can present a united political front in support of a maritime proposal that situation may well continue.

The last few years have been called "the big push for maritime legislation" by maritime labor and management. But they must stop pushing in different directions. Now is the time, if ever there will be a time, that maritime factors must come together for the common good of the industry and the nation. And yet there are already signs that in just the last few months divisions within the maritime industry have deepened and that issues which were in the background last year have been brought to the forefront as a further basis for division.

If the United States, North Vietnam, the National Liberation Front and South Vietnam can move from the battlefield to a negotiating table in Paris, then surely the various factions within the maritime industry can move together in support of a meaningful revitalization program for the United States Merchant Marine. If we have reason to hope and believe that the poor and the rich, the black and the white, can move forward together in this country to resolve our domestic problems, then there is no reason why various factions of the maritime industry cannot move forward together in support of a new maritime program. But that movement forward must begin with a first step and I would hope that that first step would be a moratorium upon those specific issues which now divide the industry.

I have served some time in the Congress of the United States and I have seen this nation deal with many profound problems. I am optimistic that we can deal successfully with our maritime problems and am optimistic that the maritime industry can show us the way. We stand ready in Congress to do all we can to see that the United States regains its rightful place upon the seas.

There is one further note that I must add about a matter which is of special importance to me and I am sure to each of you. In this coming session in our efforts to rebuild the United States Merchant Marine we will be without the valued skills and service of our great and dear friend, Bob Bartlett. His loss has saddened me greatly for the Congress and the nation have lost a courageous and admirable Senator—and I have lost my friend. The major portion of the last year of his life was devoted to a strenuous effort to revitalize the American Merchant Marine. I pledge to you that that effort will continue.

SENATOR MONDALE COMMENDS "TOWARD A SOCIAL REPORT"

Mr. MONDALE. Mr. President, on January 15, I introduced S. 5, the Full Opportunity Act of 1969. This measure calls for the development of a set of social indicators, and creation of a structure to help public policymakers and the public at large, see the distance between where we now are, and achievement of the goal of full social opportunity.

I firmly believe that someday we will have both the public policy tools and the structure S. 5 seeks to create. I also believe that when the history of this measure is written, the date January 19 is going to stand out as a kind of turning point.

For it was on that date that "Toward a Social Report" was issued by the Department of Health, Education, and Welfare. This report, the result of 2 years of effort by experts from many disciplines, represents the first approximation to the social report discussed in S. 5. "Toward a Social Report" attempts to measure where we are in several important areas—health, social mobility, our physical environment; income and poverty; public order and safety; learning, science, and art; and participation and alienation. It also contains a suggestive agenda for future efforts at social measurement in the appendix titled, "How Can We Do Better Social Reporting in the Future?"

The drafters of "Toward a Social Report" stress very wisely, I believe, that their work is by no means offered as a definitive model upon which future social reports might be fashioned. The craft of social indicators and the process of social reporting which those indicators facilitate, are both in their infancy. Clearly more and better social statistics, not to mention conceptual and statistical syntheses, will be needed before we can amass a set of evidence which truly reports on the social state of the Nation.

But "Toward a Social Report" is a valuable and impressive beginning. We must not stop now. We must do better in planning our programs for people, and we simply can not do it without possessing more reliable and revealing tools for public policy analysis. The preliminary HEW social report has already initiated some important debate. Examples of this discussion are a recent editorial in the New York Times and another in the Washington Post which discuss the merits and deficiencies of the substance and timing of the report.

Mr. President, I ask unanimous consent to have printed in the RECORD the introduction to "Toward a Social Report," and an article published in the Minneapolis Tribune.

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

[From the Minneapolis (Minn.) Tribune, Jan. 20, 1969]

COHEN EXPECTS BROAD SOCIAL-HEALTH REPORT

(By Richard P. Kleeman)

WASHINGTON, D.C.—A social first comprehensive report on the nation's social health could be produced within two years, Wilbur J. Cohen, outgoing secretary of Health, education and welfare (HEW), said Sunday.

Cohen, who leaves office today, issued a 198-page report to President Johnson who had asked HEW to develop "yardsticks" for measuring the nation's social progress—much as the President's Council of Economic Advisers measures the state of the economy.

In the preliminary report, which Cohen called "one of the landmark contributions we have been able to make in this department," the known means of measuring progress in seven areas are discussed.

The fields selected for initial study include health; social mobility and opportunity; the physical environment; income and poverty; public order and safety; learning, science and art, and participation and alienation.

Cohen said he still is uncertain as to whether the best method of developing a social report would be the creation of a council of social advisers, as provided in a bill reintroduced last week by Sen. Walter F. Mondale, D-Minn., with a score of potent co-sponsors.

"We concentrated first on whether it was possible to have a social report," Cohen said. "We spent two years of work to produce this preliminary document and come to the conclusion that, with two more years of work, there could be a social report issued."

An alternative to Mondale's proposal, the secretary added, might be a combined presidential council of economic and social advisers of perhaps five men—two from one discipline and three from the other.

The document issued by HEW, titled "Toward a Social Report," was prepared under the direction of Dr. Mancur Olson, a former Minnesotan who is HEW deputy assistant secretary for social indicators.

Born on a Red River Valley farm between Buxton, N.D., and Climax, Minn., Olson is a former Princeton University economics professor who joined HEW in July 1967.

TOWARD A SOCIAL REPORT

(U.S. Department of Health, Education, and Welfare, Wilbur J. Cohen, Secretary)

INTRODUCTION AND SUMMARY

The nation has no comprehensive set of statistics reflecting social progress or retrogression. There is no government procedure for periodic stock taking of the social health of the nation. The Government makes no Social Report.

We do have an Economic Report, required by statute, in which the President and his Council of Economic Advisors report to the nation on its economic health. We also have a comprehensive set of economic indicators widely thought to be sensitive and reliable. Statistics on national income and its com-

ponent parts, on employment and unemployment, on retail and wholesale prices, and on the balance of payments are collected annually, quarterly, monthly, sometimes even weekly. These economic indicators are watched by government officials and private citizens alike as closely as a surgeon watches a fever chart for indications of a change in the patient's condition.

Although nations got along without economic indicators for centuries, it is hard to imagine doing without them now. It is hard to imagine governments and businesses operating without answers to questions which seem as ordinary as: what is happening to retail prices, is national income rising, is unemployment higher in Chicago than in Detroit, is our balance of payments improving?

Indeed, economic indicators have become so much a part of our thinking that we have tended to equate a rising national income with national well-being. Many are surprised to find unrest and discontent growing at a time when national income is rising so rapidly. It seems paradoxical that the economic indicators are generally registering continued progress—rising income, low unemployment—while the streets and the newspapers are full of evidence of growing discontent—burning and looting in the ghetto, strife on the campus, crime in the streets, alienation and defiance among the young.

Why have income and disaffection increased at the same time? One reason is that the recent improvement in standards of living, along with new social legislation, have generated new expectations—expectations that have risen faster than reality. The result has been disappointment and disaffection among a sizeable group of our fellow citizens.

It is not misery, but advance, that fosters hope and raises expectations. The conservatism of the destitute is as profound as that of the privileged. If the Negro American did not protest as much in earlier periods of history as today, it was not for lack of cause, but for lack of hope. If in earlier periods of history we had few programs to help the poor, it was not because they did not exist, but because society did not care and was not under pressure to help the poor. If the college students of the fifties did not protest as often as those of today, it was not for lack of evils to condemn, but probably because expectations and idealism were weaker then.

The correlation between improvement and disaffection is not new. Alexis de Tocqueville observed such a relationship in eighteenth century France: "The evil which was suffered patiently as inevitable, seems unendurable as soon as the idea of escaping from it is conceived. All the abuses then removed seem to throw into greater relief those which remain, so that their feeling is more painful. The evil, it is true, has become less, but sensibility to it has become more acute."

Another part of the explanation of the paradox of prosperity and rising discontent is clearly that "money isn't everything." Prosperity itself brings its own problems. Congestion, noise, and pollution are by-products of economic growth which make the world less livable. The large organizations which are necessary to harness modern technology make the individual feel small and impotent. The concentration on production and profit necessary to economic growth breeds tension, venality, and neglect of "the finer things."

Why a social report or a set of social indicators?

Curiosity itself would justify an attempt to assess the social health of the nation. Many people want answers to questions like these: Do children learn more now than they used to? Are we getting healthier as a Nation? How many people are really "alienated"? Do people have more satisfying jobs than they used to? Is crime increasing? Is the American dream of "rags to riches" a reality?

Satisfying curiosity and giving people a better understanding of what is happening to the world around them would be reason enough to attempt a social report, but there are more important reasons. A social report or a set of social indicators can improve public policy-making in at least two ways. First, it gives social problems more visibility and thus makes possible more informed judgments about national priorities. Second, by providing insight into how different measures of national well-being are changing, it may ultimately make possible a better evaluation of what public programs are accomplishing.

The existing situation in areas with which public policy must deal is often unclear, not only to the citizenry in general, but to officialdom as well. The normal processes of journalism and the observations of daily life do not allow a complete or balanced view of the condition of the society. Different problems have different degrees of visibility.

The visibility of a social problem can depend, for example, upon its "news value" or potential drama. The nation's progress in the space race and the need for space research get a lot of publicity because of the adventure inherent in manned space exploration. Television and tabloid remind us almost daily of the problems of crime, drugs, riots, and sexual misadventure. The rate of infant mortality may be a good measure of the condition of a society, but this rate is rarely mentioned in the public press, or even perceived as a public problem. The experience of parents (or infants) does not insure that the problem of infant mortality is perceived as a social problem; only when we know that more than a dozen nations have lower rates of infant mortality than the United States can we begin to make a valid judgment about the condition of this aspect of American society.

Moreover, some groups in our society are well organized, but others are not. This means that the problems of some groups are articulated and advertised, whereas the problems of others are not. Public problems also differ in the extent to which they are immediately evident to the "naked eye." A natural disaster or overcrowding of the highways will be immediately obvious. But ineffectiveness of an educational system or the alienation of youth and minority groups is often evident only when it is too late.

Besides developing measures of the social conditions we care about we also need to see how these measures are changing in response to public programs. If we mount a major program to provide pre-natal and maternity care for mothers, does infant mortality go down? If we channel new resources into special programs for educating poor children does their performance in school eventually increase? If we mount a "war on poverty" what happens to the number of poor people? If we enact new regulations against the emission of pollutants, does pollution diminish?

These are not easy questions, since all major social problems are influenced by many things besides governmental action, and it is hard to disentangle the different effects of different causal factors. But at least in the long run evaluation of the effectiveness of public programs will be improved if statistics are available on how indicators of social problems are changing.

The present volume is not a social report. It is a step in the direction of a social report and the development of a comprehensive set of social indicators.

The report represents an attempt, on the part of social scientists, to look at several very important areas and digest what is known about progress toward generally accepted goals. The areas treated in this way are health, social mobility, the condition of the physical environment, income and poverty, public order and safety, and learning, science, and art.

There is also a chapter on participation in social institutions, but because of the lack of measures of improvement or retrogression in this area, it aspires to do no more than pose important questions.

Even the chapters included leave many—perhaps most—questions unanswered. We have measures of death and illness, but no measures of physical vigor or mental health. We have measures of the level and distribution of income, but no measures of the satisfaction that income brings. We have measures of air and water pollution, but no way to tell whether our environment is, on balance, becoming uglier or more beautiful. We have some clues about the test performance of children, but no information about their creativity or attitude toward intellectual endeavor. We have often spoken of the condition of Negro Americans, but have not had the data needed to report on Hispanic Americans, American Indians, or other ethnic minorities.

If the nation is to be able to do better social reporting in the future, and do justice to all of the problems that have not been treated here, it will need a wide variety of information that is not available now. It will need not only statistics on additional aspects of the condition of the nation as a whole, but also information on different groups of Americans. It will need more data on the aged, on youth, and on women, as well as on ethnic minorities. It will need information not only on objective conditions, but also on how different groups of Americans perceive the conditions in which they find themselves.

We shall now summarize each of these chapters in turn.

Health and illness

There have been dramatic increases in health and life expectancy in the twentieth century, but they have been mainly the result of developments whose immediate effect has been on the younger age groups. The expectancy of life at birth in the United States has increased from 47.3 years at the turn of the century to 70.5 years in 1967, or by well over 20 years. The number of expected years of life remaining at age five have increased by about twelve years, and that at age 25 about nine years, but that at age 65 not even three years. Modern medicine and standards of living have evidently been able to do a great deal for the young, and especially the very young, but not so much for the old.

This dramatic improvement had slowed down by the early fifties. Since then it has been difficult to say whether our health and life status have been improving or not. Some diseases are becoming less common and others are becoming more common, and life expectancy has changed rather little. We can get some idea whether or not there has been improvement on balance from figures on the "expectancy of healthy life" (i.e., the life expectancy free of bed-disability and institutionalization). The expectancy of healthy life at birth seems to have improved a trifle since 1957, the first year for which the needed data are available, but certainly not as much as the improvements in medical knowledge and standards of living might have led us to hope.

The American people have almost certainly not exploited all of the potential for better health inherent in existing medical knowledge and standards of living. This is suggested by the fact that Negro Americans have on the average about seven years less expectancy of healthy life than whites, and the fact that at least fifteen nations have longer life expectancy at birth than we do.

Why are we not as healthy as we could be? There is some evidence that styles of life (smoking, overeating, etc.) are important, and other evidence which suggests that socioeconomic deprivation and the uneven distribution of medical care are also an important part of the problem.

Though the passage of Medicare legislation

has assured many older Americans that they can afford the medical care they need, the steps to improve the access to medical care for the young have been much less extensive.

The nation's system of financing medical care also provides an incentive for the relative underuse of preventive, as opposed to curative and ameliorative care. Medical insurance may reimburse a patient for the hospital care he gets, but not always for the checkup that might have kept him well.

The emphasis on curative care means that hospitals are sometimes used when some less intensive form of care would do as well. This overuse of hospitals is one of the factors responsible for the extraordinary increases in the price of hospital care.

Between June 1967 and June 1968, hospital daily service charges increased by 12 percent, and in the previous twelve months they increased by almost 22 percent. Physicians' fees have not increased as much—they rose by 5½ percent between June 1967 and June 1968—but they still rose more than the general price level. Medical care prices in the aggregate rose by about 6 percent in this period, and by more than 7 percent in the previous year.

Social mobility

The belief that no individual should be denied the opportunity to better his condition because of the circumstances of his birth continues to be one of the foundation stones in the structure of American values. But is the actual degree of opportunity and social mobility as great now as it has been?

It was possible to get a partial answer to this question from a survey which asked a sample of American men about their fathers' usual occupations as well as about their own job characteristics. Estimates based on these data suggest that opportunity to rise to an occupation with a higher relative status has not been declining in recent years, and might even have increased slightly. They also show that by far the largest part of the variation in occupational status was explained by factors other than the occupation of the father.

These encouraging findings, in the face of many factors that everyday observation suggest must limit opportunity, are probably due in part to the expansion of educational opportunities. There is some tendency for the sons of those of high education and status to obtain more education than others (an extra year of schooling for the father means on the average an extra .3 or .4 of a year of education for the son), and this additional education brings somewhat higher occupational status on the average. However, the variations in education that are not explained by the socioeconomic status of the father, and the effects that these variations have on occupational status are much larger. Thus, on balance, increased education seems to have increased opportunity and upward mobility.

There is one dramatic exception to the finding that opportunity is generally available. The opportunity of Negroes appears to be restricted to a very great extent by current race discrimination and other factors specifically related to race. Though it is true that the average adult Negro comes from a family with a lower socioeconomic status than the average white, and has had fewer years of schooling, and that these and other "background" factors reduce his income, it does not appear to be possible to explain anything like all of the difference in income between blacks and whites in terms of such background factors. After a variety of background factors that impair the qualifications of the average Negro are taken into account, there remains a difference in income of over $1,400 that is difficult to explain without reference to current discrimination. So is the fact that a high status Negro is less likely to be able to pass his status on to his son than is a high status white. A number of other studies tend to add to the evidence that there is continuing discrimination in employment, as does the relationship between Federal employment and contracts (with their equal opportunity provisions) and the above-average proportion of Negroes in high status jobs.

The implication of all this is that the American commitment to opportunity is within sight of being honored in the case of whites, but that it is very far indeed from being honored for the Negro. In addition to the handicaps that arise out of history and past discrimination, the Negro also continues to obtain less reward for his qualifications than he would if he were white.

The physical environment

This chapter deals with the pollution of the natural environment, and with the man-made physical environment provided by our housing and the structure of our cities.

Pollution seems to be many problems in many places—air pollution in some communities, water pollution in others, automobile junk yards and other solid wastes in still other places. Tying these seemingly disparate problems together is a basic principle of pollution and waste disposal.

The total weight of materials taken into the economy from nature must equal the total weight of materials discharged as wastes plus any addition to inventories. This means that, given the level and composition of the resources used by the economy, the degree of recycling, and the level of inventories, any reduction in one form of waste discharge must be accompanied by an increase in the discharge of some other kind of waste. For example, some air pollution can be prevented by washing out the particles—but this can mean water pollution, or alternatively solid wastes.

Since the economy does not destroy the matter it absorbs there will be a tendency for the pollution problem to increase with the growth of population and economic activity. In 1965 the transportation system in the United States produced 76 million tons of five major pollutants. If the transportation technology used does not greatly change, the problem of air pollution may be expected to rise with the growth in the number of automobiles, airplanes, and so on. Similarly, the industrial sector of the economy has been growing at about 4½ percent per year. This suggests that, if this rate of growth were to continue, industrial production would have increased ten-fold by the year 2020, and that in the absence of new methods and policies, industrial wastes would have risen by a like proportion.

The chapter presents some measures of air and water pollution indicating that unsatisfactorily high levels of pollution exist in many places. There can be little doubt that pollution is a significant problem already, and that this is an area in which, at least in the absence of timely reporting and intelligent policy, the condition of society can all too easily deteriorate.

As we shift perspective from the natural environment to the housing that shelters us from it, we see a more encouraging trend. The physical quality of the housing in the country is improving steadily, in city center and suburb alike. In 1960, 84 percent of the dwelling units in the country were described as "structurally sound," in 1966, this percentage had risen to 90 percent. In center cities the percentage had risen from 80 percent in 1960 to 93 percent in 1966. In 1960, 12 percent of the nation's housing supply was "overcrowded," by the standard of 1.01 or more person per room. In 1950, 16 percent of the nation's housing had been overcrowded by the same standard.

The principal reason for this improvement was the increased per capita income and demand for housing. About 11½ million new housing units were started in the United States between 1960 and 1967, and the figures on the declining proportions of structurally unsound and overcrowded dwellings, even in central cities (as well as other factors) suggest that this new construction increased the supply of housing available to people at all income levels.

Even though the housing stock is improving, racial segregation and other barriers keep many Americans from moving into the housing that is being built or vacated, and deny them a share in the benefits of the nation's improving housing supply.

Income and poverty

In terms of income and wealth, the United States is unrivalled in the world. The Gross National Product will reach nearly $850 billion this year. The United States outranks its nearest competitor (Sweden) in GNP by about $1,000 per person.

Personal income in the United States has increased to an extraordinary extent in this century. Even after allowing for po[redacted] tion growth and the changing value of money, it has quadrupled.

Generally speaking, however, the dis[redacted] tion of income in the United States has remained practically unchanged over the last 20 years. Although the distribution of income has been relatively stable, the rise in income levels has meant that the number of persons below the poverty line has declined. The poor numbered 40 million in 1960 and 26 million in 1967.

A continuation of present trends, however, would by no means eliminate po[redacted] The principal cause of the decline has been an increase in earnings. But some of the poor are unable to work because they are too young, too old, disabled or otherwise prevented from doing so. They would not be directly helped, therefore, by increased levels of wages and earnings in the economy as a whole. Moreover, even the working poor will continue to account for a substantial number of persons by 1974: about 5 million by most recent estimates. This latter group is not now generally eligible for income supplementation.

The nation's present system of income maintenance is badly in need of reform. It is inadequate to the needs of those who do receive aid and millions of persons are omitted altogether.

This chapter concludes with an analysis of existing programs and a discussion of new proposals which have been put forward in recent years as solutions to the welfare crisis.

Public order and safety

The concern about public order and safety in the United States is greater now than it has been in some time.

The compilations of the Federal Bureau of Investigation show an increase in major crimes of 13 percent in 1964, 6 percent in 1965, 11 percent in 1966, and 17 percent in 1967. And studies undertaken for the President's Crime Commission in 1965 indicate that several times as many crimes occur as are reported.

Crime is concentrated among the poor. Both its perpetrators and its victims are more likely to be residents of the poverty areas of central cities than of suburbs and rural areas. Many of those residents in the urban ghettoes are Negroes. Negroes have much higher arrest rates than whites, but it is less widely known that Negroes also have higher rates of victimization than whites of any income group.

Young people commit a disproportionate share of crimes. Part of the recent increase in crime rates can be attributed to the growing proportion of young people in the population. At the same time, the propensity of youth to crime appears to be increasing.

Fear of apprehension and punishment undoubtedly deters some crime. The crime rate drops with much more intensive policing. But crime and disorder tend to center among young people in ghetto areas, where the prospects for legitimate and socially useful ac-

tivity are poorest. It seems unlikely that harsher punishment, a strengthening of public prosecutors, or more police can, by themselves, prevent either individual crime or public disorder. The objective opportunities for the poor, and their attitudes toward the police and the law, must also change before the problems can be solved.

Learning, science, and art

The state of the nation depends to a great degree on how much our children learn, and on what our scientists and artists create. Learning, discovery, and creativity are not only valued in themselves, but are also resources that are important for the nation's future.

In view of the importance of education, it might be supposed that there would be many assessments of what or how much American children learn. But this is not in fact the case. The standard sources of educational statistics give us hundreds of pages on the resources used for schooling, but almost no information at all on the extent to which these resources have achieved their purpose.

It is possible to get some insight into whether American children are learning more than children of the same age did earlier from a variety of achievement tests that are given throughout the country, mainly to judge individual students and classes. These tests suggest that there may have been a significant improvement in test score performance of children since the 1950's.

When the chapter turns to the learning and education of the poor and the disadvantaged, the results are less encouraging. Groups that suffer social and economic deprivation systematically learn less than those who have more comfortable backgrounds. Even when they do as well on achievement tests, they are much less likely to go on to college.

Of those high school seniors who are in the top one-fifth in terms of academic ability, 95 percent will ultimately go on to college if their parents are in the top socioeconomic quartile, but only half of the equally able students from the bottom socioeconomic quartile will attend college. Students from the top socioeconomic quartile are five times as likely to go to graduate school as comparably able students from the bottom socioeconomic quartile.

It is more difficult to assess the state of science and art than the learning of American youth. But two factors nonetheless emerge reasonably clearly. One is that American science is advancing at a most rapid rate, and appears to be doing very well in relation to other countries. The nation's "technological balance of payments," for example, suggests that we have a considerable lead over other countries in technological know-how.

The other point that emerges with reasonable clarity is that, however vibrant the cultural life of the nation may be, the live or performing arts are in some financial difficulty. Since there is essentially no increase in productivity in live performances (it will always take four musicians for a quartet), and increasing productivity in the rest of the economy continually makes earnings in the society rise, the relative cost of live performances tends to go up steadily. This can be a significant problem, at least in those cases where a large number of live performances is needed to insure that promising artists get the training and opportunity they need to realize their full potential.

Participation and alienation: What we need to learn

Americans are concerned, not only about progress along the dimensions that have so far been described, but also about the special functions that our political and social institutions perform. It matters whether goals have been achieved in a democratic or a totalitarian way, and whether the group relationships in our society are harmonious and satisfying.

Unfortunately, the data on the performance of our political and social institutions is uniquely scanty. The chapter on "Participation and Alienation" cannot even hope to do much more than ask the right questions. But such questioning is also of use, for it can remind us of the range of considerations we should keep in mind when setting public policy, and encourages the collection of the needed data in the future.

Perhaps the most obvious function that we expect our institutions to perform is that of protecting our individual freedom. Individual liberty is not only important in itself, but also necessary to the viability of a democratic political system. Freedom can be abridged not only by government action, but also by the social and economic ostracism and discrimination that results from popular intolerance. There is accordingly a need for survey data that can discern any major changes in the degree of tolerance and in the willingness to state unpopular points of view, as well as information about the legal enforcement of constitutional guarantees.

Though liberty gives us the scope we need to achieve our individual purposes, it does not by itself satisfy the need for congenial social relationships and a sense of belonging. The chapter presents evidence which suggests (but does not prove) that at least many people not only enjoy, but also need, a clear sense of belonging, a feeling of attachment to some social group.

There is evidence for this conjecture in the relationship between family status, health, and death rates. In general, married people have lower age-adjusted death rates, lower rates of usage of facilities for the mentally ill, lower suicide rates, and probably also lower rates of alcoholism than those who have been widowed, divorced, or remained single. It is, of course, possible that those who are physically or mentally ill are less likely to find marriage partners, and that this explains part of the correlation. But the pattern of results, and especially the particularly high rates of those who are widowed, strongly suggest that this could not be the whole story.

There are also fragments of evidence which suggest that those who do not normally belong to voluntary organizations, cohesive neighborhoods, families, or other social groupings probably tend to have somewhat higher levels of "alienation" than other Americans.

Some surveys suggest that Negroes, and whites with high degrees of racial prejudice, are more likely to be alienated than other Americans. This, in turn, suggests that alienation has some importance for the cohesion of American society, and that the extent of group participation and the sense of community are important aspects of the condition of the nation. If this is true, it follows that we need much more information about these aspects of the life of our society.

It is a basic precept of a democratic society that citizens should have equal rights in the political and organizational life of the society. Thus there is also a need for more and better information about the extent to which all Americans enjoy equality before the law, equal franchise, and fair access to public services and utilities. The growth of large scale, bureaucratic organizations, the difficulties many Americans (especially those with the least education and confidence) have in dealing with such organizations, and the resulting demands for democratic participation make the need for better information on this problem particularly urgent.

Though almost all Americans want progress along each of the dimensions of well being discussed in this Report, the nation cannot make rapid progress along all of them at once. That would take more resources than we have. The nation must decide which objectives should have the higher priorities, and choose the most efficient programs for attaining these objectives. Social reporting cannot make the hard choices the nation must make any easier, but ultimately it can help to insure that they are not made in ignorance of the nation's needs.

POWERPLANT SITE SELECTION

Mr. MUSKIE. Mr. President, for some time I have been concerned with the environmental impact of large thermal powerplants, whether powered by nuclear or fossil fuels. Their size, increasing number and potential influence on our environment make it imperative that we select the sites for such plants with great care to reduce the potential damage from such plants to an absolute minimum.

The Power Plant Site Selection Report from the Office of Science and Technology, released on January 5, is one of most significant joint reports on environmental problems prepared by government agencies. It provides a factual basis for evaluation of the dimensions of those problems, and it offers a sensible and effective series of recommendations for meeting them. If those recommendations are followed, we need not "lock the barn door after the horse has been stolen" by correcting environmental damage after it has been caused by large powerplants.

The agreement by the several agencies on the recommendations contained in the report should make it easier for us to enact requirements for site selection and planning procedures for those plants coming under the jurisdiction of Federal agencies, and for States to develop similar procedures. The Water Pollution Control Act Amendments passed by the Senate last year incorporated such procedures with reference to plants licensed, authorized or assisted by Federal activities.

These procedures are again included in S. 7, the Water Quality Improvement Act of 1969, and I intend to press for enactment. I also intend to offer legislation later in this session which will follow the guidelines of this report in setting comprehensive standards to assist the energy-producing industries of our country in determining the sites of their new installations.

This report effectively stresses the broad and urgent nature of the problem. I ask unanimous consent that the "Background and Highlights of the Report" be printed in the RECORD.

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

CHAPTER II. PHYSICAL REQUIREMENTS OF SITE

INTRODUCTION

The siting of thermal electric generation plants has grown more complex with each passing decade. As the sizes of generators, boilers, and associated equipment have grown the problems of site location have increased.

The future requirements for electrical energy and the trends in recent years with regard to power plant sizes places greater emphasis on the problems of plant location. The present-day concepts of large fossil-fired plants will be met with greater problems of air and water quality control as an increasing number of plants are constructed across our Nation. The increased use of nuclear power plants will help to alleviate the problems of maintaining control of air quality but will tend to aggravate the control of

thermal releases to sources of cooling water. The present emphasis on beautification and aesthetics of the power plant, transmission lines, and surrounding area will be continued and will present additional challenges in selecting and developing power plant sites.

The same features that make a site ideally suited for a generating plant also make it well suited for the development of an industrial plant. Large industries usually require substantial land areas and provisions for future expansion are frequently taken care of in the initial site acquisition. Some plants must be located near a highway, railroad, and/or body of water for barge transportation and a source of process water. Therefore, many good generating plant sites are being developed by industries or are being acquired by them for future development; and competition for choice waterfront sites often occurs.

The increasing use of waterfront sites for recreation purposes has led to competition between industrial developers, recreation project developers, and power plant site developers for the better waterfront sites. A prime objective in overall planning for the Nation's needs must be to see that the rapidly dwindling supply of good waterfront sites is used to the utmost advantage. It is evident that as time progresses the Nation's ever-expanding population is going to be required to live, work, and play closer and closer together and that generating plants will be part of that more crowded scene. Generating plants must be developed in such a manner as to make them good neighbors in all respects—worthy additions to the landscape and the environment as they produce the power so essential to continued economic growth and national progress.

SITE LOCATION

Proximity to load centers

The economics of locating thermal electric generating plants near load centers is undergoing very rapid change. The requirements with regard to air quality control and aesthetics of the plant and the surrounding area place greater restraints on the development of plant sites located near load centers. Thus far, most nuclear plants have been located some distance from population centers, but it is expected that as more experience is gained in the design, construction and operation of nuclear plants the use of locations nearer population centers is probable.

Location of coal- or oil-fired plants near concentrations of population is being met with greater opposition as people are becoming more concerned about air quality. The future use of coal- and oil-fired plants will require greater investments for electrostatic precipitators, as well as for means of controlling sulfur dioxide and other gases discharged from the stack.

The modern power plant uses large amounts of water for dissipation of the heat rejected. Large fossil-fired plants normally require condenser flows of about 0.8 to 1.2 cfs per mw of capacity while light water nuclear plants of the same output require half again as much. The control of heat rejected to lakes and streams by power plants has become a problem of increasing magnitude as power plants have grown in size and other uses of our lakes and streams have increased. Lakes and streams near large cities are used, among other things, for transportation, industrial processes, recreation, municipal water supplies, and sewage disposal. As our population has grown and the water oriented industries, as well as electric power plants, have increased in number and in size, the varied uses of the lakes and streams have increased as have the demands for "cleaning up" the bodies of water.

Highway, rail, water access

Good highway access is mandatory for large modern stations. The highway will provide access for plant construction and operation, and depending on development of rail and/or water access, may serve for delivery of all or part of construction and operation materials and equipment and fuel. The standards for the highway will depend on weight, type, and volumes of traffic to be handled.

Rail or water access is very desirable for delivery of heavy equipment and for fuel (except at some nuclear plants, coal-fired mine-mouth plants and at gas- and oil-fired plants served by pipeline) and where feasible, use of both usually is economical. Water access is especially desirable for delivery of large shop-fabricated and assembled reactor vessels, although field assembly is becoming more common. The standards for the railroad and docking facilities will depend on the volume of material to be handled.

If coal is to be delivered by rail or water (or both), major consideration must be given to waterfront or to rail facilities. Daily coal requirements of large modern stations demand careful coordination of the design of coal-receiving facilities, both for efficiency of operation and effect on freight charges resulting from delay in return of cars or barges to the carrier.

The cost of the access highway and railroad and the distance between the site and a principal public highway or railroad must be evaluated in site selection along with other factors.

Foundations

One of the most important factors in choosing a site is to determine that geological conditions are such that a satisfactory foundation for the plant structures is available.

The selection of a site should consider the presence of faulting which could present foundation problems, such as instability of rock foundation during an earthquake or the necessity for extensive excavation due to crushed and broken rock. Preferably a site should have no active faults. Possible cost variations due to differences in foundation conditions must be carefully evaluated.

Meteorology

The relationship of meteorology to the physical requirements of siting an electric generating plant is an important consideration, especially in designing the air pollution control features of the plant. Meteorological parameters should be identified on a seasonal and annual basis from measurements made at the site or from representative data recorded at nearby points. The frequency and severity of such phenomena as tornadoes, hurricanes, thunderstorms, ice storms, and sandstorms should be estimated using the environmental science data records for the area. The design standards for the plant and its associated equipment should reflect the effects of this meteorological information. The problem is discussed in detail in Chapter IV dealing with air pollution.

Hydrology

Flooding.—Unless the site area is diked for protection, plant grade for all plants should be set above the elevation of the greatest flood that may reasonably be expected based on actual storm and flood records and observations.

Security of cooling water source.—The cooling water source for all types of thermal plants should be made dependable for all conditions in which the plant is expected to continue operation. For a nuclear plant (see Ch. III), a dependable source of cooling water continues to be needed (although of a lesser amount) while the plant is not in operation to remove decay heat from the reactor. In addition, a source of cooling water for emergency reactor shutdown must be assured.

Thermal quality of water source.—Data on stream flows, temperatures, stratification and depths must be obtained and evaluated with an economical condenser size and pumping facilities to ensure that the temperature of the body of water receiving the cooling water discharge will not exceed the thermal criteria adopted by the governing regulatory authority (State and/or Federal) described in Chapter V.

Fuel supply

An essential item to be considered in selecting a site for a generating plant is the availability of an adequate supply of competitively priced fuel for the life of the plant. The location of a nuclear plant presents no problems in this respect because of the minimal transportation cost of nuclear fuel. Oil- and gas-fired plants are usually located where ample supplies are available on a competitive basis for the life of the plant. A new plant relying on gas will need long-term contracts to assure competitive fuel costs.

Coal-fired plants are usually located so that more than one field can be considered as a source of fuel for the plant site. The successful operation of unit trains on fast schedules and in some cases movement of coal by barge to power plants over long distances enables coal deposits at some distance from the site to be considered as alternate sources for the plant. The present and projected future availability of coal and its cost delivered to the plant will, of course, be a major factor in the final measure of the attractiveness of a site.

The location of a power plant at a mine-mouth site or at a location where the transportation facilities are capable of delivering coal from only one coal field can jeopardize the future price for coal delivered to the plant. Under such conditions, long-term contracts for the coal supply which are entered into while alternate sites are still being considered, may be the only means of obtaining a coal supply at a reasonable cost.

Effect of plant and transmission line appearance on surrounding areas

In site selection it is essential that proper consideration be given to the impact of the plant on the appearance of the surrounding area as well as the impact of the transmission lines that must radiate from the plant.

Technology of underground transmission has not yet been developed to the point where it is practical for transmitting large blocks of power over long distances. Research in underground transmission is underway but no technological breakthrough is in sight.

Much work has been done in the field of improving the appearance of overhead transmission lines and the results are encouraging. Examples include the tower design produced by Henry Dreyfuss & Associates for the Edison Electric Institute. These designs, as well as other attractive ones, are judged to be more applicable to distribution and subtransmission voltages. Economic considerations and the large size of EHV towers needed for mechanical strength and electrictl clearances handicap the designer in his attempts to incorporate pleasing appearance.

Amenities for employees

Power plant personnel have increased desires for comforts and conveniences with each passing decade. Increases in our standard of living have made it possible for employees to have better housing with many comforts and conveniences. Also, the employees desire modern educational facilities for their children and recreation facilities for families and employee groups. Shopping centers to provide for the family's needs are expected to be available in the community where the family resides. When selecting a plant site, the facilities available for employees within commuting distance of the site should be considered. The rural development opportunities are discussed in detail in Chapter VII.

Taxes

While taxes may not directly affect the "physical requirements" of a site, the taxing policies of the State and local governments have considerable influence on the economics of building a generating plant in one location as compared to another. Also, the taxing policies may exert different levels of influence

for a private plant developer as opposed to a plant being developed by a public body or organization.

DANGER TO WILDLIFE FROM OFFSHORE OIL EXPLORATION AND PRODUCTION

Mr. METCALF. Mr. President, the oil slick off the coast of California that is killing birds and aquatic life and endangering other resources, graphically points up the dangers of offshore oil exploration and production.

I think we are fortunate that Secretary of the Interior Walter J. Hickel said during the hearing before the Committee on Interior and Insular Affairs on the confirmation of his nomination that he fully realizes the dangers inherent in some oil-drilling operations. For example, Mr. Hickel said he would not allow opening of the Arctic National Wildlife Range to oil production without express orders to do so by Congress or the Senate Interior Committee. He also said that he had vetoed a law against building of offshore oil-drilling platforms in Bristol Bay because he could provide stronger enforcement against pollution of that bay by administrative methods than he could through the State law that he vetoed.

Mr. Hickel said at the hearing that he feels "very, very strongly" about the need for pollution control both on the surface and under the water. They have had that problem in other offshore areas of Alaska, Mr. Hickel said, and he certainly does not want to see it happen in Bristol Bay.

I invite the attention of the Senate to the wisdom of those words, and I think the unfortunate consequences that have occurred in connection with the offshore well drilled by Union Oil Co. of California amply demonstrate problems that could occur in other areas, such as Alaska. Union Oil Co. is involved in oil operations in Alaska. In fact, Mr. Hickel may know some of the executives of Union Oil Co., since it is a coowner of the gas fields from which Anchorage Natural Gas Co. obtained its gas to distribute to the people of Anchorage. Mr. Hickel was one of the owners of Anchorage Natural Gas. So we are fortunate to have as our Secretary of the Interior a man who not only realizes the problems of offshore oil drilling, but who may know some of the personnel of the company involved in the California offshore problem.

I see by the newspapers that Union Oil Co. officials blame the oil slick in California on the fact that there is a faultline along that area which allowed the oil to escape. There also are faultlines in Alaska, which experienced an earthquake of major proportions in 1964. Oil drilling in Bristol Bay, or other waters off Alaskan shores, could encounter the same misfortunes that have occurred off the California coast.

Mr. Hickel's nomination hearing record includes an exchange of letters between the Western Oil & Gas Association and former Secretary of the Interior, Stewart L. Udall. In his letter Mr. Udall said he was concerned about oil pollution in Cook Inlet, along the Alaska shore, and about the possibilities of similar pollution in planned oil exploration in the Gulf of Alaska and Bristol Bay. He pointed out that those areas are important to commercial fisheries and to wildlife. As Mr. Udall said:

> Nowhere else on the North American continent does the prospect of pollution from oil development pose such overwhelming threats to birds and other wildlife and to fishery resources.
>
> One "gusher," one wrecked tanker, one broken pipeline, or one large spill—accidental or not—could cause long lasting damage—

Mr. Udall said.

> In fact, no oil exploratory or development work should start in that area until the industry can assure that its operations will be carried out without polluting the environment and without damaging fish and other aquatic resources.

Mr. Harry Morrison, vice president and general manager of the Western Oil & Gas Association, replied that Mr. Udall should not be concerned about such possibilities. Mr. Morrison wrote:

> You mention the possibility of a "gusher." You, of course, know our operators use blowout preventers on drilling wells and fail-safe shut-off devices on producing wells.

I think the experience of Union Oil Co., a member of the Western Oil & Gas Association, and the experience of many citizens of California and the United States, and especially the experience of many birds and aquatic animals, demonstrates that "fail safe" is far from that as far as offshore oil drilling goes, and that former Secretary Udall's concern about offshore oil exploration was well founded.

Every duck hunter in the Pacific flyway, and every beneficiary of the major industry that migratory bird hunting has become, has a stake in this matter. Oil pollution in Bristol Bay will endanger a vast natural and economic resource. Commercial and sports fishermen also are looking at the California situation and visualizing the damage that it could wreak on our wildlife resources in the Western States should we have such an occurence in Alaska. The hearing record also includes a description of the vast part that Bristol Bay plays in our wildlife resources.

We are fortunate, I think, to have as our new Secretary of the Interior a man who is on record as saying that he shares the attitude that surface and underwater pollution should not be permitted. We are fortunate that we can look to his leadership in seeing that our wildlife resources will be protected.

FAIR CREDIT REPORTING ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, I am most happy to join with the senior Senator from Wisconsin (Mr. PROXMIRE) in sponsoring the Fair Credit Reporting Act of 1969. This most important legislation will close a growing gap in our Nation's consumer protection laws. At the same time it will also insure the right of privacy to all of our citizens in the field of credit reporting.

This legislation is not intended to place undue burdens on legitimate credit bureaus. Its only purpose is to insure fair and equitable credit reporting. This bill will allow credit bureaus to continue the gathering and supplying of data which is essential for fair and just credit ratings. However, such information may only be disseminated where there is a legitimate business purpose involved—a practice which unfortunately has not been followed by some credit bureaus. In addition, this proposed legislation would require notification to individuals receiving adverse credit ratings. Opportunity would then be allowed for the submission of explanatory material and for the correction of any inaccuracies. This right of rebuttal is an inherent one u[illegible] our traditions of fair play and jurisprudence. Presently, there are far [illegible] many cases where adverse credit reports cause irreparable harm to the individual without his being afforded the opportunity to answer the charges, correct inaccuracies or in some cases to even know that such a report has been issued.

The growth of the credit bureau industry has increased at a spectacular rate over the last decade. By 1967 c[illegible] bureaus maintained files on more than 110 million individuals—a figure which has undoubtedly increased over the last 2 years. Obviously, the collecting of credit data has become a major industry which affects all segments of our national economy.

The primary function of a credit bureau is to collect information about individuals so that banks, insurance companies, retail merchants and other potential creditors can decide whether to extend or withhold credit. In performing this function credit bureaus undoubtedly performs a much needed service. However, when inaccurate or erroneous data is supplied, great harm may result. In addition to the use made of this information by private lenders, the Federal Housing Administration uses private credit bureau reports to ascertain eligibility of mortgage applicants. Federal and State agencies use similar sources in order to make preemployment checks on job applicants. The accuracy of these reports is, therefore, a matter of serious concern to all of our Nation's citizens.

Perhaps the most serious problem arising from the use of credit bureau information is the individual's basic right to privacy. Credit reports often contain highly personal and sensitive information. Credit data may include facts as to the individual's personal history, marriages and divorces, personal sexual habits, as well as general data concerning family and friends. The results arising from inaccurate reporting or the unauthorized use of such highly sensitive information is obvious.

While most credit bureaus have been circumspect in the dissemination of such information, a small minority have given out this highly confidential and personal data as a result of mere random telephone calls or letters. A study made last year by Dr. Allen Weston of Columbia University showed that such abuses have occurred without any opportunity being given to the individuals involved to cor-

rect inaccuracies; even though the reports contained adverse information of a highly personal nature. Dr. Weston's study showed that not even a cursory check was made on the individual making the request for the data or its ultimate use. I am sure that all will agree that basic protections are needed to preserve the rights of individuals in such instances.

The Fair Credit Reporting Act is a reasonable and sensible approach toward alleviating these problem areas. Its provisions will not hinder credit bureaus in the collection of legitimate data. The bill will, however, preserve the basic rights of the individual. It will allow the subject of an adverse credit report to be fully informed of the charges levied against him. When such charges are inaccurate, the right to explain or refute is also present. These rights are basic to our American heritage and must not be infringed upon. Finally, this legislation will help to preserve the individuals right to privacy, especially where highly personal information is involved.

These are the rights which the Fair Credit Reporting Act seeks to protect. Surely no one would deny these rights to any of our Nation's citizens or quarrel with the purpose of this most important consumer protection legislation.

CONCLUSION OF MORNING BUSINESS—PROPOSED DISAPPROVAL OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL PAY RATES

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded; and the Chair lays before the Senate, Senate Resolution 83, a resolution coming over under the rule, which the clerk will state.

The bill clerk read the resolution (S. Res. 83) as follows:

S. RES. 83

Resolved, That the Committee on Post Office and Civil Service be discharged from further consideration of S. Res. 17, to disapprove certain executive, legislative, and judicial pay rates recommended by the President.

Mr. WILLIAMS of Delaware. Mr. President, in view of the fact that Senate Resolution 82 is now the pending business, there would be no purpose in discussing this resolution (S. Res. 83), and therefore I ask unanimous consent that it be placed on the calendar.

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

What is the will of the Senate?

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. GRAVEL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, but not later than 2 p.m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 1 o'clock and 6 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 p.m., when called to order by the Vice President.

PROPOSED DISAPPROVAL OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL PAY RATES

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate Resolution 82, which the clerk will report for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the Senate disapproves the recommendations of the President with respect to rates of pay transmitted to the Congress in the budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967.

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

The VICE PRESIDENT. Out of whose time?

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the time not be charged to either side.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the resolution.

The yeas and nays were ordered.

The VICE PRESIDENT. Under the previous unanimous-consent agreement, debate on the resolution is limited, not to exceed 3 hours, to be equally divided between and controlled by the Senator from Montana (Mr. MANSFIELD) and the Senator from Delaware (Mr. WILLIAMS).

Who yields time?

Mr. WILLIAMS of Delaware. I yield myself 5 minutes.

Mr. President, the purpose of the resolution is to reject the President's recommendations for salary increases. Under this proposal congressional salaries would be increased by 40 percent, salaries of the judicial branch by 50 percent, and salaries of the top echelon of the executive branch would be increased from 35 to 70 percent. We cannot take action on the increases in salaries of Members of Congress, the judicial branch, and the executive branch without at the same time taking into consideration the effect it would have on later action dealing with increased salaries for all civil service employees, which it is estimated will be at least 10 to 12 percent.

We cannot approve this proposal without taking into consideration what we would do with respect to the request for salary increases for these other employees. To increase those salaries in line with the recommendations would cost approximately $4½ billion. Therefore, the argument that at this time we are voting on a matter dealing only with $20 to $25 million is not quite true. The Senate is today setting the pattern for salary expenditures that can cost at least $4.5 billion in the next fiscal year.

If the Members of Congress are to increase their own salaries by 40 percent and the salaries of the executive branch by 35 to 70 percent—that is, the top echelon—how can we in good conscience ask industry and organized labor to hold their price and wage increases down to approximately 5 percent so that we can combat the serious threat of infla[redacted]

Likewise, it should be pointed out that later Congress will have to ask the tax[redacted] payers to accept a 12-month extension of the 10-percent surcharge. If these salary increases which we are considering today are approved, followed by the inevitable salary increases for civil service employees, it will mean that approximately one-half of all the revenue that will be derived by the Government from the 12-month extension of the 10 per[redacted] cent surcharge will be required to pay for them.

The Government closed its books in 1968 with a deficit of over $25 billion. I pointed out the other day that instead of having a projected surplus of $2.4 billion for 1969 and $3.4 billion for 1970, as was outlined in the President's budget message of January 15, 1969, an analysis of the budget shows that we actually are confronted with a deficit of $6.9 billion in 1969 and a deficit of $10.7 billion in 1970.

We are operating the Government today at a deficit running at a rate of over $500 million per month. That means that if we increase our salaries today the increases can be paid only by borrowing the money and charging it to the taxpayers.

I think it would be the height of folly for us to be so fiscally irresponsible.

I understand that we are going to be asked to increase the ceiling on the national debt within the next few months so that they can finance the deficits now being created. Certainly we all recognize that inflation is a real threat in this country. The inflation that took place in the last 12 months was about 5 percent, which means that the purchasing power of salaries of Members of Congress has been reduced approximately 5 percent in the last 12 months, or approximately $1,500 less purchasing power. I recognize that. But that statement is also true of every wage earner in America, every housewife, and every taxpayer. They are all confronted with the rising cost of living.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 additional minutes.

The VICE PRESIDENT. The Senator from Delaware is recognized for 3 additional minutes.

Mr. WILLIAMS of Delaware. Mr. President, in this instance congressional salaries would be raised, not to take care of the cost-of-living increase, but rather

to raise salaries by 40 percent. I think we cannot afford to do it. I think it would be wrong.

Another thing we cannot overlook when we vote on the proposal before us today is that we are not voting only for a 40-percent increase in congressional salaries. If congressional salaries are increased it would have the automatic effect of triggering into action an 8-percent per year increase in the retirement benefits of every Member of Congress for each of the next 5 years. That would mean the retirement benefits of every Member of Congress, as a result of this increase, will be increased 8 percent per year for each of the next 5 years, or a total of 40 percent.

In addition, there is a built-in escalation clause for pensions of Government employees only, which would be triggered into effect every time there is an increase in the cost of living of 3 percent or more.

In other words if this resolution is rejected, we, as Members of Congress, will have insulated ourselves against any of the adverse effects of inflation for which we, as Members of Congress, are primarily responsible.

The same thing is true with respect to the executive branch, the top echelon of Government downtown. Certainly, members of the executive branch and Members of Congress are the ones responsible for the deficit spending which is creating the inflation. It is time that we stop and ask ourselves how long are we going to go down this road of deficit spending and whether we want to face our constituents saying, "Yes, we pity you, and we know you are handicapped by the ravages of inflation. We know because we read about it in the newspapers, not that it affects us because Congress has enacted legislation that insulates us from inflation, both with regard to our salaries and our pensions."

Mr. President, I say that position of preferential consideration cannot be condoned, and for that reason more than any other reason this resolution, which would reject the proposed increases, should be agreed to.

I wish to point out one other mathematical result of the proposed increases. For example, let us take the proposed increases in salaries for the judicial branch of the Government, the members of the Supreme Court. The salaries of Associate Justices would be raised from $39,500 to $60,000 a year. Under the law, they can retire at full salary. That means we would be raising the pension income for Associate Justices of the Supreme Court to a point where they could retire at $60,000 a year as a lifetime pension with an escalation clause to protect them from any future increase in the cost of living. This represents a pension which is 2.5 times the pension we allow for our former Presidents.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 additional minutes.

If this resolution is defeated we will be providing $40,000 pensions for all district judges. Every Federal judge in every district in America could retire with a $40,000 salary, or $15,000 more in pension than is allowed the President of the United States.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. FULBRIGHT. Do judges contribute to their retirement as do Members of Congress?

Mr. WILLIAMS of Delaware. They do not.

I repeat, Congress is also putting into effect an escalation clause to protect them against any further increases in the cost of living. This is a one-way escalation clause. If the cost of living rises five consecutive times at 3 percent they would get five 3-percent increases. Then suppose we enter a period when the cost of living goes down In that event the cost of living increase would freeze at the top level, and they would have that much additional pension.

We should stop and ask ourselves how much the taxpayers can afford. In my opinion we should adopt the resolution, reject the salary increase, and put the financial picture of this Government in order before we proceed further.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 additional minutes.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MUNDT. First of all, I would like to congratulate the Senator from Delaware on bringing this issue into the open so that every Senator can vote his convictions and his conscience on the proposal before us. I cannot think of anything more reprehensible than deciding an issue of this kind without a rollcall vote and without an open expression of opinion on the part of both those who support the legislation and those who support the position of the Senator from Delaware. I hope the Members of the other body will also make their decision by a rollcall vote.

I suspect that there is no other Member of the Senate who has given more thought, time, and study to the problems of inflation than has the Senator from Delaware, who has been a leader in an effort to try to curb these inflationary fires, who was the author of the proposal to create the surtax, tying it to a rollback in employment and Federal spending.

I would like to ask the Senator from Delaware what, in his opinion, on the basis of his knowledge and experience, would be the impact in the private sector of our approving this 40-percent increase, so far as senatorial and congressional salaries are concerned, and a much larger percentage of increase for the judiciary? Does the Senator feel this would have an impact when it comes to the bargaining table between employees and employers in the private sector of our economy from the standpoint of guidelines which are to be part of the device for holding down the fires of inflation?

Mr. WILLIAMS of Delaware. There is no question about it. In my opinion, the action we take here today may well trigger another round of inflation, one from which the American dollar would not survive.

Mr. MUNDT. We do not reflect much about it in terms of our legislative activities in Congress, but we are still in a war. I can recall one wartime period in American history when a predecessor Congress voted a rollback in its salaries in an effort to share the sacrifices of wartime. It seems to me that we are presently running far afield from that kind of motivation, if instead of rolling salaries back or holding them where they are, we should go to a 40-percent increase, plus the fact that we are operating at a deficit despite the glowing account President Johnson gave in his farewell address. I thi[illegible] Senator from Delaware analyzed the budget correctly when he said it shows we are operating at a deficit of $6 [illegible] billion.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. MUNDT. Would not the Senator from Delaware have a different attitude toward this pay raise increase if we were at peace instead of at war and if, in fact, we had done our homework sufficiently to balance the budget?

Mr. WILLIAMS of Delaware. Certainly. The argument has been made that we have many highly qualified men serving Government today in Congress and in the executive branch, men who could make so much more money in private industry than in serving the Government. I realize that. I realize we have men making sacrifices. It has always been thus. However, I point out that we are in the midst of a war and that we have many men in the service serving in the ranks and as officers who were making much more money in private industry than they are today [illegible]le serving their country.

There is [illegible]thing wrong with a man who is serving in Congress making some slight sacrifice. I think that during a period of war, a time when we are faced with the serious threat of inflation, a time when we have a deficit of $500 million per month with no chance of even holding it at that and the next fiscal year 1970 looks like it will be worse, even under normal circumstances, it is not the time to launch another wage spiral and thereby touch off another round of inflation.

We cannot just figure that we are dealing with $22 to $25 million. We are setting a pattern. If we adopt the increase here today it will be fed through all branches of Government and will cost a minimum additional of $4½ billion per year. This will take up at least one-half of the additional revenue which will be derived from extension of the 10-percent surcharge. I do not believe that any of us will want to go home and tell our constituents——

The VICE PRESIDENT. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 additional minute.

The VICE PRESIDENT. The Senator from Delaware is recognized for 1 additional minute.

Mr. WILLIAMS of Delaware. I do not believe that any of us will want to go back home and tell our constituents that we are extending the 10-percent surcharge

another year when we have already earmarked one-half of it to raise our own salaries.

Mr. President, the resolution should be agreed to, and these 40- to 75-percent salary increases should be rejected.

Mr. MUNDT. Mr. President, again I congratulate the distinguished Senator from Delaware. I intend to support his position in the rollcall vote. I also disapproved of the Presidential pay increase recently adopted. It seems to me the best that can be said of this proposal is that it is a masterpiece of bad timing, to vote ourselves this kind of increase when 500,000 of our American boys in Vietnam have the very unattractive job at very unattractive salaries, of fighting a war, when the country is suffering from inflationary fires, and when balancing our national budget has not yet been attained.

Mr. WILLIAMS of Delaware. I thank the distinguished Senator from South Dakota.

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I shall be brief but I wish to make one or two statements in support of the resolution offered by the Senator from Delaware.

None of us will take the position that we are not worth more money than we are presently being paid. If we did take such a position, I am sure that we would be in trouble with our constituents and with everyone else. None of us will take the position that Cabinet officers are not worth more money than they are presently being paid.

What I object to is the fact that the Senate and House have not accepted responsibility for determining what they can do in this very troublesome time of inflation. When we come in here and try to talk to our constituents and the country about the need for controlling inflation, and someone comes back and says, "How can you do that when you have just voted yourself a 40-percent increase in salary?" I am going to find myself tonguetied.

For these reasons, plus the discrepancies among salaries of Congressmen, Cabinet officers, and members of the Supreme Court and other Federal courts, I find myself totally unable to follow the suggestion of President Johnson which he gave to this Congress in the budget this year.

I shall, therefore, support the resolution of the Senator from Delaware, and shall support the resolution with real enthusiasm.

Mr. WILLIAMS of Delaware. Mr. President, I yield 8 minutes to the distinguished Senator from Mississippi.

The VICE PRESIDENT. The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Delaware. I commend him highly for bringing this matter squarely before the Senate. This Commission comes out of a bill which really never was adopted by the Senate except that in the final days of the session in 1967, it became law through approval of a conference report.

I am not going to use much of my time to discuss the amounts involved. I am willing to vote for some increase in salary for the legislative members of the Government. I have passed through the time when my children were in college and I therefore know the burdens that one has to carry during such a period. I am willing to vote for some increase to meet those conditions.

However, the amount is not the issue today. We have a principle involved here. It is one of the great principles of our form of government; namely, the responsibility of the members of the legislative branch of our Government.

Mr. President, the Constitution of the United States, which we have followed for 180 years, directly places upon us the responsibility on the point of setting our salaries.

I refer to page 531 of the Senate Manual, section 6, of article I of the Constitution which states:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

The phrase "to be ascertained by law," means passage of a law, agreed to by the House of Representatives, agreed to by the Members of this body, and signed by the President of the United States. That is the true meaning of the word "ascertained by law." It cannot mean anything else. It has been so interpreted during all the years of the life of our Nation.

Now we have abandoned that concept and are going over to the idea of having a Commission to do this unwelcome chore for us. That is what we are doing.

Only Congress can pass a law, but instead of passing a law we have passed the buck. We have passed this problem over to a Commission to consider the problem. Now they return with a suggested salary increase for us.

True, the President passed on it, too, but he is not a member of the legislative department. If it is not vetoed by the House or by the Senate, then it becomes law. This is no way to discharge our responsibility.

Where did we go to get this thing done? We often accuse other branches of Government of usurpation of power. Last fall we had a splendid debate here with both sides ably represented—and I refer to this only by illustration—wherein the Supreme Court was charged with legislation, with usurpation of power, as well as encroaching upon this body as a part of the legislative branch.

Now we propose to compound error by avoiding a responsibility that is clearly our own.

Here we have gone to the executive branch and in effect have asked the executive to set our salary. We know that the budget is so large and the complications so many that the executive branch has become more and more dominant in this Government.

We go to the executive branch which we have also criticized so liberally for usurpation of power, at one time or another, in all administrations, and we say to them, in effect, "You fix our salaries." This is the branch of our Government against which we are supposed to guard our power and properly restrict the other. How can we face that fact?

We can stand here and argue [redacted] the dome of this Capitol falls in, but we will never make our constituents [redacted] not one in 500—believe anything except that this is an evasion, an abdication of our personal and official responsibility. This then is too thin. It will not stand up. I believe we will pass a fateful legislative mark today if this proposal becomes law. I believe the legislative branch of this Government will have taken, not a step forward, but a [redacted] downward, an abdication of a primary responsibility. This will limit our power, our persuasiveness, our influence in other matters that we are expected to pass on.

As I say, I am not trying to fully destroy all increases in salary. I will support some reasonable amount, but I want it to come from this body, after being weighed by the appropriate committee and subjected to the crossfire and exchange of ideas, facts, and figures before our appropriate groups and for further debate on the floor. This put us in the hole where we have to carry a negative and carry a veto power by a majority vote. I hope that by a favorable vote today for our position that we will be saved from the unhappy consequences that I have briefly described.

I thank the Senator from Delaware for the time he yielded me.

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

Mr STENNIS. If I have time, I am glad to yield

Mr. MANSFIELD. Mr. President, I yield the Senator time.

Mr. KENNEDY. Just for the purpose of questions.

Mr. MANSFIELD. I yield the Senator such time as he may desire.

Mr. KENNEDY. Will the Senator enlighten the Senate on what the vote was in the U.S. Senate in establishing the Kappel Commission? Does the Senator from Mississippi remember, or can the Senator from Delaware enlighten us on that matter?

Mr. STENNIS. I do not know. Is that the one that brought out the bill?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield I will yield myself 1 minute to reply.

Mr. STENNIS. I yield.

Mr. WILLIAMS of Delaware. The House included in a bill dealing with salary scales of civil service employees generally, a section which established the so-called Kappel Commission. The Senator from Virginia (Mr. BYRD) offered

an amendment and sent it to the committee, providing that that section should be deleted. I offered a similar amendment. The Senate committee deleted that section, and when the Senate passed the bill that section was not a part of it. It was put back in by the conferees; and it was then a case of take it or leave it. But the Senate itself rejected the Kappel Commission.

Mr. KENNEDY. As I understand the parliamentary procedure, when a matter comes to the Senate from conference, the Senate can either accept the conference report or indicate that it wants to send the conference report back to conference with specific instructions. Can the Senate not do that?

Mr. WILLIAMS of Delaware. That is correct.

Mr. KENNEDY. Was that the will of the Senate, or did we just accept it?

Mr. WILLIAMS of Delaware. It was the will of the Senate, but it was not unanimous.

Mr. KENNEDY. We accepted it at that time?

Mr. WILLIAMS of Delaware. By majority vote, but it was not unanimous.

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

Mr. KENNEDY. I yield.

Mr. STENNIS. There is one more chapter in this. Last year, we had the question of whether we would provide any money for the Commission. By a close vote, we gave them $100,000. Here on the floor it was challenged, and, by a close vote, by a five-vote margin, the sum survived.

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

Mr. STENNIS. I yield for a question.

Mr. KENNEDY. I was wondering whether the reservation expressed by the distinguished Senator from Mississippi was to the procedure of the adoption of the suggestion of the figure, which was some $50,000, but as later recommended by the President, was $42,500, or whether it was the procedure by which the Commission was established, and by which the Commission later was to make its recommendation.

Mr. STENNIS. I think the Senator had his attention diverted by someone else, but in my opening statement, I said a constitutional principle was involved and that we were abdicating our clear-cut responsibility as legislators.

Mr. KENNEDY. I listened to the Senator, and I understood that was the principal argument. Is the Senator arguing further with regard to the figure itself? I think he indicated he was prepared to support some additional compensation. I was wondering what that additional compensation in excess of the present salary would be and if he was prepared to advise us what that compensation should be.

Mr. STENNIS. I think that is a fair question. I say, too, that I would like to have the figure weighed by some responsible committee of this body, discussed, and reported here for debate, as to the soundness of the figure, and so forth. That is not being done here now under this negative process.

Mr. KENNEDY. May I have 5 or 6 minutes?

Mr. MANSFIELD. Mr. President, I yield such time to the Senator as he may require.

Mr. KENNEDY. Mr. President, in spite of the comments that have been made here this afternoon, I think the issue is really whether we are going to turn the opportunities of service in the Senate and the House over to those who have the resources of a private income. Is the Congress going to supply its Members with the kind of resources which are necessary to provide themselves with means sufficient to meet their obligations? I think that really is the basic question.

I think it spurious and irresponsible to compare the sacrifices of our men in South Vietnam and Southeast Asia with the economic sacrifices to be made by those in the House and Senate of the United States.

Mr. President, never in the Nation's history has there been a greater need to attract and retain in the Government service competent men and women. The problems which face our country, if they are to be solved, require the creative and administrative talents of the finest minds available. In seeking out capable officials, the branches of the Federal Government compete with the private economy to hire the most talented.

Senators, Congressmen, and other public officers serve at great sacrifice to their families, to their privacy, and to their financial resources. Self-sacrifice for the public good is a part of the American tradition of public service. But great financial losses, in addition to other personal costs, should not be required of citizens who are willing to serve the public. It is wrong and it is inefficient. If the public asks them to serve, they should make certain they are compensated.

In 11 States, Governors are paid compensation equal to congressional pay. In 19 States, Governors are paid $35,000 to $50,000, and in seven States, Governors are paid in excess of $60,000 in total compensation. If congressional pay is raised, at least 10 Governors will still be paid a great deal more than Members of Congress—over $50,000 each. It must be admitted that the responsibilities of most Governors do not approach that of the Congress, where decisions affect appropriations averaging over $1 billion for each day we meet; where we are charged with, among other things, obligations to provide for the national defense and declare war, and other matters vitally affecting the lives of everyone.

Some 2,136 State, city, county officials, education officials, judges, and public corporate officers are paid at a rate equal to or above that paid to Members of Congress. It is significant that in the past year, the number of those officials paid $35,000 or more was increased by 70 percent. This trend is a continuing one: New York and California just recently voted significant increases to top officials.

More troublesome, and more difficult to reconcile, are figures from the private economy. These lead to my concern, Mr. President, that we may be approaching a situation where only the self-sufficient will be able to afford public service. I have known men in Massachusetts and from other places around the country who, from time to time, have indicated a desire to run for public office. Those to whom I refer, have been not men of means, but men of quality. As they consider the costs and the compensation, many have found the costs to their family too great. In many instances, it has been a tragic loss.

In an article entitled "What's A Good Man Worth?" Business Week magazine on June 1, 1968, surveyed salaries and other compensation paid top American business executives in 1967. The article reveals that Members of Congress, Cabinet members, and Supreme Court Justices are recompensed far below second- or third-level management positions in both large and small corporations. Because of the stark contrast presented, I will ask unanimous consent that the article and tables be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, the Kappel Commission found that 4 years ago, the median income for executives in manufacturing or retail trade corporations was $100,000, excluding such additional benefits as expense accounts and other compensation. They further reported that total compensation in executive salaries has increased at the rate of 4.6 percent annually since 1963, so that these same executives are probably now receiving approximately $120,000 a year, four times the amount paid to Members of Congress.

As another example, Mr. President, General Motors Corp., in 1967, paid fifth-level or management total compensation of $447,500.

And yet, Mr. President, we are sensitive about voting on our own relatively modest pay raise, almost as if we feel we earn less than what is proposed. Members of Congress are intelligent and honorable men and women, worthy of public confidence. If there are those who abuse this trust, or who will not earn this additional compensation, let the electorate solve this problem at the appropriate time. Senators need this increase and we need competent officials.

The argument is made that the pay raises are inflationary, and that Congress is setting a bad example because Congress and administration have called on others to keep wages and costs down.

It would be better, in my opinion, if Congress were to provide for yearly cost-of-living increases for themselves and other top-level Federal officers, after first making salaries comparable to those holding important responsibilities in the private economy. But we have chosen not to bring the subject up annually, or even every 3 or 4 years. Only three times since 1926 have salaries for Members of Congress, heads of departments, or Justices of the Supreme Court been raised—three times in over 40 years. Over the last 15 years, we have increased salaries of Federal employees and officers 90 to 135 percent, while during the same period congressional salaries have been raised 88.9 percent. These increases would be modest enough if they were averaged over the years since 1926.

We are sensitive about voting a raise, as if we felt we earn less than what is proposed, taking into consideration the capabilities and earning ability of Members. If they worked elsewhere, $42,500 is very low.

Senators should not be timid in this regard, but should speak out. We have the responsibility and the obligation to assure that men and women capable of solving today's problems are compensated adequately to permit their participation in public service. This is a problem of vital national concern and our responsibility is clear.

Someone must speak for the pay raise. I strongly favor it.

EXHIBIT 1

WHAT'S A GOOD MAN WORTH? PLENTY, ACCORDING TO SURVEY OF WHAT U.S. COMPANIES PAID TOP EXECUTIVES LAST YEAR

Ask any executive why a top manager gets raises, and he'll give you a two-part answer: As a reward for outstanding service; and as motivation for him to make more money for the company.

This would apply to most chief executives—and that's what makes President Samuel Bronfman of Distillers Corp.-Seagrams, Ltd., such an exception. His salary has remained at about the same level since Business Week's annual compilation of top executive salaries was started in 1950. But at $331,470, it puts him at the head of the list of top executive salaries.

OTHER REWARDS

Bronfman's nearest competitors for top spot, Procter & Gamble Chairman Neil H. McElroy and President Howard J. Morgens, each got $325,000 in 1967. But that doesn't mean that these three are highest paid managers in U.S. business. Far from it, as the case of International Telephone & Telegraph Chairman Harold Geneen shows. With a 1967 salary of $250,042, Geneen also pulled down $235,000 in additional compensation, or $485,000 total compensation. This put him in a virtual tie with Johnson & Johnson Chairman P. B. Hoffmann, whose $277,000 salary and $209,142 in additional compensation totaled $486,000.

For the biggest money award—although not all paid in 1967—first place goes to Frederic G. Donner, who retired Nov. 1 as chairman of General Motors. On top of his $169,617 salary, Donner was granted a bonus of $460,000, payable in equal installments over five years. He now is drawing annual installments on previous bonuses; in 1966, the bonus award was $590,000.

As has been the case for many years, the total compensation package of the top managers of U.S. business and industry includes many rewards that sweeten the pay package. About 60% of all companies now have some sort of incentive plan, typically a cash program related to profits and containing a certain element of judgment. In some of these programs, such as the plan at General Electric, executives can take their incentive pay in stock and defer it. But over the past five years or so, the trend has been away from the deferred plan toward cash. One major reason: Since taxes in the top brackets dropped from 92% to 70%, executives were disenchanted with the thought of deferred compensation sitting around earning nothing. By taking it in cash, they can put it to work on a capital gains basis and double it in 20 years, according to executive compensation expert Arch Patton of McKinsey & Co.

COMPARISON

Another form of executive compensation, the stock option, is still surprisingly popular despite tighter rules adopted in 1964. Executives now have to hold their stock three years to get capital gains treatment if they sell it, and must exercise the option within five years, rather than 10 as the previous ruling held.

"When these guys gripe to me about the new law," observes Patton, "I tell them that if the old one hadn't been around, they'd be doing cartwheels about this one. The 1951 law was so lax it just makes this one seem restrictive, which it isn't."

Also, there is a practical side to stock options. Says Robert D. Hulme, compensation expert with Philadelphia-based management consulting firm Towers, Perring, Forster & Crosby: "With the tremendous number of tender offers being made, it's always nice for the company that wants to continue its own identity to have stock in friendly hands."

ITT PLAN

One option plan receiving much attention is the self-restricted stock gift, first unveiled by International Telephone & Telegraph and approved by the Internal Revenue Service in 1967. "This allows the executive to buy stock at about one-half market value," explains Jack Lesher, a vice-president with Booz, Allen & Hamilton, Inc., and the management consulting organization's top expert on the subject.

The tax treatment on such arrangements used to be that the difference between what the executive paid and market value was considered taxable income, but Geneen's plan—called ITT's "career stock plan"—cleverly sidestepped this ruling. Since the plan imposes its own restrictions (executives cannot sell the stock for 10 years, and then only 5% a year), the IRS doesn't view the difference in price as taxable. It was designed to retain the recipient's services and wasn't negotiable anyway, IRS reasoned.

TRAPPED

These plans, along with such other retention devices as bonuses contingent on a man remaining until retirement, have certain limitations, Lesher observes. "The company doesn't want to force the retention of someone it doesn't want, and the fact that an executive who wants to leave feels locked in could make for an unhealthy situation. Someone once called these plans 'the golden handcuffs.'"

Other ingredients in the compensation package often include life insurance and pension plans based on salary, major medical and disability plans, and very expensive holidays and vacations.

When all these fringes are added together, and combined with such top executive perquisites as company-provided transportation, intown apartments, and the like, they can make a package that unhesitatingly can be described as welcome. Yet, the measure of a man's esteem in the eyes of his associates (and competitors) remains his salary.

YARDSTICK

Partly because it provides a basis of intercompany comparison uncluttered with intangibles, and partly because a man's salary is the fabric from which most American dreams are made, the ones revealed to the public are closely followed in the U.S. and abroad. They make popular reading for the same reason the batting averages on the sports page fascinate many people: In a world composed of varying shades of gray, they provide an all-too-rare opportunity to deal with blacks and whites. Samuel Bronfman's salary is highest, has been for years, and that's that. That's $962.38 a day.

Others at the top of the salary scale include—in addition to P&G's McElroy and Morgens at $325,000—U.S. Steel's Blough, $298,750; R.C.A.'s Sarnoff, $290,000; Kaiser's Ready, $290,000; Texaco's Rambin, $285,000; Union Carbide's Mason, $285,000; Eastman Kodak's Vaughn, $280,000; Johnson & Johnson's Hofmann, $277,000; and Firestone's Firestone, $275,000.

PRESSURE FROM BELOW

In such a rarified salary atmosphere, it is doubtful that motivation plays as much of a role in determining salaries as the necessity to pay handsomely the men on the slopes immediately below the summit. A survey of the compensation of the 550 top executives of 50 large corporations from 1940 to 1963 was conducted by Purdue Professor Wilbur G. Lewellen and published this year by the National Bureau of Economic Research. It reports that the typical second- through fifth-ranking executives in large manufacturing corporations now receive, respectively, 75%, 64%, 57%, and 53% as much before-tax salary and bonus as their firm's senior officer. In 1940–41, the figures were 62%, 50%, 44%, and 39%.

The study, aided by grants from the Rockefeller Brothers Fund and the Life Insurance Assn. of America, finds: "Wh[illegible] executives' salary and bonus income has increased by 83% before taxes and 33% after taxes since 1940, their aggregate after tax remuneration has approximately doubled. Deferred and contingent rewards, which now comprise about half the compensation package, have accounted for the major portion of this increase."

Lewellen also observes that "it turns out that the senior executives in our sampl[illegible] no better off in 1963 than in 1940 in terms of real after-tax income. In large part, these developments can be attributed to a sharp rise in personal tax rates."

HOW BIG?

Another facet of the reasoning behind the heft of top executive salary and compensation has been raised recently by behavioral scientist and management consultant Saul W. Gellerman in a new book titled Management by Motivation.

Gellerman's basic position is that "current income does not affect job performance in any lasting or significant way." It can motivate only "when the increment in prospect is large enough relative to existing income."

Gellerman, who won a McKinsey award with a previous book, goes on to conclude that to be effective as a motivator—rather than as a satisfier—money "must be used with discrimination, but on a princely scale. It must be used to make men wealthy." Gellerman's reasoning, which is based on the assumption that "most of the great productivity increases in recent memory did not happen because individuals resolved to do more," accepts the notion that individual effort doesn't always count.

"In those few cases where large increments can make a difference, they can make an enormous difference," he avers. "Managements should therefore continually seek out opportunities for benefiting their companies hugely by deliberately making certain individuals wealthy.

IMPONDERABLES

Another rationale for the size of top executive compensation—that it is pegged to the assumption by that individual of ultimate responsibility for the corporation's assets—is a relative thing. The chief executive of the nation, the President of the United States, shoulders the most awesome responsibilities in the world in return for a comparatively modest $100,000 salary, plus a $50,000 expense allowance and $40,000 for travel. The difference, of course, lies in the imponderables of power, prestige, and pride that drive men to seek the office in the first place.

And it is often pride that sets salaries in business, too. Recalls Patton: "You would not believe the way some guys getting a couple of hundred thousand will worry about several thousand more."

ADVERTISING

	1967 salary	Other payments	1966 salary	Other payments
Doyle Dane Bernbach, Inc.:				
William Bernbach, president	$117,211	$17,250	$117,211	$17,250
Ned Doyle, executive vice president	117,211	17,250	117,211	17,250
Maxwell Dane, executive vice president	103,940	15,300	103,940	15,300
Other: Amounts set aside under profit-sharing plan.				
Foote, Cone & Belding, Inc.:				
Rolland W. Taylor, chairman, executive committee (retired December 1967)	100,000	8,925	100,000	8,925
Richard W. Tully, chairman	82,500	7,284	60,000	5,175
Charles S. Winston, Jr., president	82,500	7,284	70,000	6,112
Other includes amount set aside or accrued during year in profit sharing plan.				

AGRICULTURAL EQUIPMENT

	1967 salary	Other payments	1966 salary	Other payments
Caterpillar Tractor Co.:				
W. Blackie, chairman	$176,666	.....	$158,750	.....
W. H. Franklin, president	133,333	.....	117,500	.....
Deere & Co.:				
William A. Hewitt, chairman	236,910	.....	247,945	.....
Ellwood F. Curtis, president	192,330	.....	200,100	.....
C. R. Carlson, Mr., senior vice president retired (Mar. 31, 1967)	79,157	.....	163,035	.....
George T. French, senior vice president retired	157,198	.....	163,035	.....
Grey Advertising, Inc.:				
Richard S. Lessler, chairman	70,000	$1,573	70,000	$6,113
Samuel Dalsimer, vice chairman	70,000	1,708	70,000	6,113
Arthur C. Fatt, chairman, executive committee	80,000	573	80,000	7,050
Herbert D. Strauss, chairman, management committee	80,000	1,931	80,000	7,050
Edward H. Meyer, president	70,000	1,400	70,000	6,113
Benjamin Alcock, executive vice president	75,000	277	75,000	6,581
Other: Amounts set aside under profit-sharing plan.				
Ogilvy & Mather, Inc.:				
David Ogilvy, chairman	100,135	15,218	85,135	12,980
John Elliott, Jr., chairman, O & M New York	85,135	12,935	75,135	11,453
James R. Heekin, Jr., president, O & M New York	85,135	12,935	75,135	11,453
Alan N. Sidnam, vice chairman, O & M New York	75,135	11,413	70,135	10,690
Other: Amounts set aside under profit-sharing plan.				
Papert, Koenig, Lois, Inc.:				
Frederic Papert, chairman	47,250	.....	37,423	.....
Julian Koenig, chairman, executive committee	47,250	.....	37,423	.....
Norman Grulich, president	47,250	.....		.....

AIRCRAFT AND MISSILES

	1967 salary	Other payments	1966 salary	Other payments
Avco Corp.:				
Kendrick R. Wilson, Jr., chairman	$265,000	.....	$267,500	.....
James R. Kerr, president	265,000	.....	267,500	.....
Earl H. Blaik, chairman, executive committee	185,000	.....	188,750	.....
Salary includes incentive compensation.				
Boeing Co.:				
William M. Allen, president	111,540	$75,000	99,985	$74,989
T. A. Wilson, executive vice president	109,620	.....	82,571	.....
H. W. Haynes, vice president	87,160	.....		.....
J. O. Yeasting, vice president	85,000	31,000		.....
Edward C. Wells, vice president	82,310	33,500		.....
Lowell P. Mickelwait, vice president	76,160	.....	82,985	.....
Salary includes incentive compensation earned the previous year. Other: deferred compensation.				
General Dynamics Corp.:				
Roger Lewis, chairman and president	171,753	75,000	127,000	75,000
John A. Sargent, vice president	102,266	50,000	102,500	50,000
Frank W. Davis, vice president	75,925	35,000	75,333	35,000

AIRCRAFT AND MISSILES

	1967 salary	Other payments	1966 salary	Other payments
Lockheed Aircraft Corp.:				
Courtlandt S. Gross, chairman (to May 2, 1967)	$90,000	$26,000	$140,000	.....
Daniel J. Houghton, chairman	146,500	3,600	140,000	.....
A. Carl Kotchian, president	126,250	2,039	105,000	$20,000
Other: Incentive awards for prior years. In addition contributions under salaried employees savings plan: Gross, $1,774; Haughton, $4,476; Kotchian, $3,854 in 1967; $2,800, $4,200, and $3,150 in 1966.				
Martin-Marietta Corp.:				
George M. Bunker, president	150,000	.....	150,000	.....
Joseph E. Muckley, executive vice president	124,000	.....	125,000	.....
United Aircraft Corp.:				
H. M. Horner, chairman	250,000	.....	226,195	.....
William P. Gwinn, president	185,000	.....	171,394	.....
Leonard C. Mallet, vice president	147,250	.....	130,395	.....
Erle Martin, vice president	127,500	.....	122,500	.....
William R. Robbins, vice president	125,000	.....	121,015	.....
Salary includes incentive compensation.				

APPAREL AND TEXTILES

	1967 salary	Other payments	1966 salary	Other payments
Burlington Industries, Inc. (fiscal year ending October 1967):				
Henry E. Rauch, chairman	$145,000	$8,139	$160,000	$11,939
Charles F. Myers, Jr., president	160,000	9,248	175,000	13,567
Ely R. Callaway, Jr., executive vice president	129,167	6,597	130,000	8,683
Other: Amounts paid to profit-sharing plan. In addition, employment contracts entered into provide for deferred payments upon expiration of employment as follows: Rauch, $25,451 for 10 years; Myers, $34,138 for 10 years; Callaway, $30,000 for 1 year, $20,000 for 3 years, and $45,060 for 5 years.				
Cluett, Peabody & Co., Inc.:				
Barry T. Leithead, chairman	150,000	130,000	150,000	130,000
Henry H. Henley, Jr., president [1]	90,000	.....		.....
Robert T. Garrison, vice president [2]			65,000	66,000

[1] Employed Apr. 3, 1967.
[2] Retired Mar. 31, 1967.

XXXXXX

Note: Henley receives $10,000 deferred compensation for each year of his employment.

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AUTOS AND PARTS

	1967 salary	Other payments	1966 salary	Other payments
American Motors Corp. (fiscal year ending Sept. 30):				
Roy D. Chapin, Jr., chairman	$119,698	.....	$86,579	.....
William V. Luneburg, president	94,191	.....	65,490	.....
Roy Abernethy, former president [1]	68,790	.....	144,499	.....
Bernard A. Chapman, executive vice president [2]			92,468	.....
Bendix Corp. (fiscal year ending Sept. 30, 1967):				
A. P. Fontaine, chairman	112,250	$83,250	116,658	.....
M. P. Ferguson, chairman, finance committee [3]	49,517	.....	104,625	.....
G. E. Stoll, president	91,333	60,000	114,450	.....
Other payments to be made in annual installments.				
Borg-Warner Corp:				
Robert C. Ingersoll, chairman	168,882	1,009 s	173,758	$547 s
L. G. Porter president [4]	173,500	.....	180,000	.....
Albert Steg, senior vice president	130,500	.....	127,500	.....
R. W. Murphy, senior vice president	115,378	699 s	126,250	.....
Salary includes incentive compensation. Other: Shares valued at $27.375 each for 1967; $42.87 each for 1966.				
Chrysler Corp.:				
Lynn A. Townsend, chairman	200,000	198,200	175,000	158,800
V. E. Boyd, president	150,000	1 2,700	125,000	108,800
George H. Love, chairman executive committee	31,250	.....	125,000	.....
R. S. Bright, vice president	125,000	82,900	125,000	108,800
Other payments to be made in installments through 1971. Contributions made to thrift-stock ownership program for: Love, $1,458; Townsend, $9,333; Boyd, $7,000; Bright, $5,833 in 1967—Love, $5,000; Townsend, $7,000; Boyd, $5,000; Bright, $5,000 in 1966.				
Ford Motor Co.:				
Henry Ford II, chairman	200,000	.....	200,000	415,000
Arjay Miller, president	175,000	.....	175,000	415,000
Charles H. Patterson, executive vice president [5]	139,487	.....	160,000	375,000
General Motors Corp.:				
James M. Roche, chairman	183,333	393,750	180,000	412,500
George Russell, vice chairman	163,333	341,250	160,000	356,250
Edward N. Cole, president	163,333	341,250	160,000	356,250
Edward D. Rollert, executive vice president	151,667	333,750	148,750	345,000
Roger M. Keyes, executive vice president	147,500	330,000	144,167	330,000
Frederic G. Donner, chairman [3]	169,617	460,000	200,000	590,000
Semon E. Knudsen, executive vice president			144,167	337,500
Other payments to be made in five annual installments.				
TRW, Inc.:				
J. D. Wright, chairman	240,000	.....	215,000	.....
S. Ramo, vice chairman	190,000	.....	172,000	.....
H. A. Shepard, president	196,000	.....	178,000	.....

[1] Retired Jan. 9, 1967.
[2] Retired Oct. 1, 1966.
[3] Chairman Finance Committee to Feb. 23, 1967, consultant thereafter.
[4] Retired Mar. 1, 1968.
[5] Retired Nov. 1, 1967.

BUILDING MATERIALS

	1967 salary	Other payments	1966 salary	Other payments
Armstrong Cork Co.:				
C. J. Backstrand, chairman	$90,000	.....	$105,000	.....
M. J. Warnock, president	186,000	.....	214,750	.....
C. N. Painter, executive vice president	130,000	.....	150,250	.....
James H. Binns, senior vice president	90,700	.....	102,850	.....
Johns-Manville Corp.:				
C. B. Burnett, president	150,000	$59,436		.....
Roger Hackney, vice president	18,897	38,810		.....
Other: payments into profit-sharing fund, and additional deferred payments at $4,260 to Burnett, and $2,605 to Hackney.				
National Gypsum Co.:				
Colon Brown, chairman, and president	125,000	.....	109,610	.....
M. H. Baker, honorary chairman	75,000	.....		.....
L. L. Hank, senior vice president	52,000	5,150	51,616	$4,102
F. A. Wagner, vice president	62,333	8,350	50,869	4,102

BUILDING MATERIALS—Continued

	1967 salary	Other payments	1966 salary	Other payments
United States Gypsum Co.:				
C. H. Shaver, chairman (retired May 10, 1967)	$54,032	----------	$150,000	----------
Graham J. Morgan, president	150,000	$22,965	150,000	----------
Edward Rembert, executive vice president	90,000	12,675	90,000	----------
U.S. Plywood-Champion Papers, Inc.:				
Karl R. Bendetsen, chairman	150,000	----------	150,000	----------
Gene C. Brewer, president	150,000	----------	135,000	----------
John P. Schlick, executive vice president	95,000	----------	95,000	----------
Weyerhaeuser Co.:				
Norton Clapp, chairman	50,000	----------	107,292	$30,522
George H. Weyerhaeuser, president	110,000	57,346	105,260	86,841
Joseph E. Nolan, executive vice president	80,000	36,700	80,000	63,040

CHEMICALS

	1967 Salary	Other payments	1966 Salary	Other payments
Allied Chemical Corp.:				
Chester M. Brown, chairman	$150,000	----------	$150,000	$25,500
John T. Connor, president as of Feb. 15, 1967	113,750	$49,400	----------	----------
J. Howard Marshall, executive vice president	125,000	40,300	125,000	81,250
I. H. Fooshee, executive vice president	100,000	----------	110,000	----------
Frederick L. Bissinger, executive vice president	100,000	40,300	100,000	65,000
Other: Incentive compensation awards. Also dividend units: Brown—2,712, $5,700; Fooshee—1,847, $5,126.				
American Cyanamid Co.				
J. Allegaert, chairman	79,471	58,882	----------	----------
C. D. Siverd, president	69,200	39,677	----------	----------
A. B. Clow, executive vice president	75,000	37,838	75,000	46,280
R. C. Swain, executive vice president	75,000	37,838	75,000	67,521
Other includes incentive compensation paid, as well as contingent awards in future in stock: Allegaert—752 shares; Clow—1,137 shares; Swain—1,137 shares; in 1966; Clow—1,377 shares; Swain—708 shares.				
Dow Chemical Co.:				
Carl A. Gerstacker, chairman	206,250	----------	194,247	----------
Herbert D. Doan, president	216,250	----------	196,698	----------
C. B. Branch, executive vice president	186,892	----------	161,434	----------
E. I. du Pont de Nemours & Co.:				
Lammot du P. Copeland, chairman as of December 1967, formerly president	229,481	? 98,000	235,600	? 136,000
Crawford H. Greenewalt, chairman, finance committee, resigned as board chairman December 1967	147,429	(?)	151,100	(?)
Charles B. McCoy, president, elected president December 1967, formerly vice president	131,505	? 85,000	126,200	? 116,000
Lester S. Sinness, vice president	128,300	? 83,000	128,200	? 116,000
R. Russell Pippin, vice president	128,300	? 83,000	----------	----------
David H. Dawson, vice president	126,500	? 83,000	126,200	? 116,000
Irénée du Pont, Jr., vice president	126,155	? 83,000	60,200	55,000
George E. Holbrook, vice president	125,400	? 83,000	125,100	? 116,000
Samuel Lenher, vice president	125,300	? 83,000	125,300	? 116,000
Wallace E. Gordon, vice president	125,200	? 83,000	125,219	? 116,000
Other: Bonus. Also, dividend units awarded in 1967 valued at: Copeland—$72,825; Greenewalt—$53,185; McCoy—$55,075; Sinness—$47,830; Pippin—$49,390; Dawson—$53,645 du Pont—$495; Holbrook—$69,610; Lenher—$52,185; Gordon—$38,490. Dividend units in 1966 valued at: Copeland—$63,273; Greenewalt—$61,163; McCoy—$53,676; Sinness—$45,345; Dawson—$52,032; Holbrook—$70,392; Lenher—$50,353; Gordon—$34,490.				
Eastman Kodak Co.:				
William S. Vaughn, chairman	280,000	47,520	270,000	44,516
Louis K. Eilers, president	220,000	28,440	180,000	23,877
M. Wren Gabel, executive vice president	200,000	30,960	180,000	28,361
Clarence L. A. Wynd, vice president, retired Feb. 24, 1967	63,096	----------	170,000	26,386
Other: Set aside or accrued to savings and investment plan. Also, shares contingently payable annually after end of service at $122.62 per share in 1966: Vaughn—209; Gabel—147; Eilers—111; Wynd—127.				
Monsanto Co.:				
Edward A. O'Neal, chariman	135,000	----------	135,000	----------
Charles H. Sommer, president	150,000	----------	150,000	----------
John L. Christian, senior vice president	120,000	----------	103,333	----------
John L. Gillis, vice president	100,000	----------	100,000	----------
Robert K. Mueller, vice president	100,000	----------	100,000	----------
Other: Cash and stock awards under the bonus plan.				
Union Carbide Corp.:				
Birny Mason, Jr., chairman	285,000	66,000	285,000	66,000
Kenneth Rush, president	195,000	26,000	176,667	26,000
Kenneth H. Hannan, executive vice president	160,000	36,000	160,000	26,000
Other: Payments under incentive plan.				

COMMUNICATIONS

	1967 salary	Other payments	1966 salary	Other payments
American Telephone & Telegraph Co.:				
H. I. Romnes, chairman	$246,133	----------	$205,600	----------
Ben S. Gilmer, president (from Feb. 1, 1967)	198,683	----------	153,000	----------

COMMUNICATIONS—Continued

	1967 salary	Other payments	1966 salary	Other payments
Columbia Broadcasting System, Inc.:				
William S. Paley, chairman	$200,000	$148,000	$150,000	$185,000
Frank Stanton, president	200,000	148,000	150,000	185,000
Merle S. Jones, vice president	115,000	----------	115,000	67,500
John A. Schneider, vice president	115,000	54,000	111,769	22,500
Deferred compensation: Paley—$12,000; Stanton—$12,000; Jones—none; Schneider—$18,000; in 1966, Paley—$15,000; Stanton—$15,000; Jones—$22,500; Schneider—$67,000.				
General Telephone & Electronics Corp.:				
Donald C. Power, chairman	100,000	----------	169,149	----------
Leslie H. Warner, president	225,000	----------	206,250	----------
Herbert F. Lello, executive vice president	160,000	----------	143,333	----------
James J. Clerkin, Jr., executive vice president	110,000	----------	99,583	----------
John J. Douglas, executive vice president	110,000	----------	99,583	----------
Radio Corp. of America:				
David Sarnoff, chairman	290,000	----------	290,000	----------
Elmer W. Engstrom, chairman, executive committee	250,000	40,000	250,000	45,000
Robert W. Sarnoff, president	225,000	35,000	225,000	XXXXXX
Charles M. Odorizzi, executive vice president	140,000	30,000	140,000	34,000
W. Walter Watts, executive vice president	140,000	30,000	140,000	34,000
Other: Incentive award payable in 5 annual installments. Amounts shown paid during year.				XXXXXX

CONGLOMERATES

	1967 salary	Other payments	1966 salary	Other payments
Bangor Punta Corp.:				
Nicolas M. Salgo, chairman	$75,000	----------	----------	XXXXXX
W. Gordon Robertson, chairman, executive commissioner	90,000	----------	----------	----------
Robert A. Levinson, vice president	60,000	----------	----------	----------
Indian Head Inc.:				
James E. Robison, chairman	84,167	$51,569	$75,000	$68,468
Robert W. Lear, president	42,334	16,339	----------	----------
Andrew Kalman, executive vice president	75,000	18,338	----------	----------
Other includes an incentive compensation plan and stock purchase plan—contributions for Robison of $1,177 and Kalman of $1,444 in each year.				
International Telephone & Telegraph Corp.:				
Harold S. Geneen, chairman and president	250,042	235,000	242,799	225,000
Ted B. Westfall, executive vice president	121,500	85,000	122,000	85,000
Ling-Temco-Vought, Inc.:				
James J. Ling, chairman	233,536	150,000	118,962	200,000
Clyde Skeen, president	153,064	100,000	80,163	50,000
Robert McCulloch, chairman, executive commissioner	74,766	----------	97,257	----------
Other payment: Incentive compensation.				
Philadelphia & Reading Corp:				
Howard A. Newman, chairman and president	100,000	206,847	100,000	50,000
Roger M. Kelly, vice chairman	85,000	85,000	65,000	7,500
Daniel I. Sargent, vice president	63,333	----------	60,000	----------
Other: amounts accrued for 1967.				
Studebaker Worthington:				
F. J. Nunlist, president	150,000	260 s.	----------	----------
A. G. Mumma, vice president	107,875	----------	----------	----------
Textron:				
Rupert C. Thompson, Jr., chairman	241,050	34,440	245,550	36,000
G. William Miller, president	181,050	25,830	185,550	27,000
Harvey Gaylord, executive vice president	162,056	----------	156,870	----------
Other includes amounts set aside or accrued; in addition, following amounts were paid under employees stock savings plan: Thompson—$6,000; Miller—$4,500; Gaylord—$4,194 in each year.				
American Can Co.:				
William F. May, chairman	185,515	----------	200,300	----------
Elmer T. Klassen, president	170,170	----------	192,922	----------
Salary includes payments under incentive plan.				
Container Corp.:				
Leo H. Schoenhofen, president	172,668	----------	168,154	----------
Frederick S. Crysler, executive vice president	110,350	----------	111,800	----------
Thomas F. Cass, executive vice president	107,050	----------	108,350	----------
Continental Can Co.:				
Thomas C. Fogarty, chairman	240,000	----------	250,000	----------
Reuben L. Perin, vice chairman	150,000	----------	156,250	----------
Ellison L. Hazard, president	180,000	----------	187,500	----------

DISTILLERS

	1967 salary	Other payments	1966 salary	Other payments
Distillers Corp.-Seagrams, Ltd. (fiscal year ending July 31):				
Samuel Bronfman, president	$331,475	----------	$331,475	----------
Allan Bronfman, vice president	190,738	----------	190,738	----------
National Distillers & Chemical Corp.:				
John E. Bierwirth, chairman	215,120	1,550 s.	222,410	1,855 s.
B. C. Ohlandt, vice chairman	162,411	868 s.	164,934	993 s.
W. P. Marsh, Jr., president	162,411	868 s.	164,334	993 s.
Other: Common stock contingently allotted at $40.31 per share in 1967; at $37.73 per share in 1966.				

See footnotes at end of table.

DISTILLERS—Continued

	1967 salary	Other payments	1966 salary	Other payments
Schenley Industries, Inc. (fiscal year ending Aug. 31):				
Lewis S. Rosenstiel, chairman	$250,000	$100,000	$250,000	
John Mackie, president [2]	100,000	25,000	44,875	
Louis B. Nichols, executive vice president	100,000	25,000	100,000	
Other: deferred compensation.				

[1] Retired Dec. 31, 1967.
[2] In 1966, chairman of Seager, Evans & Co., Ltd., a subsidiary.

ELECTRICAL EQUIPMENT

	1967 salary	Other payments	1966 salary	Other payments
Allis-Chalmers Manufacturing Co.:				
R. S. Stevenson, chairman	$128,790		$126,450	$20,028
W. G. Scholl, president	107,750		105,650	$13,352
Salary includes incentive compensation for 1967. Other payments in 1966 were deferred compensation.				
General Electric Co.:				
Gerald L. Phillippe, chairman	217,491	1,022 s.	234,989	959 s
Fred J. Borch, president	249,990	1,168 s.	274,951	1,142 s
Herman L. Weiss, vice president	184,959	818 s.	176,242	685 s
Salary includes incentive compensation. Other includes incentive compensation allotted in stock on a deferred basis at $85.62 per share in 1967: at $109.50 in 1966.				
Honeywell, Inc.:				
James H. Binger, chairman	147,000		124,000	
Stephen F. Keating, president	128,000		105,000	
Alfred M. Wilson, executive vice president	82,500		82,000	
Salary includes incentive compensation for 1967: Binger—$22 000; Keating—$18,000; Wilson—$9,500; for 1966: Binger—$24,000; Keating—$20,000; Wilson—$12,000.				
Westinghouse Electric Corp.:				
D. C. Burnham, president	209,288	2,122 s.	217,500	$122,500
George L. Wilcox, executive vice president	156,847	1,350 s.	157,376	1,563 s.
R. E. Kirby, executive vice president	142,300	1,350 s.	140,524	1,563 s.
George G. Main, vice president	119,649	$52,000	120,339	923 s.
Marshall K. Evans, vice president	110,497	$52,000	107,000	$45,500
H. S. Kaltenborn, vice president	94,000	$36,000	100,000	$35,000
Other: deferred portion of incentive compensation payable in 4 annual installments either in cash or in shares of stock at $62.18 per share in 1967, $49.25 per share in 1966.				
Zenith Radio Corp.:				
Joseph S. Wright, president	110,000	$129,621	110,000	$143,188
S. Kaplan, executive vice president	90,000	$129,621	90,000	$143,188
Other: payable in 3 equal annual installments.				

FOOD PRODUCTS

	1967 salary	Other payments	1966 salary	Other payments
Armour & Co.:				
William Wood Prince, chairman	$125,000		$125,195	$21,005
Edward W. Wilson, vice chairman	125,000		125,195	18,800
Edward J. McAdams, president	125,000		121,157	12,185
Coca-Cola Co.:				
Lee Talley, chairman retired July 1, 1966; includes $35,000 paid annually pursuant to conditional deferred compensation agreement	96,700		114,800	35,000
J. Paul Austin, president	150,000	$50,000	141,666	25,000
B. H. Oehlert, Jr., senior vice president resigned Aug. 1, 1967	82,916		95,000	12,000
Corn Products Co.:				
A. N. McFarlane, chairman	150,000		150,000	890 s.
H. C. Harder, president	120,000		120,000	713 s.
General Mills, Inc. (fiscal year ending May 1967):				
Charles H. Bell, chairman	187,442		181,485	
Edwin W. Rawlings, president	232,864		224,811	
Salary includes cash incentive awards.				
National Biscuit Co.:				
Lee S. Bickmore, president	175,000	22,238	175,000	24,867
Nile E. Cave, senior vice-president	77,500	9,705	76,875	15,765
Robert M. Schaeberle, executive vice president. In addition, following shares of stock awarded at $47.81 per share: Bickmore, 471; Cave, 203; Schaeberle, 193; at $47.34 per share in 1966: Bickmore, 526; Cave, 227.	78,000	9,182		
National Dairy Products Corp:				
Gordon Edwards, president	201,880	1,175 s.	171,660	
William O. Beers, vice president	125,730	671 s.	110,984	
John R. Edwards, vice president	81,680	503 s.	71,360	
Pepsico Inc.:				
H. W. Lay, chairman	115,000	26,000	115,000	30,000
D. M. Kendall, president	130,000	41,600	130,000	50,000
Swift & Co. (fiscal year ending Oct. 31):				
Porter M. Jarvis, chairman	100,000	65,400	100,000	59,923
R. W. Reneker, president	90,000	11,828	88,269	11,021
Edward F. Swift, executive vice president	78,269		70,000	
E. D. Fletchall, executive vice president	70,000	12,634	70,000	11,641

GLASS

	1967 salary	Other payments	1966 salary	Other payments
Libbey-Owens-Ford Glass Co.:				
Milton Knight, chairman	$77,916		$61,150	
R. G. Wingerter, president [1]	150,083			
C. W. Davis, president [2]	64,403		160,368	
F. E. Cazayoux, executive vice president	99,455		96,583	
Owens-Illinois, Inc.:				
J. P. Levis, chairman	140,000		140,000	$146,362
R. H. Mulford, president	175,000		175,000	160,445
H. C. Laughlin, executive vice president	100,000		112,312	33,023
Pittsburgh Plate Glass Co.:				
David G. Hill, chairman [3]	115,250		203,125	4,587
R. F. Barker, chairman [4]	137,500	229 s.	134,208	2,757
J. A. Neubauer, president [5]	126,250	306 s.	128,550	2,651

[1] Executive vice president and president since Apr. 18, 1967.
[2] President until Apr. 18, 1967.
[3] Chairman of the board to July 1, 1967, and consultant thereafter.
[4] President prior to July 1, 1967.
[5] Executive vice president prior to July 1, 1967.

Salary includes incentive compensation.

GROCERY CHAINS

	1967 salary	Other payments	1966 salary	Other payments
Great Atlantic & Pacific Tea Co. (fiscal year ended Feb. 24, 1968):				
Melvin W. Alldredge, chairman	$136,591	$2,025	$132,152	$1,936
Byron Jay, president	151,611	2,250	151,020	2,250
Harold D. Hoag, vice president	80,836	1,156	76,596	1,125
William J. Kane, executive vice president	80,784	1,155	75,984	
Other: company contributions to thrift plan.				
Safeway Stores, Inc.:				
Robert A. Magowan, chairman (waived profit plan)	175,000		175,000	
Quentin Reynolds, president	116,923	10,113	115,000	17,250
W. S. Mitchell, executive vice president	115,769	10,013	115,000	17,250
Other: profit-sharing plan.				

NONFERROUS METALS

	1967 salary	Other payments	1966 salary	Other payments
Aluminum Co. of America:				
Frederick J. Close, chairman	$177,000	$45,000	$168,000	$48,000
John D. Harper, president	235,000	65,000	216,000	70,000
Leon E. Hickman, executive vice president	156,000	36,000	158,000	38,000
Salary includes additional compensation paid in following year.				
Other: deferred cash payments. Company contributions to savings plan in 1967: Close, $4,080; Harper, $6,700; Hickman, $4,800; in 1966: Close—$3,840; Harper—$5,800; Hickman—$4,800.				
Anaconda Co.:				
Charles M. Brinckerhoff, chairman	204,220	51,000	190,940	
C. Jay Parkinson, president	177,920	51,100	179,620	
Edward S. McClone, executive vice president	134,580	20,443	124,660	
Other: incentive award payable over 5 or 10 years.				
Kaiser Aluminum & Chemical Corp.:				
Edgar F. Kaiser, chairman	135,700		117,800	
E. E. Trefethen, Jr., vice chairman	125,500		102,400	
T. J. Ready, Jr., president	290,000		240,000	
Salary includes bonuses.				
Kennecott Copper Corp.:				
Frank R. Milliken, president	200,000		177,000	
Charles D. Michaelson, vice president	125,000		111,200	
Salary includes incentive compensation awards.				
National Lead Co.:				
Joseph A. Martino, chairman	211,825	31,781	242,500	36,375
Edward R. Rowley, president (president of subsidiary in 1966)	140,000	21,000		
George B. Coale, vice president	120,000	18,000	110,000	16,500
Other: profit-sharing plan.				
Phelps Dodge Corp.:				
Robert G. Page, chairman	107,735	37,5000	133,106	50,000
George B. Munroe, president	87,400	15,000	57,875	15,000
Warren E. Fenzi, executive vice president	72,200	12,500	59,750	12,500
Walter C. Lawson, vice president	61,395	15,000	60,720	20,000
Other: additional compensation also, in 1967 under deferred profit sharing plan: Page—$10,710; Munroe—$6,069; Fenzi $4,998; Lawson, $6,133. 1966: Page, $15,000; Munroe $5,688; Lawson $8,340; Fenzi, $5,875.				
Reynolds Metals Co.:				
R. S. Reynolds, Jr., chairman	191,201		206,645	
Joseph H. McConnell, president	173,900		188,455	
W. G. Reynolds, executive vice president	147,420		160,225	
D. P. Reynolds, executive vice president	147,150		159,095	
Other are deferred payments under incentive compensation plan. Also, contingent stock allotments payable after termination of employment: R. S. Reynolds—1,650; McConnel—1,513; W. G. Reynolds—1,428; D. P. Reynolds—1,428.				

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NONFERROUS METALS—Continued

	1967 salary	Other payments	1966 salary	Other payments
American Smelting & Refining Co.:				
E. McL. Tittmann, chairman	$160,000	$46,667	$166,667	$39,000
R. D. Bradford, president	138,000	39,667	141,667	32,500
Charles F. Barber, executive vice president	85,020	23,800	85,020	22,100
Ralph L. Hennebach, executive vice president	85,000	21,000	75,000	13,000

OFFICE MACHINES

	1967 salary	Other payments	1966 salary	Other payments
International Business Machines Corp.:				
Thomas J. Watson, Jr., chairman	$100,000	$295,604	$100,000	$280,539
Albert L. Williams, chairman, executive committee	30,000	211,145	47,500	198,027
Arthur K. Watson, vice chairman	100,000	200,588	100,000	156,772
T. Vincent Learson, president	100,000	232,260	100,000	181,525
National Cash Register Co.:				
Robert S. Oelman, chairman	225,000	3,933	225,000	4,141
R. Stanley Laing, president	177,500	2,835	163,750	2,733
Charles L. Keenoy, vice president	106,000	1,917	103,000	1,988
Robert G. Challar, vice president	109,000	1,917	106,000	1,988
Salary includes deferred contingent compensation award for 1967. Other are dividends from trust established by 4 stockholders.				
Xerox Corp:				
Joseph C. Wilson, chairman	215,800	13,000	202,000	28,000
John H. Dessauer, vice chairman	120,000	6,000	120,000	21,000
C. Peter McCullough, president [1]	167,400		160,149	

[1] Deferred compensation of $20,100 in 1967; $19,851 in 1966. Others are amounts set aside or accrued under management unit bonus plan. Additional compensation under profit-sharing retirement plan: Wilson, $31,075; Dessauer, $17,280; McCullough, $23,061 in 1967; in 1966 Wilson, $28,179; Dessauer, $16,740; McCullough, $20,106.

OIL

	1967 salary	Other payments	1966 salary	Other payments
Gulf Oil Corp:				
E. D. Brockett, chairman	$200,000	$150,071	$200,000	$275,000
B. R. Dorsey, president	160,000	107,525	145,000	200,000
I. G. Davis, executive vice president	125,000	80,000	112,500	75,052
Other: Incentive compensation payable in cash in 5 equal installments.				
Mobil Oil Corp.:				
Albert L. Nickerson, chairman	225,000	150,000	225,000	125,000
Rawleigh Warner, Jr. president	175,000	90,000	155,000	60,000
Herman J. Schmidt, executive vice president	120,000	45,000	120,000	32,500
William P. Tavoulareas, executive vice president	120,000	60,000	110,000	45,000
Paul V. Keyser, Jr., executive vice president	110,000	25,000	110,000	30,000
Other is incentive compensation plan. Amounts contributed under employees savings plan: Nickerson—$11,260; Warner—$2,803; Schmidt—$4,800; Tavoulareas—$5,900; Keyser—$5,500; in 1966, Nickerson—$11,250; Warner—$2,483; Schmidt—$4,800; Tavoulareas—$4,400; and Keyser—$5,500.				
Shell Oil Co.:				
R. C. McCurdy, president	225,000	100,000	200,000	75,000
D. B. Kemball-Cook, executive vice president	150,000	60,000	140,000	50,000
Other is incentive compensation. Also payments under provident fund: McCurdy—$22,500; Kemball-Cook—$15,000; in 1966, McCurdy—$20,009; Kemball-Cook—$14,000.				
Standard Oil Co. (Indiana):				
John E. Swearingen, chairman	200,000	7,000	200,000	6,000
Robert C. Gunness, president	155,000	5,425	155,000	4,650
George V. Myers, executive vice president	140,000	4,900	140,000	4,200
Other includes contribution under employee savings plan.				
Standard Oil Co. (New Jersey):				
M. L. Haider, chairman	289,584	135,000	270,833	125,000
J. K. Jamieson, president	214,584	100,000	196,667	90,000
W. R. Stott, executive vice president	170,000	65,000	170,000	60,000
H. W. Page, executive vice president	170,000	65,000	163,750	60,000
E. G. Collado, executive vice president	150,000	60,000	139,583	55,000
Other payments are bonus awards. Also annuity plan and incentive stock option plan not shown. In addition, credited to thrift plan in 1967: Haider—$17,375; Jamieson—$12,875; Stott—$10,200; Page—$10,200; Collado—$9,000; in 1966, Haider—$16,250; Jamieson—$11,800; Stott—$10,200; Page—$9,825; Collado—$8,375.				
Texaco, Inc.:				
J. Howard Rambin, Jr., chairman	285,625	7,056	255,650	6,186
Marion J. Epley, Jr., president	167,500	4,104	135,250	3,600
Harvey Cash, executive vice president	123,333	3,204	112,970	2,988
Other: Paid under employees savings plan. In 1967, incentive compensation plan credited the following units: Rambin, 2,025; Epley, 900; Cash, 600.				

PAPER

	1967 salary	Other payments	1966 salary	Other payments
Crown Zellerbach Corp.:				
R. O. Hunt, chairman	$152,100	$4,950	$151,100	$4,500
P. T. Sinclair, president	121,900	3,960	121,200	3,600
F. O. Boylon, senior vice president	84,633	2,750	71,000	2,100
C. S. Cullenbine, senior vice president	71,900	2,310	71,200	2,100
J. B. Gilbert, senior vice president	71,900	2,310	71,000	2,100
Other is contribution under savings and stock purchase plan.				
International Paper Co.:				
Richard C. Doane, chairman and consultant [1]	61,646		165,625	
Lamar M. Fearing, vice chairman and senior vice president	97,650	900 s.	120,000	
Edward B. Hinman, president	189,624		152,330	
Leonard Dalsemer, executive vice president	106,099		105,000	
Salary includes any cash received under awards for 1966. Shares of stock contingently awarded.				
St. Regis Paper Co.:				
Roy K. Ferguson, chairman	106,900		106,200	
William R. Adams, president	136,900	627 s.	132,766	
Shares of stock under management incentive compensation plan wards.				

[1] To July 11, 1967.

PHARMACEUTICALS

	1967 salary	Other payments	1966 salary	Other payments
Johnson & Johnson:				
P. B. Hofmann, chairman	$277,327	$209,142	$286,523	$149,213
G. O. Lienhard, president	248,183	173,145	258,487	122,836
R. W. Johnson, chairman, finance committee	172,000		147,000	
R. B. Sellars, member, executive committee	163,212	124,911	166,459	92,064
Other: certificates of extra compensation. Amount expended for value of common stock accrued under stock compensation agreements: Hofmann—$50,550; Lienhard—$33,700; in 1966, Hofmann—$31,273; Lienhard—$31,273.				
Eli Lilly Co.:				
Eugene N. Beesley, president	242,738	4,320	234,047	4,275
Burton E. Beck, executive vice president	157,369	3,222	145,823	2,988
Other: company contribution to savings plan.				
Merck & Co., Inc.:				
Henry W. Gadsden, president	150,000	34,572	133,333	27,667
Other: executive incentive plan award. In addition Gadsden received 1,433 common shares at $80.55 per share in 1967; 1,205 common shares at $76.62 per share in 1966.				
Parke, Davis & Co.:				
Austin Smith, chairman	105,000	19,600	85,000	30,600
Harold W. H. Burrows, president	95,000	17,700	85,000	30,600
Other: Incentive compensation payable in 5 annual installments if earned out.				
Charles Pfizer & Co., Inc.:				
John E. McKeen, chairman	117,165		151,192	
John J. Powers, Jr., president	210,101	375	200,875	687
Salary includes profit shares. Other: contributions under savings plan.				
Smith Kline & French Laboratories:				
Walter A. Munns, chairman	150,000		123,021	
F. Markoe Rivinus, chairman, executive committee, president until Sept. 21, 1967	134,252		143,200	13 s
Thomas M. Rauch, president, executive vice president until Sept. 21, 1967	130,187	40 s	113,077	10 s
Other: company savings plan.				

RETAILERS

	1967 salary	Other payments	1966 salary	Other payments
Federated Department Stores, Inc.:				
Fred Lazarus, Jr., chairman	$200,080		$200,080	
Ralph Lazarus, president	160,100		160,100	
Maurice Lazarus, vice chairman	120,100		120,100	
J. Paul Sticht, vice chairman	100,100		100,100	
J. C. Penney Co.:				
William M. Batten, chairman	184,789	$9,160	160,343	$7,924
Ray H. Jordan, president	166,325	8,242	148,999	7,362
Cecil L. Wright, executive vice president	149,905	7,434	133,339	6,588
William L. Marshall, vice president	112,586	4,058	133,339	6,588
Other: credit from profit-sharing fund for last fiscal year.				
Sears, Roebuck & Co.:				
Gordon M. Metcalf, chairman	250,000	1,220	160,000	1,360
Crowdus Baker, vice chairman	225,000	1,220	180,000	1,360
Arthur M. Wood, president	175,000	1,220	145,000	1,360
James W. Button, vice president	175,000	1,144	162,083	1,360
Other: contribution to profit-sharing fund. Additional deferred salary related to 1966 and prior years: Metcalf—$3,000; Baker—$15,000; in 1966, Metcalf—$5,000; Baker—$45,000.				
S. S. Kresge Co.:				
H. B. Cunningham, chairman and president	180,800		180,800	
C. M. Booker, vice president	102,400		102,400	
F. K. Nieman, vice president	102,400		102,400	
C. L. Yohe, vice president	102,400		102,400	

SOAP AND TOILETRIES

	1967 salary	Other payments	1966 salary	Other payments
Colgate-Palmolive Co.:				
George H. Lesch, chairman and president	$185,979	$40,000	$180,000	$51,000
Robert W. Young, Jr., vice president	84,714	10,000	93,396	----------
Other: incentive compensation payable in 4 annual installments. Also allotted in stock at $41.07 per share: Lesch, 3,600 shares; Young, 800 shares; in 1966, at $28.79 per share: Lesch, 3,600 shares; Young, 800 shares.				
Procter & Gamble Co. (fiscal year ending June 30):				
Neil H. McElroy, chairman	325,000	47,160	325,000	46,720
Howard J. Morgens, president	325,000	47,160	325,000	46,720
W. Rowell Chase, executive vice president	225,000	35,370	225,000	35,040
Walter L. Lingle, Jr., executive vice president	225,000	35,370	225,000	35,040
Other: Set aside in profit-sharing trust.				

STEEL

	1967 salary	Other payments	1966 salary	Other payments
Allegheny Ludlum Steel Corp.:				
E. J. Hanley, chairman	$185,000	$25,960	$200,000	$5,500
Roger S. Ahlbrandt, executive vice president	135,333	3,300	105,000	2,000
Other: contributions under thrift plan				
Armco Steel Corp.:				
C. William Verity, Jr., president	185,229	6,500	213,766	200 s.
D. E. Reichelderfer, executive vice president	123,506	3,500	127,999	125 s.
E. A. Correa, vice president	98,804	3,020	106,306	75 s.
Other: Thrift plan. In 1966, shares awarded from incentive compensation fund at $52.75 per share.				
Inland Steel Co.:				
Joseph L. Block, chairman (retired Nov. 1, 1967)	91,666	100,000	110,000	106,000
Philip D. Block, Jr., chairman (Vice chairman before Nov 1 1967)	97,080	70,000	95,000	86,000
Frederick G. Jaicks, president	82,080	60,000	78,916	65,000
Other: Incentive compensation.				
National Steel Corp.:				
George A. Stinson, president	196,750	----------	215,833	----------
Albert J. Berdis, chairman, Great Lakes Steel division	135,350	----------	140,833	----------
U.S. Steel Corp.:				
Roger M. Blough, chairman	298,750	11,950	285,000	11,400
Edwin H. Gott, president (executive vice president until July 1, 1967)	216,042	8,642	142,500	5,700
Robert C. Tyson, chairman, finance committee	248,958	9,958	237,500	9,500
Leslie B. Worthington, director (president until July 1, 1967)	142,604	5,454	261,250	10,450
Other: savings fund plan.				

TIRE AND RUBBER

	1967 salary	Other payments	1966 salary	Other payments
Firestone Tire & Rubber Co.:				
Harvey S. Firestone, Jr., honorary chairman	$75,000	----------	$127,500	----------
Raymond C. Firestone, chairman	275,000	----------	245,000	----------
Earl B. Hathaway, president	166,667	----------	150,000	----------
General Tire & Rubber Co. (fiscal year ending Nov. 30):				
T. F. O'Neil, chairman	133,000	$1,250	137,000	$9,900
M. G. O'Neil, president, excludes previously reported year-end bonuses aggregating $75,667 granted in prior years; deferral arrangements canceled and bonuses paid as of Nov. 30, 1967	133,125	1,250	124,700	9,900
Other: Amount accrued under profit-sharing plan.				
B. F. Goodrich Co.:				
J. W. Keener, chairman	215,000	----------	227,500	----------
H. B. Warner, president	121,166	----------	105,750	----------
A. Kelly, executive vice president, retired Oct. 31, 1967	155,333	----------	163,333	----------
Salary includes supplemental compensation.				
Goodyear Tire & Rubber Co.:				
Russell DeYoung, chairman	244,865	3,443 s.	228,407	3,925 s.
Victor Holt, Jr., president	206,968	2,835 s.	186,744	3,001 s.
Other: Stock allotted as deferred incentive remuneration for 1967 at $50 per share; at $45.125 for 1966.				
Uniroyal, Inc.:				
George R. Vila, chairman and president	158,775	13,739	227,923	11,110
Walter D. Baldwin, vice president	100,788	3,623	111,065	2,330
Other: Payments in respect of participation units. In addition, deferred compensation paid to Vila, $25,000; in 1966, Vila, $25,000.				

TOBACCO

	1967 salary	Other payments	1966 salary	Other payments
American Tobacco Co.:				
Robert B. Walker, chairman and president	$246,778	$35,046	$239,351	$32,291
Virgil D. Hager, executive vice president	153,766	21,718	149,640	20,076
Salary includes undeferred noncontingent portion of incentive compensation.				
Other: profit share for 1967. Deferred contingent portion of incentive compensation accrued during 1967: Walker, $61,732; Hager, $32,047.				
Liggett & Myers Tobacco Co.:				
Milton E. Harrington, president	160,000	8,884	160,000	8,023
J. Bowling Anderson, senior vice president	86,667	4,812	85,000	4,262
Jonathan W. Old, Jr., executive vice president	85,000	4,720	80,000	4,011
Other: credited to profit-sharing trust.				
Philip Morris, Inc.:				
J. F. Cullman III, chairman	155,000	6,550	140,000	5,432
George Weissman, president	112,500	4,754	92,500	3,589
C. H. Kibbee, executive vice president	107,500	4,543	95,000	3,686
Other: deferred profit-sharing plan. In addition, under a new incentive compensation plan: Cullman, $50,000; Weissman, $40,000; Kibbee, $18,600.				XXXXXX
R. J. Reynolds Tobacco Co.:				XXXXXX
Bowman Gray, chairman	190,000	26,159	182,500	23,264
A. H. Galloway, president	167,333	23,038	150,000	19,121
H. H. Ramm, vice president and general counsel	100,000	13,768	96,875	12,349
Colin Stokes, executive vice president	95,000	13,080	90,833	11,579
Other: profit-sharing incentive plan.				

TRANSPORTATION

	1967 salary	Other payments	1966 salary	Other payments
American Airlines, Inc.:				
C. R. Smith, chairman	$100,000	----------	$86,875	$17,059
Marion Sadler, president	85,000	----------	76,250	21,250
William J. Hogan, executive vice president, retired Sept. 20, 1967	85,000	----------	76,250	33,110
George A. Spater, vice chairman, elected vice chairman May 17, 1967	85,000	----------	----------	----------
Other: deferred compensation.				
Pan American World Airways, Inc.:				
Juan T. Trippe, chairman	130,734	$56,666	131,034	56,666
Harold E. Gray, president	109,067	53,333	104,367	53,333
Other: contingent incentive compensation conditionally allotted.				
Penn Central Co.:				
Stuart T. Saunders, chairman	178,250	[1] 783	161,156	[1] 959
David C. Bevan, chairman finance committee	122,604	[1] 394	----------	----------
Allen J. Greenough, president	109,854	[1] 394	100,653	[1] 485
Alfred E. Perlman, president, New York Central [2]	142,120	[1] 1,314	142,380	[1] 8,795
Wayne M. Hoffman, executive vice president, New York Central [2]	85,135	[1] 502	891,480	[1] 3,876
Other: contingent compensation plan. "B" units Pennsylvania valued at $95.36 in 1967; $45.41 in 1966. Units credited Perlman and Hoffman by New York Central valued at $17.54, $16.61 in 1966.				
Southern Pacific Co.:				
D. J. Russell, chairman	155,275	----------	155,275	----------
B. F. Biaggini, president	151,133	----------	136,525	----------
Trans World Airlines, Inc.:				
Charles C. Tillinghast, Jr., president, does not include $25,000 accrued additional deferred compensation in 1967, $23,434 in 1966	75,000	34,000	71,296	47,850
R. M. Dunn, senior vice president	65,000	16,425	57,235	25,300
James J. Kerley, senior vice president	60,000	18,500	52,548	24,200
C. Edwin Smart, senior vice president, employed Feb. 23, 1967	44,333	14,150	----------	----------
E. O. Cocke, senior vice president	36,875	4,625	42,773	8,800
Other: incentive compensation award.				
United Air Lines, Inc.:				
G. E. Keck, president	107,500	----------	94,037	----------
Curtis Barkes, executive vice president	78,750	----------	72,438	----------
C. F. McErlean, executive vice president	78,705	----------	72,188	----------

[1] Units.
[2] Includes New York Central bonus installments: Perlman—$6,500, Hoffman—$32,250 in 1967; in 1966, Perlman—$6,500, Hoffman—$9,000.

UTILITIES

	1967 salary	Other payments	1966 salary	Other payments
American Electric Power Co., Inc.:				
Donald C. Cook, president	$174,130	$8,107	$151,367	$8,638
George V. Patterson, executive vice president	65,437	2,638	52,143	2,868
Herbert B. Cohn, executive vice president	63,450	2,411	46,607	2,581
W. J. Rose, vice president	56,458	2,649	53,370	2,912
Other: Partial interest on bank loans taken in order to participate in stock purchase plans.				

See footnotes at end of table.

UTILITIES—Continued

	1967 salary	Other payments	1966 salary	Other payments
Consolidated Edison Co. of New York, Inc.:				
Charles F. Luce, chairman [1]	$62,500			
Charles E. Eble, chairman [2]	150,000		$145,000	
John V. Cleary, president	137,500		111,667	
El Paso Natural Gas Co.:				
Howard Boyd, chairman	122,400	$4,836	113,667	$4,080
Hugh F. Steen, president	92,200	3,636	88,667	3,312
C. L. Perkins, senior vice president	73,700	2,868	73,000	2,832
Fred T. Wagner, senior vice president	52,200	2,004	51,500	1,968
Other: Employees savings plan.				
Pacific Gas & Electric Co.:				
Robert H. Gerdes, chairman	$160,733	$4,600	$160,200	$4,500
Shermer L. Sibley, president	117,317	3,313	110,300	3,000
K. C. Christensen, senior vice president	64,200	1,800	60,400	1,650
Other: contributions to savings fund plan.				
Tenneco Inc.:				
Gardiner Symonds, chairman	177,270	90,000	172,000	
Simon Askin, vice chairman	101,010	10,000	89,597	
Cecil C. Johnson, vice chairman	95,360		89,313	
N. W. Freeman, president	118,160	25,000		
Salary includes incentive compensation. Other: deferred compensation for 1968 to be made over 5-year period following termination of employment.				

[1] Since August 1967.

[2] Retired May 1, 1968; chairman until August 1967.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes.

I commend the distinguished assistant majority leader for the remarks he has just made, and the facts which he has laid out for all to see.

I believe I should point out to the Senate that last December the leadership on both sides was called to the White House by the President of the United States, and at that time, he asked our advice as to whether or not he should recommend the findings of the Kappel Commission—a Commission, I believe, which was created by Congress and financed by Congress, and about which nothing was said until its report was returned to the President and the Presidential recommendations were made.

The President wanted to send up the Kappel Commission salaries in toto, which would have increased to $50,000 a year the salaries of Members of Congress. Some of us felt that that was too much. Some of us felt that increases should be allowed in other ways, rather than as a straight salary increase. But finally, after a good deal of discussion, a concensus was reached on the figure of $42,500.

As the leader of the majority party, I told the President that I would go along. I can get along on my salary as a Senator from the State of Montana. I come from a small State. I do not have the demands on me that those Senators who come from the more populous States, or who are young enough to have growing families, have on them. But I think it is my duty and my responsibility to think of these younger Members and these Members who represent large population centers and their responsibilities, and the mood of the time in which we happen to live.

Mr. President, let me reiterate that the leadership from both sides, at that White House conference with President Johnson, told him that they would support $42,500 for Members of Congress.

I think I should also call to the Senate's attention the fact that President Nixon is interested in this bill not so much as far as we are concerned, because that is our responsibility, but because he wishes to attract people between the ages of 35 and 50 into the Federal Government. He can get all kinds of people over 50, because they have succeeded already in life, but those in the bracket of 35 to 50 are still struggling to achieve the financial level they believe their families deserve. Many of them President Nixon would like to have here but they cannot give their services to their Government, because they simply cannot afford it.

So President Nixon has a stake in this bill, too; and I discussed this matter with him this morning, so you can take my word for it.

Mr. President, I wonder whether we are going to be mice or men. There will be Senators, I dare say, who will vote against this measure, but who will be delighted if it passes. I think we ought to face up to the fact that we are Senators of the United States.

We have not attempted evasion on this measure. May I say that the Senator from Delaware (Mr. WILLIAMS) did not make a demand on the joint leadership that this matter be brought up. After his resolution was introduced the leadership never attempted to evade the issue or prevent the vote he intended. I ask him now if that is not a true statement.

Mr. WILLIAMS of Delaware. Mr. President, I was not following carefully. As I understand it, the Senator said——

Mr. MANSFIELD. The newspapers have said that on the basis of the Senator's demand, the joint leadership was forced to bring up this measure today.

Mr. WILLIAMS of Delaware. Oh, no, not at all.

Mr. MANSFIELD. I want the record clear on that point, because we met amicably, in a friendly fashion, and we agreed.

Mr. WILLIAMS of Delaware. Yes. Not only that, but, through the cooperation of the majority leader, we almost had a unanimous-consent agreement worked out whereby we could have proceeded with the matter Friday, to lay it down for limited debate; and it was not the majority leader's objection that was responsible, but we could not get it through. I know that the majority leader worked hard toward that objective. I do not know where the objection came from.

Mr. MANSFIELD. The only objection was that the majority leader had made a promise, unknowingly, to a colleague on this side of the aisle, that to the best of his knowledge there would be no votes on Friday last. I felt bound by that statement, and the Senator from Delaware understood.

Mr. WILLIAMS of Delaware. That is correct.

Mr. MANSFIELD. And out of that situation, we reached an agreement for today.

Mr. WILLIAMS of Delaware. That is correct. We got the same agreement for today; so the majority leader has operated excellently on this matter. I hope if the erroneous impression of which he speaks has been created, it will be speedily corrected.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the Senator from Delaware. I reiterate that there was no evasive action contemplated by the joint leadership. There was no desire to avoid the issue, and as far as the Senator from Montana is concerned, he is prepared at the appropriate time this afternoon, for a yea-and-nay vote on the pending proposal.

I believe that is the way it should be. It is a matter which we have to face up to. I do not agree with every feature of this bill. I do not think a Justice of the Supreme Court or a Cabinet member is any more important, or should be paid any more, than a Member of the Senate. I think it is about time that we faced up to our own responsibility that we quit being influenced by this criticism in the newspapers; because, gentlemen, as long as there is a Senate and a Congress, newspapers, in many instances, are going to be after your hide and my hide. We might as well get used to it. It is a part of the game. It is the way politics is played. They will continue to picture us as bloated folks with big bellies and cigars in our mouths, and a bowler on our heads.

It is not a true picture. We know it. We will not argue about it, because we cannot win; but at least we can face up to our responsibilities. We can act as U.S. Senators and do what each of us determines to be right and we can be prepared to take the consequences of this or any other action we take, regardless of what those consequences may be.

I hope that the Senate has gumption enough, today, to vote for this increase in its salary from $30,000 to $42,500.

The VICE PRESIDENT. Who yields time?

Mr. MANSFIELD. I suggest the absence of a quorum on my side.

The VICE PRESIDENT. The clerk will call the roll.

Mr. WILLIAMS of Delaware. The majority leader said on his side. I believe we have a quorum on this side of the aisle.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from Hawaii (Mr. FONG).

The VICE PRESIDENT. The Senator from Hawaii is recognized for 10 minutes.

Mr. FONG. Mr. President, the pending resolution, which would kill the President's salary recommendations for top-level Federal executives, for Federal judges, and for Members of Congress, should be defeated.

What is at issue is not just pay increases for these three categories alone.

What is involved is the pay structure for the entire Federal Government, for the pay of Members of Congress sets the ceiling below which nearly all other salaries must fall.

We are talking about justice and equity not only for top Federal personnel, judges, and Members of Congress. We are talking about justice and equity for 3 million Federal employees as well.

This is the crux of the issue before us.

The fundamental fact is that present congressional pay has a depressing effect on pay for all Government employees down the line in the Federal Establishment. The only pay higher than Members of Congress is that of the President, the Vice President, Cabinet members, the Supreme Court, and Federal appellate court judges.

In 1962, Congress wrote into law a pay comparability provision, directing that Federal salaries shall be made comparable to those paid for the same levels of work in private industry. This year—1969—was to be the year full comparability was allowed.

Comparability will not be reached this year—and Congress will break faith with Federal employees—unless Congress permits the pay adjustments recommended by the President and backed up by the Commission on Executive, Legislative, and Judicial Salaries to go into effect.

Mr. President, I want to make my position very clear. I am not arguing for a pay raise for myself. So far as I, personally, am concerned, I do not seek, I do not need, and I do not want a pay increase.

As ranking minority member of the Senate Committee on Post Office and Civil Service, however, I would be derelict in my duty if I evaluated the President's salary proposal only in terms of its impact upon me. My duty is to determine the impact on the entire Federal salary structure.

Let me just review the background events leading up to the present situation.

On December 12, 1967, the Senate voted 72 to 0 to adopt the provisions of the Federal pay bill establishing the President's Commission on Executive, Legislative, and Judicial Salaries. It also provided for regular reviews of these salaries every 4 years together with recommendations to Congress for any necessary adjustments.

This procedure was adopted so that Congress thereafter would not be put in the embarrassing position of determining its own compensation. The Commission procedure offered a more objective and orderly method of arriving at pay for Members of Congress. It also offered far greater assurance that there would be a more equitable relationship between pay for lower echelon employees and Congressional pay.

The President's salary commission, composed of nine eminent citizens, spent 10 long months last year studying this problem. The case the Commission made for its recommendations is reasonable, logical, and based on undisputed facts and figures. Its report is an excellent one, and I urge all my colleagues to read it.

Mr. President, I ask for 5 additional minutes.

Mr. KENNEDY. Mr. President, I yield 5 additional minutes to the Senator from Hawaii.

The VICE PRESIDENT. The Senator from Hawaii is recognized for 10 minutes.

Mr. FONG. The Commission concluded after its study that the compensation for our top Government leaders in each of the three branches of Government is far below the compensation of those in comparable employment in industry and in many State positions. According to the Commission, this has severely hampered the recruitment and retention of top executives in Government.

The problem is especially critical now as our Nation faces tremendous problems at home and abroad. Men and women of great talent and capacity are needed in Government.

The Commission said:

> The ability of our Nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country. It is with the maintenance of the quality of that leadership that we are concerned here.

Prestige, challenge, and the opportunity to solve national and international problems certainly are great incentives to enter the Federal service. But, to be an inducement, pay must meet the realities of personal and family obligations.

As the Commission pointed out in referring to Government service:

> There are many examples of distinguished service by men and women of independent wealth, but we cannot and must not rely on this as a means of filling the top ranks. Such a policy would deny the Nation the service of many other great and gifted leaders. Nor is the answer to rely on those who can devote a brief absence from private affairs.
>
> Because the actions and decisions of those who occupy the positions named in the statute so deeply affect all of us, every factor that can contribute to securing the ablest and best qualified people must be carefully weighed.
>
> One of those factors is compensation.

The report of the Commission shows that salaries in the business world, in State and local governments, and in State-supported universities are all moving ahead and, in many instances, far outstripping those paid high-level Federal Government officials.

The Commission concluded that the American public should "expect the compensation of those to whom we entrust high responsibilities and authority in Government to bear some reasonable relationship to that received by their peers in private life."

In private industry, positions with salaries over $30,000 number in the thousands. In the last 5 years, salaries of executives in private industry increased on an average of 3.5 percent per year. In comparison, since 1964 Federal executive salaries have increased much less than 1 percent each year. It is obvious from this study that an executive salary increase in the Federal Government is fully justified.

The Commission also held that salaries should reflect to some appreciable degree the level of responsibility involved in the office held.

The Governor of the State of Ca[redacted] nia is paid a salary of $44,100, o[redacted] York $50,000, of Georgia $42,500, and of Pennsylvania $45,000. In Californi[redacted] aries are as high as those of Members of Congress, or higher, for three State government administrators; the mayors and county managers of 18 cities and counties; 43 school superintendents and other public school officers; 62 presidents, officers, and faculty members of public higher education institutions; 11 public corporate positions, and 441 memb[redacted] the State judicial system—a total of 642 government employees in the State of California.

Paid more than $30,000 annually are 111 similar positions in Michigan, 242 in New Jersey, 522 in New York, and 189 in Pennsylvania. County executives in three of the States are paid more than $40,000. Executives of public universities in nine States are paid $45,000 or more, and many of them receive housing or other allowances.

Only two States out of the entire 50 in our great Union have no public positions paying $30,000 or more.

Mr. President, I want to emphasize again the direct relationship between Federal executive salaries and salaries for Federal career service employees. The two cannot be separated.

Under longstanding policy, career service pay shall not exceed pay at the executive levels. Rates of pay in the career levels are now so close to executive levels that there can be no career level pay increases unless executive pay is increased.

Yet Bureau of Labor Statistics surveys comparing Federal salaries with those in private industry—surveys required by law—reveal that the most critical lag in comparability is at the top-level career positions—GS–16, GS–17, and GS–18. At the present time the GS–18 rate is $2,239 less than that required under the comparability principle. By July this year, when full comparability is scheduled to go into effect. BLS figures show the lag will increase to $5,422 for GS–18 employees.

If Congress disapproves the President's recommendations, the entire Federal pay structure will be grossly out of kilter. This will do grave injustice to millions of Federal employees, particularly those in higher grades.

This will mean Congress is now abrogating the comparability principle approved by Congress in 1962, a promise Federal employees have relied upon and so patiently waited to be fulfilled. It

would nullify the intent of the Federal Salary Act enacted by Congress in 1967 directing that full comparability be reached this year.

Even though the Commission on Executive, Legislative, and Judicial Salaries made a well-documented case for the salary increases it proposed, I remind my colleagues that the President's recommendations, which are at issue before us today, are lower in several areas than those of the Commission. In his message to Congress, the President acknowledged that he "found it necessary to modify some of the Kappel Commission's recommendations."

Thus, the President reduced the Commission's recommendation for congressional pay by $7,500 and he made lesser reductions in the Commission's judicial and executive pay recommendations.

Mr. President, it is public knowledge that these reductions for Congress were made at the request of some of the leaders of Congress. Had the President been free of such requests, he admits he would have adopted the Commission's entire package of recommendations as his own.

In explaining its pay recommendations, the Commission stated in its report considerations that merit emphasis. On page 11, the Commission stated, and I quote:

> These proposals recognize that the opportunity to serve one's country and the prestige of public office are a form of compensation. They further recognize that there is not the freedom to tailor compensation to particular individuals or circumstances.
>
> On the other hand, the proposals do recognize the very substantial responsibility of these positions, the high level of competence required, and the importance of making sure we continue to secure and retain men and women of top quality.
>
> To hold Federal compensation on a scale that is substantially lower than equivalent talent can command in other fields, public as well as private, is the road to mediocrity.

In conclusion, Mr. President, let me summarize why I believe the pending resolution should be voted down, thereby allowing the President's recommendations to go into effect.

First, equity and fairness to 3 million Federal employees requires that executive, judicial, and congressional pay be raised, so that lower echelon employees will have an opportunity for needed and proper salary adjustments.

Second, pay scales for Federal employees, judges, and Members of Congress must bear a reasonable relationship to positions of comparable responsibility in private industry and State government. Otherwise, recruitment and retention of qualified personnel will be severely hampered.

Third, in today's troubled times, with our Nation facing some of the most perplexing and complex problems in our history, it is imperative the Federal Government have top-notch, skilled, highly qualified personnel. Frankly, we cannot solve the many serious problems this country faces without the very best possible personnel we can obtain.

Fourth, Congress must keep faith with its promise of comparability in pay for Federal workers in relation to their counterparts in private industry and elsewhere. Congress would be reneging on its promise if it failed to make the pay adjustments recommended by the President for Federal executives, Federal judges, and Members of Congress.

Fifth, failure to adopt the President's recommendations would nullify the efforts of Congress for the past 7 years to try to devise reasonable, equitable pay scales for the Federal Government. If the pending resolution is adopted, Federal pay scales will be grossly out of kilter.

Sixth, adoption of the pending resolution would nullify the Federal Salary Act enacted 2 years ago, which called for full comparability for Federal employees in July this year.

Mr. President, I urge my colleagues to defeat Senate Resolution 82, in all fairness and justice to Federal employees and in the best interest of our Nation.

Mr. President, I ask unanimous request that the full report of the Commission, except for pages 19, 20, and 21 containing text of the enabling legislation, be printed in the RECORD at this point. I also ask unanimous consent that the President's message of January 17, 1969, be printed here in the RECORD.

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

REPORT OF THE COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES, DECEMBER 1968

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Appointed by the President

Frederick R. Kappel, Chairman, Chairman, Board of Directors (retired) American Telephone and Telegraph Company.

John J. Corson, Consultant and Corporate Director.

George Meany, President American Federation of Labor and Congress of Industrial Organizations.

Appointed by the President of the Senate

Stephen K. Bailey, Educator, Dean, Maxwell Graduate School, Syracuse University.

Sidney J. Weinberg, Investment Banker, Senior Partner, Goldman, Sach & Co.

Appointed by the Speaker of the House of Representatives

Edward H. Foley, Lawyer, Partner, Corcoran, Foley, Youngman, and Rowe, Former Undersecretary of the Treasury.

William Spoelhof, Educator, President, Calvin College.

Appointed by the Chief Justice of the United States

Arthur H. Dean, Lawyer, Partner, Sullivan and Cromwell, Chairman, U.S. Delegation, Nuclear Test Ban and Disarmament Conference.

William T. Grossett, Lawyer, Counsel, Dykema, Wheat, Spencer, Goodnow, and Trigg, President, American Bar Association.

Executive Director: Frederick J. Lawton.

FOREWORD

A year ago Congress decided that the time had come to establish a system for the regular review of the salaries of top level officials of the three branches of Government. In implementing Congressional policy on salary rates for Career Service employees, it had been necessary to make compromises and piecemeal adjustments in salaries for this group (who constitute the great majority of all Federal employees) in order to avoid their materially overlapping the salary schedules for top officials.

To meet the immediate problem and insure periodic review in the future, the Commission on Executive, Legislative, and Judicial Salaries was created. Of its nine members, three are appointed by the President of the United States, two by the President of the Senate, two by the Speaker of the House of Representatives, and two by the Chief Justice of the United States. The first appointees serve for the fiscal year 1969. Every four years thereafter others are to be appointed to review and recommend the rates of pay of the Congress, the Judiciary, and the principal officials of the Executive Branch. These quadrennial reviews and recommendations of the Commission are to be reported to the President, who, in turn, shall include in his next budget his recommendations as to the exact rates of pay he deems advisable.

The President's recommendations become effective after thirty days unless in that period either House of Congress specifically disapproves any or all of them, or a [redacted] has been enacted into law establishing different rates of pay.

[redacted]

LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: We have the honor to present to you the first report of the Commission on Executive, Legislative, and Judicial Salaries.

Our review convinces us that the compensation of the key leadership in each of the three branches of Government is [redacted] out of step with today's standards. We should not permit this to continue at a time when the problems facing our country demand that we attract men of great talent and capacity to public office. When salaries in the business world, in State and Local Government, in the universities have moved and continue to move ahead of Federal Government rates, we may well fear an erosion in the quality of leadership throughout the fabric of Government.

We believe the salary rates proposed in this report will improve our capacity to attract and retain men of ability and dedication. We believe they will lessen the need to make personal sacrifices to accept and carry the burdens of public office.

In this report we have pointed out other areas that do not fall within our purview but that we believe require further attention. One is the proper utilization of expense allowances in determining total compensation. We suggest that this be the subject of an early study. The second is the obvious need to adjust promptly the salaries of the Vice President, the Speaker, and the Majority and Minority Leaders of the two Houses of Congress. Finally, in our view there should be a reassessment of the compensation of the President.

Respectfully submitted,

Frederick R. Kappel, Chairman; Stephen K. Bailey, John J. Corson, Arthur H. Dean, Edward H. Foley, William T. Gossett, George Meany, William Spoelhof, Sidney J. Weinberg.

INTRODUCTION

The ability of our nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country. It is with the maintenance of the quality of that leadership that we are concerned here.

What are the incentives for able men and women to assume positions of leadership? Among them are prestige, the challenge of public service, the opportunity to help solve problems of national and international import, the sense of mission to act for the public good. All are powerfully attractive. At the same time, however, salary inducements must meet the realities of personal and family obligations. They should also reflect in some appreciable degree the level of responsibility involved in the office held.

The action of Congress in providing for a review of the pay structure of the top levels

of the Executive Branch, the Members of Congress, and the Judiciary is timely. It is made at a time when the complexity of problems at home and abroad demands the service of the best, most capable men and women our country can attract to high public office. The review also comes at a time of Presidential change, with its attendant reorganization in positions of leadership. And it comes at a propitious moment, when the study of salary compensation can be raised above political implications and its objectivity be recognized.

In accordance with the provisions of the statute creating the Commission, we have reviewed the rates of pay of the designated offices in the three Branches of Government.

The conclusion to us is inescapable that present salary levels are not commensurate with the importance of the positions held. They are not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy and in many instances have established. We should expect the compensation of those to whom we entrust high responsibilities and authority in government to bear some reasonable relationship to that received by their peers in private life. This expectation, however, is not now met.

In this report, accordingly, we set forth our reasons for the above conclusion and our recommendations as to appropriate pay levels and relationships among top-level positions—and recommendations also as to the relationships between these positions and career service positions subject to the General Schedule pay scale.

We have sought to propose a reasonable and up-to-date relationship within the Federal structure, as well as between the Federal Government and other sectors, including private industry, education, and State and Local Government. Those sectors need and seek the same talents as does Government.

Orderly periodic reviews will disclose inequities that creep into the pay system. They will be essential, we believe, to enable Government to attract in a competitive market the quality of men and women needed to discharge effectively the functions of Government. The record of the past is one of piecemeal adjustments, varied only occasionally by broadscale revision when pressures built up to the breaking point.

We believe the recommendations summarized below represent an appropriate initial step in modernizing the top pay structure of the Executive, Legislative, and Judicial Branches of the Government.

SUMMARY OF RECOMMENDATIONS

Because of the long intervals between past adjustments in top level Federal salaries, so that salaries now paid no longer relate to current economic realities, the importance of the positions involved, and comparative salaries in other fields, we find that present salary levels are inadequate, and we recommend:

1. That in the Executive Branch the annual salary levels be as follows:

Heads of Departments, Level I, $60,000.

Agency Heads and other Level II positions, $50,000.

Under Secretaries and other Level III positions, $46,000.

Assistant Secretaries and other Level IV positions $43,000.

Major Bureau Heads and other Level V positions $40,000.

2. That in the Legislative Branch the annual salary levels be as follows:

Senators, Representatives, and the Resident Commissioner from Puerto Rico, $50,000.

The Comptroller General $50,000.

The Assistant Comptroller General $46,000.

The Public Printer, Librarian of Congress, Architect of the Capitol, and General Counsel of the General Accounting Office $43,000.

The Deputy Public Printer, Deputy Librarian of Congress, and Assistant Architect of the Capitol $40,000.

3. That in the Judicial Branch the annual salary levels be as follows:

The Chief Justice of the United States $67,500.

Associate Justices of the Supreme Court $65,000.

Judges, Circuit Courts, Court of Claims, Court of Customs and Patent Appeals, Court of Military Appeals $50,000.

Judges, District Courts, Customs Court, Tax Court of the United States, and Director, Administrative Office of the United States Courts $47,500.

Commissioners, Court of Claims $40,000.

Deputy Director, Administrative Office of the United States Courts $40,000.

Referees in Bankruptcy—full time—a maximum of $40,000.

Referees in Bankruptcy—part time—a maximum of $20,000.

The total annual cost of all increases proposed for the Executive, Legislative and Judicial Branches is $34,700,000.

THE TASK OF THE COMMISSION

The law establishing this Commission requires it to review the rates of pay of the Members of Congress; certain offices and positions in the Legislative Branch; the Justices, Judges and specific other personnel in the Judicial Branch; and the offices and positions in the upper levels in the Executive Branch of the Government, designated as Levels I to V of the Executive Schedule.

One purpose of this review is to determine appropriate pay levels and relationships among the respective offices and positions covered, and between those positions and positions in the General Pay Schedules of the Federal Government. Most importantly, our concern is to establish levels of compensation for those top offices that will, when coupled with the prestige they give and the opportunity for service they offer, induce men both to accept and to retain them.

The Congress has established a regular procedure for fixing the pay of the vast majority of Federal employees on the basis of comparability with the rates paid in the private sector. It has provided for an annual review and recommendation as to necessary adjustments. Experience of the past few years has shown that it is possible to fix with a reasonable degree of accuracy and certainty standards of comparison between a great number of jobs in Government and private industry.

With respect to the top offices in Government, however, the situation is different, for it is difficult to find positions in the private sector that are directly comparable. For example, no direct comparisons are possible between our Legislators and Judges and the Executives in business and industry. Nor is the concept of service and prestige that accompany high Federal office measurable in terms of the dollar value in the salary. On the other hand, we can draw comparisons between the top levels of the Career Service and the Executive levels in Government. We can also compare trends in compensation in government with trends in the business world, the universities, the foundations, and State and Local Government.

The outdated pay structure

The failure of Congress to provide for regular review and revision of the compensation to the top officials in the Executive, Legislative, and Judicial Branches of Government has resulted in their salaries remaining almost static at a time when those in private business, in State and Local Government, and in education, as well as salaries in the Career Service of Federal Government, were moving steadily upward. An American Management Association study published in 1967 (Appendix F) shows that in the last five years Executive Salaries in the business community have risen an average of 3.5% per year. The increase in the salary structure for Federal officials since 1964, however, has been far less than 1% per year.

The following table shows the four adjustments in salary that have taken place in the last half century for the Supreme Court Justice, the Cabinet Officer, the Member of Congress.

	1926	1946	1949	1956	1964
Associate Justices, Supreme Court	$20,000	$25,000		$35,000	$39,500
Heads of departments	15,000		$22,500	25,000	35,000
Members of Congress	10,000	15,000		22,500	30,000

Though each group that has studied the subject in recent years has come to the conclusion that material increases are necessary to establish a reasonable and rational pay structure, action has been neither timely nor realistic.

We have the task of evaluating the salaries of positions of the highest importance not only within Government but in the nation and, indeed, the world. The statute (Public Law 90–206) lists them as:

(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico.

(B) The following offices and positions in the Legislative Branch: Comptroller General, the Librarian of Congress, the Public Printer, the Architect of the Capitol and their principal assistants.

(C) Justices, Judges, Director and Deputy Director of the Administrative Office of United States Courts, Commissioners of the Court of Claims, and Referees in Bankruptcy.

(D) Offices and positions in the Executive Schedule (Levels I to V) set forth in title 5 of the United States code. (This includes top Executive officials up to and including Department Heads.)

The General Counsel of the Civil Service Commission has advised us that the law does not cover the offices of the Vice President, the Speaker, and the Majority and Minority Leaders of the two Houses of Congress. (See Appendix B). We believe it is essential that traditional relationships between these offices, the Supreme Court, and the Cabinet be preserved. We shall deal with this matter later in this report.

Because the actions and decisions of those who occupy the positions named in the statute so deeply affect all of us, every factor that can contribute to securing the ablest and best qualified people must be carefully weighed.

One of those factors is compensation. It is true, of course, that more than money is involved in attracting and retaining men and women of the highest competence. Prestige, the challenge of public service, the opportunity to contribute to the solution of pressing national and international problems all have their drawing power. But they must be weighed, even by the dedicated, against the realities of personal and family responsibilities.

There are many examples of distinguished service by men and women of independent wealth, but we cannot and must not rely on this as a means of filling the top ranks. Such a policy would deny the nation the service of many other great and gifted leaders. Nor is the answer to rely on those who can devote a brief absence from private affairs. This, too, presents obvious disadvantages.

To repeat here the conclusion emphasized in the introduction to this report, present

salary levels are not commensurate with the importance of top level positions or offices in Government. They are not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy and in many instances have established. We should expect the compensation given to those to whom we entrust the powers of government to bear some reasonable relationship to that received by their peers in private life.

Relationships between top-level and career service compensation

Another important consideration is the relationship of the salaries for top-level positions to the General Pay Schedule for career service employees.

The pay for the latter group, who constitute the vast majority of Federal employees, is fixed annually on the principle established in the Federal Salary Reform Act of 1962. This is that "Federal salary rates shall be comparable with private enterprise salary rates for the same levels of work."

An annual survey is made by the Bureau of Labor Statistics of private enterprise rates. These are then examined by the Bureau of the Budget and the Civil Service Commission and fitted to a comparability pay line. The pay line is established for the various levels of the General Schedule salaries and reported annually to Congress.

The Salary Act of 1967 provided that the President, by Executive Order, would establish rates for the Career Service that would achieve comparability in two stages. On July 1 of this year rates were increased by the amount necessary to move 50% of the way toward comparability. Next July 1 they will be adjusted to achieve full comparability.

However, the principle of comparability has not been made fully effective in 1968 because of a restriction in the 1967 Act that no level in the General Schedule may exceed the rate provided for the Level V of the Executive pay scale, namely, $28,000. The result of this statutory provision is that the top two rates of pay in Grade GS–16, the top three rates in GS–17, and the single rate for GS–18 are all limited to the $28,000 ceiling. For GS–18 this is $2,239 less than the comparability principle would have required for 1968, and $5,422 less than the requirement for July 1, 1969.

Based on the average increase in wages in this decade and the great body of economic thought, the upward trend will continue even though the rate of increase may be somewhat slowed down. Looking ahead four years, the rate for the lowest Level of the Executive pay scale would have to be at least $40,000 to permit the top rates of the Career Service to achieve the comparability that Congress has declared to be the Federal pay policy, and to provide an appropriate pay relationship between the Executive and Career levels.

Salary levels in other sectors

We turn now to significant information on salary levels and trends in other sectors of the economy, both public and private.

1. In State and Local Governments

From a salary point of view, numerous positions in State and Local Governments are equally or more attractive to individuals of the calibre sought for Federal posts. They offer similar professional opportunities. They offer the chance to render a public service. They offer substantial prestige and as great or greater monetary rewards. Comprehensive studies of State and Local Government salaries made by the U.S. Civil Service Commission in March 1963, January 1967, and August 1968 show in detail the situation in the upper salary levels.

It is significant that in the past year there has been a 70 percent increase in the number of those officials paid $35,000 or more. This trend is a continuing one. In September judicial salaries in California were increased over 20%. The New York State Legislature, a few months ago, voted significant increases to the Governor and other top State officials.

The following summary shows the increases that have taken place in the last five years in the number of positions paid at $35,000 and above.

	1963	1967	1968
Governors	8	23	26
Mayors and city managers	2	12	22
Administrative and professional	15	43	123
Public corporations	13	29	32
Judges	7	212	328

The details of the 1968 report are attached as Appendix D. The tabulations therein show the positions in summary and in detail by occupation, jurisdiction, and salary.

2. In Public Education

These studies also reveal a rather spectacular climb in the number of positions in the field of public education for which annual compensation of $35,000 or more is provided.

School superintendents:	
1963	3
1967	10
1968	25
Public university presidents, officers, and department heads:	
1963	11
1967	60
1968	178

By way of contrast, the Assistant Secretary for Education in the Department of Health, Education, and Welfare, and the Commissioner of Education, who exercise responsibilities that sweep across the whole spectrum of educational problems, are compensated at $28,750 and $28,000 respectively.

3. In Tax-Exempt Foundations

Tax-exempt foundations are another field which competes for the talent required by Government. The latest data available on compensation for presidents of ten of the large tax-exempt foundations for the fiscal year 1965–66 show a salary range from $30,000 to $100,000, an increase of $4,000 over the 1964–65 average.

4. In the Federal Reserve Banks

Another field of employment having some of the aspects of public service and some of private enterprise is in the Federal Reserve Banks. A recent report shows that the salaries of the presidents of Federal Reserve Banks range from $35,000 to $75,000. (See Appendix H). It might be pointed out that in all but two cases their salaries exceed those of the Chairman of the Federal Reserve Board and the Secretary of the Treasury, and in one case the bank salary more than doubles them.

5. In Private Industry

The differences between public service and private employment make direct dollar-for-dollar comparisons between salary levels prevailing in private business and those at the top strata of government difficult and inconclusive. There is no doubt, however, that salaries in the private sector offer a yardstick that individuals who are sought for top Government positions may use in measuring alternative opportunities, or in evaluating the financial aspect against the satisfaction of service to one's country and the challenge of the job, or perhaps the future benefits to one's career in business or in a profession.

There is a good deal of information available on salaries in the private sector. One source is the National Industrial Conference Board study on annual compensation at the highest-paid corporation Executive levels in 1304 corporations for the year 1965. The study shows a range of median salaries, depending upon the type of business, from $45,000 to $100,000. (See Appendix G)

Again, the American Management Association study of November 1967 on the average compensation rates of over 2,500 chief executive officers, ranked according to the [redacted] varying industry groups, shows amounts ranging well into six figures. (See Appendix E) Perhaps it is pertinent to point out [redacted] one of the industry groups included in the report was "Utilities." In the sales category of $200 to $500 million, the average compensation of the Chief Executive Officers was $110,000. The Tennessee Valley Authority had power sales of $369 million in 1968. The compensation of its Chief Executive Officer, in contrast, was $28,750. The Bonneville Power Administration and Bureau of Reclamation fall into the class of $100 [redacted] to $200 million in sales, for which the average industry salary is $87,000 for the Chief Executive. The salary of the Government Executives is $28,000.

In June of this year Business Week published its annual computation of top Executive salaries in 130 large corporations in some 25 different fields. It shows that over 300 of those Executives are compensated at the rate of $100,000 and above. The salaries of the top Executives of the four airlines listed were at least three times that of the Secretary of the Department of Transportation who has substantial responsibilities in the field of air transport.

These figures are not cited as the goal or the ideal Federal salary but are given to emphasize the problem with which the Government is faced in seeking men of the competence and quality needed to insure success in vital programs. Some men, fortunately, are in a position to make the change. Others, however, feel they cannot afford the financial sacrifice required.

The problem of compression

One of the most serious inequities in the present salary structure is the narrow differential between the various levels of pay, particularly in the Executive pay scale. There is an almost total failure to recognize in terms of compensation the differences in duties and responsibilities between the levels of the Executive Schedule.

The following table shows the levels of the Executive pay scale as established in 1964 and at present, and the percentage differential as compared to the private industry average differential.

Salary as percentage of Chief Executive salary[1]		Federal executive salary schedule		
Average private industry	Percent	1964	Percent	Present	Percent
Level I—Chief Executive	100	$35,000	100.0	$35,000	100.0
Level II—2d highest paid	70	30,000	85.7	30,000	85.7
Level III—3d highest paid	60	28,500	81.4	29,500	84.3
Level IV—4th highest paid	55	27,000	77.1	28,750	82.1
Level V—5th highest paid	50	26,000	74.3	28,000	80.0

[1] Source: "Executive Compensation," Business Management, January 1968, table 6.

The differential between Level V and Level II in 1964 was about 11%, or roughly half the typical differential in private enterprise. It is now only 5.7%.

The increasingly small differentials between Levels II and V are partly due to upward adjustments necessary at the lower levels to permit the top civil service grades to make some progress toward comparability.

Even so, it is now possible for the head of

a major Bureau in Executive Level V and subordinates in the three upper civil service grades to receive identical compensation even though they are at successive steps in a direct line of authority and responsibility. Obviously, it is time for a change.

RECOMMENDED SALARIES FOR TOP LEVEL OFFICIALS IN THE EXECUTIVE BRANCH

We have striven to meet these objectives in formulating our recommendations:

1. To establish a compensation plan which will be logical and equitable in its internal and external relationships.

2. To establish compensation more nearly commensurate with the importance and responsibilities of these positions.

3. To establish levels that will increase the ability of the Federal Government to attract and retain the highest possible talent.

The following table sets forth the present and proposed rates for the 665 top officials of the Executive Branch.

	Number	Present salary rate	Proposed salary rate
Level I—Heads of departments	12	$35,000	$60,000
Level II—Heads of major agencies, etc.	64	30,000	50,000
Level III—Under Secretaries, etc.	88	29,500	46,000
Level IV—Assistant Secretaries, etc.	261	28,750	43,000
Level V—Heads of bureaus, etc.	240	28,000	40,000
Annual cost of these proposed increases			9,631,250

These proposals recognize that the opportunity to serve one's country and the prestige of public office are a form of compensation. They further recognize that there is not the freedom to tailor compensation to particular individuals or circumstances. On the other hand, the proposals do recognize the very substantial responsibility of these positions, the high level of competence required, and the importance of making sure we continue to secure and retain men and women of top quality. To hold Federal compensation on a scale that is substantially lower than equivalent talent can command in other fields, public as well as private, is the road to mediocrity.

RECOMMENDED LEGISLATIVE SALARIES

In addition to the Members of Congress, nine other offices and positions in the Legislative Branch are within the scope of the Commission's study and review. These offices can be directly related to offices and positions in the Executive Branch, and on the basis of that comparison we have included them in the following recommendations:

	Number	Present salary rate	Proposed salary rate
Senators, Representatives, and the Resident Commissioner from Puerto Rico	531	$30,000	$50,000
Other offices in the Legislative Branch:			
Comptroller General	1	30,000	50,000
Assistant Comptroller General	1	29,500	46,000
General Counsel, General Accounting Office	1	28,750	43,000
Librarian of Congress	1	28,750	43,000
Public Printer	1	28,750	43,000
Architect of the Capitol	1	28,750	43,000
Deputy Librarian of Congress	1	27,500	40,000
Deputy Public Printer	1	27,500	40,000
Assistant Architect of the Capitol	1	27,500	40,000
Annual cost of these proposed increases			10,751,000

It is difficult to obtain data that may suitably be used as a basis for comparison with Congressional salaries. The Senators and Representatives and the Resident Commissioner from Puerto Rico are in a class not directly comparable with any other group. State Legislators in most cases play a vastly different role from that of a Member of Congress. This is true with respect to the time devoted to the position, the variety and complexity of the problems covered, and the number of citizens to whom they are responsible.

Unlike the circumstances in the Executive area of government and in private industry, there are no varying levels of responsibility among the Members, at least with respect to the enactment of legislation—their major task. The vote of the newest Congressman counts exactly the same as that of a long-time member. Perhaps the experienced legislator serving as a committee chairman has a more arduous task and performs at a greater level of effectiveness, but his basic responsibilities to his constituents are the same. There may be material differences in service rendered but these cannot be expressed in terms of compensation.

Other factors bearing on the compensation of Members of Congress include the necessity of running for office every two years or six years, and the cost of living in Washington for most of the year while maintaining a residence in home district or State.

It is our feeling that Members' salaries should be adjusted to compensate for the substantial and unique responsibilities they bear, to meet the cost peculiar to elective rather than appointive office, and to minimize the need to rely on other means of augmenting income. There is a real question, however, as to whether the problem of adequately compensating the holder of elective office can be solved entirely by salary adjustment. The burdens placed on the individual legislator are not uniform. The type of his constituency, its geographical location, and its legislative interests affect him alone just as do his housing requirements and his business or professional interests. Later in this report we discuss some further steps that should be considered.

RECOMMENDED JUDICIAL SALARIES

The table following sets forth the recommended salaries for Justices, Judges, and other officers of the Judicial Branch, totaling 842.

	Number[1]	Present salary rate	Proposed salary rate
Chief Justice of the United States	1	$40,000	$67,500
Associate Justices, Supreme Court	10	39,500	65,000
Judges, Circuit Court of Appeals	134	33,000	50,000
Judges, Court of Claims	9	33,000	50,000
Judges, Court of Military Appeals	3	33,000	50,000
Judges, Court of Customs and Patent Appeals	6	33,000	50,000
Judges, district courts	407	[2] 30,000	47,500
Judges, Customs Court	13	30,000	47,500
Judges, Tax Court of the United States	22	30,000	47,500
Director, Administrative Office of the U.S. Courts	1	30,000	47,500
Deputy Director, Administrative Office of the U.S. Courts	1	28,000	40,000
Commissioners, Court of Claims	15	29,000	40,000
Referees in bankruptcy (full-time maximum)[3]	180	22,500	40,000
Referees in bankruptcy (part-time maximum)[3]	40	11,000	20,000
Annual cost of these proposed increases			14,305,500

[1] Includes senior justices and judges.
[2] 1 at $30,500.
[3] Salary for referees set by judicial conference within the maximum.

We have recommended that the compensation of the Justices of the Supreme Court be fixed at $65,000, a rate which reflects the importance and dignity of the office. As the role of the Federal Government has expanded, the burden on the Judicial system has grown and its sphere of influence has broadened to embrace an increasing percentage of our citizens. This is particularly true of the Court, which is the capstone of our legal system. Yet in the past forty years the rate of increase in the compensation of its members has lagged far behind that of the other groups we have reviewed.

We have established a differential of $2,500 between the salary of the Chief Justice and the Associate Justices that more truly reflects the relative responsibilities than does the $500 which was first set in 1789.

We believe the rates for Judges of the other courts result in an equitable compensation for their responsibilities and are in line with the recommendations for l[illegible] XXXXXX lative and Executive salaries.

In determining appropriate salary rates for the Judiciary, we must rely on the t[illegible] XXXXXX tional values that have been attached to the work of the courts. To attempt to find valid comparisons on the basis of tasks performed between those who formulate the laws, those who interpret them, and those who execute them would be a fruitless task.

Traditionally, there has been high prestige value attached to Federal judgeships, and, particularly, to membership on the Supreme Court. There is the factor of the a[illegible] XXXXXX value of lifetime tenure. These may be sufficient inducements to many who have made their mark in other fields of legal endeavor. But will they remain so if there is not some recognition of present-day trends in compensation?

One area with which we may make some comparison comprises the State and Local judicial systems. There we find that some 1,150 Judges are paid at the same rate as Judges in Federal District Courts, that more than 300 are paid more than the Judges of the Appellate Courts, and that 35 are paid at rates that equal or slightly exceed Justices of the Supreme Court of the United States.

The Act creating this Commission also provides for review and recommendations as to the salaries of the Commissioners of the Court of Claims, Referees in Bankruptcy, and the Director and Deputy Director of the Administrative Office of the United States Courts.

The Commissioners of the Court of Claims act as trial Judges for the Court. After proceedings before them are completed, the Commissioners prepare findings of fact and conclusions of law which are then submitted to the parties and the Court. If there is no appeal by the parties to the case, the Court, after review, will normally adopt the Commissioner's decision as its own.

The Referees in Bankruptcy recommend decisions on both law and facts to the Judge of the District Court, who then renders the Court's decision. Certain aspects of bankruptcy cases are, by statute, reserved to the District Judge. At present the Judicial Conference sets the salary rate within the maximum established by law.

SUPPLEMENTARY COMPENSATION

In the first draft of the 1967 Salary Act, there was a provision that the Commission on Salaries should also study the kinds and amounts of expenses and allowances for Federal Executives, Judges, and Members of Congress. However, this was eliminated before final passage. Although such factors are not part of the study, they cannot be ignored in arriving at an understanding of the comparative compensation of Executives in industry and in government.

A salary study is not really valid if compensation in addition to salary is ignored.

If housing is furnished, or an expense allowance provided, or bonuses and stock options are offered in lieu of, or in addition to, salary, the monetary value of the job may be greatly altered. In many instances, such benefits provided by the employer might greatly influence a person to accept or to reject a position.

The nature and extent of supplementary benefits may vary considerably according to the characteristics of positions held. Thus a Judge retired from active service at full salary may still from time to time perform services of the same character as are performed by active Judges. Accordingly, the Government's contributions to his retirement is quite different from the contribution it makes toward the retirement of a Member of Congress who is elected for a term, or an official of the Executive Branch whose position is subject to change as political control changes.

The opportunities open to Government officials to acquire supplementary income through the practice of a profession or by engaging in private business vary according to the Branch in which they serve. Each Branch makes its own rules and applies its own standards.

This Commission has made no attempt to evaluate supplementary payments or allowances to determine their exact effect on total compensation. It is aware that there are inequities needing correction, but it is not part of the Commission's task to make recommendations concerning them. We also recognize that adjustments of salaries are not the appropriate way to meet the expenses attached to public office any more than they are to meet business expenses in private enterprise. These expenses, while job-related, are not uniform in their application to the holders of positions in the same class, nor are they uniform as between classes.

The Commission feels that existing laws and regulations should be reviewed to determine whether present supplementary compensation, such as expenses, allowances, retirement income, insurance, etc., are adequate or inadequate, equitable or discriminatory, or well- or ill-suited to the purpose for which they were designed. If there are deficiencies, they should be remedied promptly through changes in legislation or regulations.

IN CONCLUSION

The Commission urges that immediate action be taken at the next session of Congress to establish new salary rates for the office of Vice President, Speaker of the House of Representatives, and the Majority and Minority Leaders of both Houses of Congress.

Had these offices been within our purview, we would have recommended no less than a salary equivalent to that of the Chief Justice ($67,500) for the Vice President and the Speaker, and maintenance of the present differential ($5,000) between the Majority and Minority Leaders and the other Members of the Senate and House of Representatives.

Finally, we point out that the Presidential salary has remained unchanged since 1949, a period of nearly 20 years. There is no compelling reason to exempt this salary from evaluation and revision in the light of present day values and standards of compensation other than that the position is unique in the true sense of the word. We recognize that evaluating the Presidential responsibilities in terms of remuneration just cannot be done. Nevertheless, we urge you, Mr. President, to bring this matter to the attention of the Congress at the earliest possible moment. We believe that to preserve equity and balance in the pay structure of Government the salary of the President should be changed from $100,000 to $200,000.

APPENDIX A

(Legislative provisions establishing the Commission on Executive, Legislative, and Judicial Salaries, and a method of setting the rates of such salaries (Public Law 90-206, 81 Stat. 642); Approved December 16, 1967)

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SEC. 225. (a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the "Commission").

(b) MEMBERSHIP.—

(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(B) two appointed by the President of the Senate;

(C) two appointed by the Speaker of the House of Representatives; and

(D) two appointed by the Chief Justice of the United States.

Terms of office

(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(*Compensation; travel expenses*)

(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

(c) PERSONNEL OF COMMISSION.—

(1) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

Personnel detail

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

(d) USE OF UNITED STATES MAILS BY COMMISSION.—The Commission may use the same United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

(f) FUNCTION.—The Commission shall conduct, in each of the respective fiscal years referred to in subsection (b) (2) and (3) of this section, a review of the rates of pay

XXXXXX

(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

XXXXXX

(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88-426);

(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88-426); and

XXXXXX

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

(g) REPORT BY COMMISSION TO THE PRESIDENT.—The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than January 1 next following the close of the fiscal year in which the review is conducted by the Commission.

(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section. As used in this subsection, the term "budget" means the budget referred to in section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11).

(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—

(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that, between the date of

transmittal of such recommendations in the budget and the beginning of such first pay period—

(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

(C) both.

(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

(j) EFFECT OF RECOMMENDATIONS OF THE PRESIDENT ON EXISTING LAW AND PRIOR PRESIDENTIAL RECOMMENDATIONS.—The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in subsection (b)(2) and (3) of this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations), and

(B) any prior recommendations of the President which take effect under this section.

Publication in Federal Register

(k) PUBLICATION OF RECOMMENDATIONS OF THE PRESIDENT.—The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

APPENDIX B

Extent of Commission's Jurisdiction (Opinion furnished by the General Counsel of the U.S. Civil Service Commission)

Question: Does the jurisdiction of the Commission on Executive, Legislative, and Judicial Salaries (CELJS) extend to the compensation of the Vice President, the Speaker of the House of Representatives, and the Majority and Minority leaders of both Houses?

Answer: No.

Discussion: Then review authority of the CELJS is set out in § 225(f) of Public Law 90–206. That subsection authorizes the CELJS to review the rates of pay of:

(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

(B) offices and positions in the legislative branch, referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426); and

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Subparagraphs (C) and (D) of § 225(f) are clearly inapplicable as (C) relates only to the judicial branch and as (D) relates only to the Executive Schedule which contains no reference to the offices under consideration.

Subparagraph (A), which refers specifically to the rates of pay of "Senators" and "Members of the House of Representatives" cannot be considered to extend to the rate of pay of the Vice President, the Speaker of the House of Representatives, and the Majority and Minority Leaders. This is so because the rate of pay for each of these offices is expressly fixed by a statutory authority that is separate from the statutory authority that fixes the rate of pay for Senators and Members of Congress.

The $30,000 annual rate for Senators and Members of Congress is fixed by the first sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended by § 11(e) of Public Law 89–301, 2 U.S.C. 31. The $43,000 annual rate for the Speaker of the House of Representatives is fixed by the second sentence of that section (2 U.S.C. 31). The $35,000 annual rate for the Majority and Minority Leaders is fixed by the last sentence of that section (2 U.S.C. 31). The $43,000 annual rate for the Vice President is fixed by section 104 of title 3, United States Code. Finally, whatever may be said of the functions of the Vice President as presiding officer of the Senate, he is not nominated nor elected as, nor is he designated to be, a Senator.

In view of the foregoing, it is evident that the express mention of the rates of pay for Senators and Members of the House of Representatives in paragraph (A) of § 225(f) does not include the rates of pay for the Vice President, the Speaker of the House of Representatives, and the Majority and Minority Leaders.

It is significant to note that when the Congress created a former Commission on Judicial and Congressional Salaries in 1953 (Public Law 83–220, 67 Stat. 485) it expressly directed that Commission to determine appropriate rates of salaries for, among others, "the Vice President, the Speaker of the House of Representatives, and Members of Congress". Also in that legislation, the Congress referred to "the presiding officers and Members of Congress". Thus it is evident that the Congress, from its experience with the earlier enactment, was aware of how to express an intention to review the salaries of legislative branch officers other than Members of the Congress. The omission of similar language in Public Law 90–206 is even more significant under these circumstances.

Finally, with respect to subparagraph (B) of § 225(f) (the offices and positions in the legislative branch referred to in § 203(a)–(d) of the Federal Legislative Salary Act of 1964) a study of that section establishes that it does not refer to any of the offices with which we are concerned. That section specifically refers to the Comptroller General, the Assistant Comptroller General, the General Counsel of the General Accounting Office, the Librarian and Deputy Librarian of Congress, the Public Printer and his Deputy, and the Architect of the Capitol and his Assistant.

The importance of the CELJS limiting its review to the offices and positions referred to in § 225(f)(A)–(D) of Public Law 90–206 is made clear by § 225(h) of that statute. Section 225(h) relates to the President's recommendations to the Congress after his receipt of the report from the CELJS. It specifically states that the President's recommendations shall relate to "those officers and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section."

APPENDIX C

POSITIONS IN LEVELS I THROUGH V OF THE EXECUTIVE SCHEDULE[1] OR AUTHORIZED TO BE PAID AT COMPARABLE SALARY RATES OCTOBER 25, 1968

Level I, $35,000—5 U.S.C. 5312:

(1) Secretary of State.

(2) Secretary of the Treasury.

(3) Secretary of Defense.

(4) Attorney General.

(5) Postmaster General.

(6) Secretary of the Interior.

(7) Secretary of Agriculture.

(8) Secretary of Commerce.

(9) Secretary of Labor.

(10) Secretary of Health, Education, and Welfare.

(11) Secretary of Housing and Urban Development.

(12) Secretary of Transportation.

Level II, $30,000—5 U.S.C. 5313:

(1) Deputy Secretary of Defense.

(2) Under Secretary of State.

(3) Administrator, Agency for International Development.

(4) Administrator of the National Aeronautics and Space Administration.

(5) Administrator of Veterans' Affairs. XXXXXX

(6) (Repealed.)

(7) Under Secretary of Transportation.

(8) Chairman, Atomic Energy Comm. XXXXX

(9) Chairman, Council of Economic Advisers.

(10) Chairman, Board of Governors of the Federal Reserve System.

(11) Director of the Bureau of the Budget.

(12) Director of the Office of Science and Technology.

(13) Director of the United States Arms Control and Disarmament Agency.

(14) Director of the United States XXXXXX mation Agency.

(15) Director of Central Intelligence.

(16) Secretary of the Air Force.

(17) Secretary of the Army.

(18) Secretary of the Navy.

(19) Administrator, Federal Aviation Administration.

(19) Director of the National Science Foundation.

Other positions which may be paid at rate for level II:

Director, Office of Economic Opportunity.

Civilian executive secretary, National Council on Marine Resources and Engineering Development.

Director of the Federal Bureau of Investigation.

17 Presidential assistants including the Executive Secretary of the National Security Council, the Executive Secretary of the National Aeronautics and Space Council, and the Executive Secretary of the Economic Opportunity Council.

2 specially qualified scientific, professional, or administrative employees in the Public Health Service.

Chiefs of mission, Class 1 (23).

Level III, $29,500—5 U.S.C. 5314:

(1) Deputy Attorney General.

(2) Solicitor General of the United States.

(3) Deputy Postmaster General.

(4) Under Secretary of Agriculture.

(5) Under Secretary of Commerce.

(6) (Repealed.)

(7) Under Secretary of Health, Education, and Welfare.

(8) Under Secretary of the Interior.

(9) Under Secretary of Labor.

(10) Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs.

(11) Under Secretary of the Treasury.

(12) Under Secretary of the Treasury for Monetary Affairs.

(13) Administrator of General Services.

(14) Administrator of the Small Business Administration.

(15) Deputy Administrator of Veterans' Affairs.

(16) Deputy Administrator, Agency for International Development.

(17) Chairman, Civil Aeronautics Board.

(18) Chairman of the United States Civil Service Commission.

(19) Chairman, Federal Communications Commission.

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[1] Numbering corresponds to that in title 5, United States Code.

(20) Chairman, Board of Directors, Federal Deposit Insurance Corporation.
(21) Chairman of the Federal Home Loan Bank Board.
(22) Chairman, Federal Power Commission.
(23) Chairman, Federal Trade Commission.
(24) Chairman, Interstate Commerce Commission.
(25) Chairman, National Labor Relations Board.
(26) Chairman, Securities and Exchange Commission.
(27) Chairman, Board of Directors of the Tennessee Valley Authority.
(28) Chairman, National Mediation Board.
(29) Chairman, Railroad Retirement Board.
(30) Chairman, Federal Maritime Commission.
(31) Comptroller of the Currency.
(32) Commissioner of Internal Revenue.
(33) Director of Defense Research and Engineering, Department of Defense.
(34) Deputy Administrator of the National Aeronautics and Space Administration.
(35) Deputy Director of the Bureau of the Budget.
(36) Deputy Director of Central Intelligence.
(37) Director of the Office of Emergency Preparedness.
(38) Director of the Peace Corps.
(39) Chief Medical Director in the Department of Medicine and Surgery of the Veterans' Administration.
(40) Deputy Director, National Science Foundation..
(41) (Repealed.)
(42) President of the Export-Import Bank of Washington.
(43) Members, Atomic Energy Commission (4).
(44) Members, Board of Governors of the Federal Reserve System (6).
(45) (Superseded.)
(46) Administrator, Federal Highway Administration.
(47) Adminstrator, Federal Railroad Administration.
(48) Chairman, National Transportation Safety Board.
(49) Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.
(50) Chairman of the National Endowment for the Humanities.
(51) Director of the Federal Mediation and Conciliation Service.
(52) Under Secretary of Housing and Urban Development.
(53) Urban Mass Transportation Administrator.

Other positions which may be paid at rate for level III:

Deputy Director, Office of Economic Opportunity.
Chairman, Administrative Conference of the United States.
Director of Selective Service (present incumbent).
Associate Director of the Federal Bureau of Investigation (present incumbent).
Chiefs of mission, class 2 (28).

Level IV, $28,750—5 U.S.C. 5315:

(1) Administrator, Bureau of Security and Consular Affairs, Department of State.
(2) (Repealed.)
(3) Deputy Administrator of General Services.
(4) Associate Administrator of the National Aeronautics and Space Administration.
(5) Assistant Administrators, Agency for International Development (6).
(6) Regional Assistant Administrator, Agency for International Development (4).
(7) Under Secretary of the Air Force.
(8) Under Secretary of the Army.
(9) Under Secretary of the Navy.
(10) Deputy Under Secretaries of State (2).
(11) Assistant Secretaries of Agriculture (3).
(12) Assistant Secretaries of Commerce (5).
(13) Assistant Secretaries of Defense (7).
(14) Assistant Secretaries of the Air Force (4).
(15) Assistant Secretaries of the Army (4).
(16) Assistant Secretaries of the Navy (4).
(17) Assistant Secretaries of Health, Education, and Welfare (5).
(18) Assistant Secretaries of the Interior (5).
(19) Assistant Attorneys General (9).
(20) Assistant Secretaries of Labor (4).
(21) Assistant Postmasters General (6).
(22) Assistant Secretaries of State (11).
(23) Assistant Secretaries of the Treasury, (4).
(24) Chairman of the United States Tariff Commission.
(25) (Repealed.)
(26) (Repealed.)
(27) (Repealed.)
(28) (Repealed.)
(29) Director of Civil Defense, Department of the Army.
(30) (Repealed.)
(31) Deputy Chief Medical Director in the Department of Medicine and Surgery of the Veterans' Administration.
(32) Deputy Director of the Office of Emergency Preparedness.
(33) Deputy Director of the Office of Science and Technology.
(34) Deputy Director of the Peace Corps.
(35) Deputy Director of the United States Arms Control and Disarmament Agency.
(36) Deputy Director of the United States Information Agency.
(37) Assistant Directors of the Bureau of the Budget (3).
(38) General Counsel of the Department of Agriculture.
(39) General Counsel of the Department of Commerce.
(40) General Counsel of the Department of Defense.
(41) General Counsel of the Department of Health, Education, and Welfare.
(42) Solicitor of the Department of the Interior.
(43) Solicitor of the Department of Labor.
(44) General Counsel of the National Labor Relations Board.
(45) General Counsel of the Post Office Department.
(46) Counselor of the Department of State.
(47) Legal Adviser of the Department of State.
(48) General Counsel of the Department of the Treasury.
(49) First Vice President of the Export-Import Bank of Washington.
(50) General Manager of the Atomic Energy Commission.
(51) Governor of the Farm Credit Administration.
(52) Inspector General, Foreign Assistance.
(53) Deputy Inspector General, Foreign Assistance.
(54) Members, Civil Aeronautics Board (4).
(55) Members, Council of Economic Advisers (2).
(56) Members, Board of Directors of the Export-Import Bank of Washington (3).
(57) Members, Federal Communications Commission (6).
(58) Member, Board of Directors of the Federal Deposit Insurance Corporation (1).
(59) Members, Federal Home Loan Bank Board (2).
(60) Members, Federal Power Commission (4).
(61) Members, Federal Trade Commission (4).
(62) Members, Interstate Commerce Commission (10).
(63) Members, National Labor Relations Board (4).
(64) Members, Securities and Exchange Commission (4).
(65) Members, Board of Directors of the Tennessee Valley Authority (2).
(66) Members, United States Civil Service Commission (2).
(67) Members, Federal Maritime Commission (4).
(68) Members, National Mediation Board (2).
(69) Members, Railroad Retirement Board (2).
(70) Director of Selective Service.
(71) Associate Director of the Federal Bureau of Investigation.
(72) Chairman, Equal Employment Opportunity Commission.
(73) Chief of Protocol, Department of State. XXXXXX
(74) Director, Bureau of Intelligence and Research, Department of State.
(75) Director, Community Relations Service. XXXXXX
(76) United States Attorney for the District of Columbia.
(77) United States Attorney for the Southern District of New York.
(78) Members, National Transportation Safety Board (4).
(79) General Counsel, Department of Transportation.
(80) Deputy Administrator, Federal Aviation Administration. XXXXXX
(81) Assistant Secretaries of Transportation (4).
(82) Director of Public Roads.
(83) Administrator, Saint Lawrence Seaway Development Corporation.
(84) Assistant Secretary for Science, Smithsonian Institution.
(85) Assistant Secretary for History and Art, Smithsonian Institution.
(86) Deputy Administrator, Small Business Administration.
(87) Assistant Secretaries of Housing and Urban Development (6).
(88) General Counsel of the Department of Housing and Urban Development.
(89) Commissioner of Interama, Commerce.
(90) Administrator of Law Enforcement Assistance, Department of Justice.
(91) Federal Insurance Administrator, Department of Housing and Urban Development.

Positions placed in level IV by Presidential action under 5 U.S.C. 5317:

Special Assistant to the Secretary (for Enforcement), Treasury Department.
Principal Deputy Director of Defense Research and Engineering, Department of Defense.
Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.
Administrator, National Institutes of Health, Department of Health, Education, and Welfare.
Assistant Director for Executive Management, Bureau of the Budget, Executive Office of the President.
Deputy Administrator, Federal Highway Administration, Department of Transportation.
Director, Office of Foreign Direct Investments, Department of Commerce.
Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.
Executive Director, Cabinet Committee on Price Stability.

Other positions which may be paid at rate for level IV:

Assistant Directors (5), Office of Economic Opportunity.
Federal Cochairman, Appalachian Regional Commission.

Each regional cochairman of an economic development regional commission (now 5).

Chiefs of mission, class 3 (34).

Career ambassadors (2).

Level V, $28,000—5 U.S.C. 5316:

(1) Administrator, Agricultural Marketing Service, Department of Agriculture.

(2) Administrator, Agricultural Research Service, Department of Agriculture.

(3) Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(4) Administrator, Farmers Home Administration.

(5) Administrator, Foreign Agricultural Service, Department of Agriculture.

(6) Administrator, Rural Electrification Administration, Department of Agriculture.

(7) Administrator, Soil Conservation Service, Department of Agriculture.

(8) Administrator, Bonneville Power Administration, Department of the Interior.

(9) (Repealed.)

(10) (Repealed.)

(11) Associate Administrators of the Small Business Administration (3).

(12) (Repealed.)

(13) (Repealed.)

(14) (Repealed.)

(15) Associate Administrator for Advanced Research and Technology, National Aeronautics and Space Administration.

(16) Associate Administrator for Space Science and Applications, National Aeronautics and Space Administration.

(17) Associate Administrator for Manned Space Flight, National Aeronautics and Space Administration.

(18) Associate Deputy Administrator, National Aeronautics and Space Administration.

(19) Deputy Associate Administrator, National Aeronautics and Space Administration.

(20) Associate Deputy Administrator of Veterans' Affairs.

(21) Archivist of the United States.

(22) (Repealed).

(23) Assistant Secretary of Agriculture for Administration.

(24) Assistant Secretary of Health, Education, and Welfare for Administration.

(25) Assistant Secretary of the Interior for Administration.

(26) Assistant Attorney General for Administration.

(27) Assistant Secretary of Labor for Administration.

(28) Assistant Secretary of the Treasury for Administration.

(29) Assistant General Manager, Atomic Energy Commission.

(30) Assistant and Science Adviser to the Secretary of the Interior.

(31) Chairman, Foreign Claims Settlement Commission of the United States.

(32) Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense.

(33) Chairman of the Renegotiation Board.

(34) Chairman of the Subversive Activities Control Board.

(35) Chief Counsel for the Internal Revenue Service, Department of the Treasury.

(36) Chief Forester of the Forest Service, Department of Agriculture.

(37) Chief Postal Inspector, Post Office Department.

(38) (Repealed).

(39) Commissioner of Customs, Department of the Treasury.

(40) Commissioner, Federal Supply Service, General Services Administration.

(41) Commissioner of Education, Department of Health, Education, and Welfare.

(42) Commissioner of Fish and Wildlife, Department of the Interior.

(43) Commissioner of Food and Drugs, Department of Health, Education, and Welfare.

(44) Commissioner of Immigration and Naturalization, Department of Justice.

(45) Commissioner of Indian Affairs, Department of the Interior.

(46) (Repealed).

(47 Commissioners, Indian Claims Commission (5).

(48) Commissioner of Patents, Department of Commerce.

(49) Commissioner, Public Buildings Service, General Services Administration.

(50) Commissioner of Reclamation, Department of the Interior.

(51) Commissioner of Social Security, Department of Health, Education, and Welfare.

(52) Commissioner of Vocational Rehabilitation, Department of Health, Education, and Welfare.

(53) Commissioner of Welfare, Department of Health, Education, and Welfare.

(54) Director, Advanced Research Projects Agency, Department of Defense.

(55) Director of Agricultural Economics, Department of Agriculture.

(56) Director, Bureau of the Census, Department of Commerce.

(57) Director, Bureau of Mines, Department of the Interior.

(58) Director, Bureau of Prisons, Department of Justice.

(59) Director, Geological Survey, Department of the Interior.

(60) Director, Research and Development, Post Office Department.

(61) Director, National Bureau of Standards, Department of Commerce.

(62) Director of Regulation, Atomic Energy Commission.

(63) Director of Science and Education, Department of Agriculture.

(64) Deputy Under Secretary for Monetary Affairs, Department of the Treasury.

(65) Deputy Commissioner of Internal Revenue, Department of the Treasury.

(66) Assistant Directors, National Science Foundation (4).

(67) Deputy Director, Policy and Plans, United States Information Agency.

(68) Deputy General Counsel, Department of Defense.

(69) Deputy General Manager, Atomic Energy Commission.

(70) Associate Director of the Federal Mediation and Conciliation Service.

(71) Associate Director for Volunteers, Peace Corps.

(72) Associate Director for Program Development and Operations, Peace Corps.

(73) Assistants to the Director of the Federal Bureau of Investigation, Department of Justice (2).

(74) Assistant Directors, Office of Emergency Preparedness (3).

(75) Assistant Directors, United States Arms Control and Disarmament Agency (4).

(76) (Repealed).

(77) Fiscal Assistant Secretary of the Treasury.

(78) General Counsel of the Agency for International Development.

(79) General Counsel of the Department of the Air Force.

(80) General Counsel of the Department of the Army.

(81) General Counsel of the Atomic Energy Commission.

(82) (Repealed).

(83) (Repealed).

(84) General Counsel of the Department of the Navy.

(85) General Counsel of the United States Arms Control and Disarmament Agency.

(86) General Counsel of the National Aeronautics and Space Administration.

(87) Governor of the Canal Zone.

(88) Manpower Administrator, Department of Labor.

(89) Maritime Administrator, Department of Commerce.

(90) Members, Foreign Claims Settlement Commission of the United States (2).

(91) Members, Renegotiation Board (4).

(92) Members, Subversive Activities Control Board (4).

(93) Members, United States Tariff Commission (5).

(94) (Repealed).

(95) (Repealed).

(96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).

(97) Assistant Administrator of General Services.

(98) Director, United States Travel Service, Department of Commerce.

(99) Executive Director of the XXXXXX States Civil Service Commission.

(100) Administrator, Wage and Hour and Public Contracts Division, Department XXXXXX Labor.

(101) Assistant Director (Program Planning, Analysis and Research), Office of Economic Opportunity.

(102) Assistant General Managers, Atomic Energy Commission (2).

(103) Associate Director (Policy and Plans), United States Information Agency.

(104) Chief Benefits Director, Veterans' Administration. XXXXXX

(105) Commissioner of Labor Statistics, Department of Labor.

(106) Deputy Director, National Security Agency.

(107) Director, Bureau of Land Management, Department of the Interior.

(108) Director, National Park Service, Department of the Interior.

(109) Director of International Scientific Affairs, Department of State.

(110) General Counsel of the Veterans' Administration.

(111) Members, Equal Employment Opportunity Commission (4).

(112) National Export Expansion Coordinator, Department of Commerce.

(113) Special Assistant to the Secretary of Defense.

(114) Staff Director, Commission on Civil Rights.

(115) United States Attorney for the Northern District of Illinois.

(116) United States Attorney for the Southern District of California.

(117) Assistant Secretary of Transportation for Administration.

(118) Director, United States National Museum, Smithsonian Institution.

(119) Director, Smithsonian Astrophysical Observatory, Smithsonian Institution.

(120) Administrator for Economic Development.

(121) Administrator of the Environmental Science Service Administration.

(122) Assistant Secretary of Housing and Urban Development for Administration.

(123) Director, Construction Engineering, Post Office Department.

(124) Director, National Highway Safety Bureau.

(125) Director, National Traffic Safety Bureau.

(126) Associate Administrators of Law Enforcement Assistance, Department of Justice (2).

(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

Positions placed in level V by Presidential action under 5 U.S.C. 5317:

Commissioner on Aging, Department of Health, Education, and Welfare.

Principal Deputy Assistant Secretary of Defense (International Security Affairs), Department of Defense.

Comptroller, Department of Health, Education, and Welfare.

Director, Bureau of Outdoor Recreation, Department of the Interior.

Assistant to the Secretary of Defense (Legislative Affairs).

Deputy Director of Defense Research and Engineering, Department of Defense.

Principal Deputy Assistant Secretary of Defense (Comptroller), Department of Defense.

Commissioner, Federal Water Pollution Control Administration, Department of Interior.

Director, Urban Transportation Administration, Department of Housing and Urban Development.

Director, Demonstration Cities Administration, Department of Housing and Urban Development.

Deputy Commissioner of Social Security, Department of Health, Education, and Welfare.

Commissioner, Property Management and Disposal Service, General Services Administration.

Deputy Under Secretary, Department of Transportation.

Deputy Assistant Secretary for Mortgage Credit, Department of Housing and Urban Development.

Deputy Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

Chief, Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

Director, United States Secret Service, Treasury Department.

Special Assistant for Regional Economic Coordination, Department of Commerce.

Assistant to the Deputy Secretary of Defense.

Deputy Assistant Secretary of Defense for Reserve Affairs.

Other positions which may be paid at rate for level V:

7 positions in the Department of Housing and Urban Development.

Commissioner for a Federal exhibit at Hemisfair 1968.

Executive Director, Advisory Commission on Intergovernmental Relations.

Executive Director, Commission on Executive, Legislative, and Judicial Salaries.

Chiefs of mission, class 4 (36).

Career ministers (26).

APPENDIX D

PAY RATES OF $30,000 OR MORE IN STATE AND LOCAL GOVERNMENT

This study by the United States Civil Service Commission sets forth the compensation rates in effect September 1, 1968, for 2,316 positions in state and local government.

Tabulations which follow do not include all state and local government positions paying $30,000 or more. For example, only a few localities of less than 350,000 population are covered and there are, no doubt, school superintendents and city managers paid $30,000 or more in other localities in the lower population brackets. Hence, the term "Partial" appears on each tabulation.

Table I summarizes the position by Occupation and Pay Bracket, Table II summarizes them by State and Occupation, and Table III lists them in detail by Occupation, Jurisdiction, and Salary under the following categories:

A. Governors.

B. State Administrative and Professional Positions.

C. Mayors, City and County Managers.

D. City and County Administrative and Professional Positions.

E. Superintendents and Other Public School Officers.

F. Presidents, Officers, Faculty Members, etc., of Public Educational Institutions.

G. Public Corporation Positions.

H. Judiciary.

TABLE I.—STATE AND LOCAL GOVERNMENT POSITIONS WITH PAY OF $30,000 OR MORE[1] SUMMARIZED BY OCCUPATION AND PAY BRACKET[2]

[Partial tabulation, Sept. 1, 1968]

	$60,000 and above	$50,000 to $59,999	$40,000 to $49,999	$35,000 to $39,999	$30,000 to $34,999	Totals
Governors	7	3	5	11	11	37
State administrative and professional		6	4	45	66	121
Mayors, city and county managers		1	4	17	28	50
City and county administrative and professional	2		12	54	124	192
Superintendents and other public school officers		1	4	21	75	101
Presidents, officers, faculty, etc., of educational institutions		7	31	140	409	587
Public corporations	1	1	18	12	38	70
Judges			35	293	830	XXXXXX
Total	10	19	113	593	1,581	2,316

XXXXXX

[1] Value of quarters and/or allowances, as reported or estimated, has been added to salary to determine total pay. (See table III for details.)

[2] A few positions have pay ranges; where the salary is reported by range in table III, the position is included here at the ceiling rate of the range.

TABLE II.—STATE AND LOCAL GOVERNMENT POSITIONS WITH PAY OF $30,000 OR MORE[1] SUMMARIZED BY STATE AND OCCUPATION

[Partial tabulation, Sept. 1, 1968]

State	Governors	State administrative and professional positions	Mayors, city and county managers	City and county administrative and professional positions	School superintendents and other public school officers	Presidents, officers, faculty members; etc., of public educational institutions	Public corporation positions	Judiciary	XXXXXX Total
Alabama	1	1				18			20
Alaska	1					1			2
Arizona						3			3
Arkansas									
California	1	3	18	63	43	62	11	441	642
Colorado					1	2			3
Connecticut	1					2		2	5
Delaware		1							1
Florida	1	7	2	1	2	20		5	38
Georgia	1	9	1		1	5			17
Hawaii	1		1			1			3
Idaho	1					1			2
Illinois	1	3	1	6	2	42		28	83
Indiana	1	2				30	3		36
Iowa	1					4			5
Kansas						2			2
Kentucky	1					24			25
Louisiana	1	4	1	2		41			49
Maine	1								1
Maryland	1		1	3	1	1	1		8
Massachusetts	1	3	1	2	1	2	1	1	12
Michigan	1	25	1	7	1	15		61	111
Minnesota	1			9	2	13			25
Mississippi	1	1							2
Missouri	1	2	1	3		3			10
Montana	1								1
Nebraska					1	4			5
Nevada	1					4			5
New Hampshire	1					1			2
New Jersey	1	2	2	3	1	10		223	242
New Mexico									
New York	1	39	8	74	29	85	51	235	522
North Carolina	1	1	1			9			12
North Dakota		1							1
Ohio	1		2	1	5	21			30
Oklahoma	1					3			4
Oregon	1				1	14			16
Pennsylvania	1	7	1	13	2		3	161	189
Rhode Island						2			2
South Carolina	1								1
South Dakota		1				1			2
Tennessee	1		1		1	1			4
Texas	1	5	3	4	3	33			49
Utah						2			2
Vermont						2			2
Virginia	1		2		2	53			58
Washington	1	1			1	27			30
West Virginia	1					1			2
Wisconsin	1	3	2	1	1	22			30
Wyoming									
Total	37	121	50	192	101	587	70	1,158	2,316

[1] Value of quarters and/or allowances, as reported or estimated, has been added to salary to determine total pay. (See table III for details.)

TABLE III.—STATE AND LOCAL GOVERNMENT POSITIONS WITH PAY OF $30,000 OR MORE, BY OCCUPATION, JURISDICTION, AND SALARY

[Partial tabulation, Sept. 1, 1968; value of quarters and/or allowances, as reported or estimated, has been added to salary to determine total pay]

TABLE III–A.—GOVERNORS

State	Salary	Other compensation
Alabama	$25,000	Mansion fund $35,000 and other allowances
Alaska	27,500	Mansion $6,000; staff $13,000; entertainment $4,000; car $750
Arizona		
Arkansas		
California	44,100	Undetermined [1]
Colorado		
Connecticut	35,000	
Delaware		
Florida	36,000	Mansion fund $29,820; undetermined travel and other expenses
Georgia	42,500	Mansion fund $35,000; travel and other undetermined expenses
Hawaii	33,500	$20,000 estimated
Idaho	17,500	$11,162.50 mansion fund; car and miscellaneous $1,500
Illinois	30,000	Mansion; use of auto and airplane; $45,000 salary in January 1969
Indiana	25,000	Housing, personal staff, transportation, and $6,000 for other expenses.
Iowa	25,000	Housing, travel and subsistence estimated at $5,600; salary rounded to nearest dollar.
Kansas		
Kentucky	30,000	
Louisiana	30,000	Mansion, maintenance, car, etc., $50,000 plus.
Maine	20,000	$15,000 personal expenses.
Maryland	25,000	Expenses in excess of $5,000—ceiling not available. [1]
Massachusetts	35,000	
Michigan	40,000	
Minnesota	22,500	Personal expense allowance; house and car $17,500.
Mississippi	25,000	Undetermined allowances. [1]
Missouri	25,000	House, utilities, two cars, chauffeur (aggregating estimated $5,000); salary of $35,000 effective January 1969.
Montana	$22,000	$16,240 mansion fund, car $700.
Nebraska		
Nevada	25,000	House, host fund, plus cook and houseboy, car and maintenance service. [1]
New Hampshire	30,000	
New Jersey	35,000	
New Mexico		
New York	50,000	
North Carolina	25,000	Mansion, servants, unlimited travel, and a contingency fund for "expenses of State." [1]
North Dakota		
Ohio	40,000	
Oklahoma	25,000	House and utilities $10,200.
Oregon	25,080	$7,200—miscellaneous expenses.
Pennsylvania	45,000	
Rhode Island		$30,000 salary effective Jan. 1, 1969.
South Carolina	25,000	Mansion, etc., appropriation $48,300.
South Dakota		
Tennessee	25,000	Mansion fund $18,500, travel, and other undetermined expenses.
Texas	40,000	Mansion fund, expenses $20,000.
Utah		
Vermont		
Virginia	30,000	Use of home, car, airplane, etc. [1]
Washington	32,500	Mansion $16,000, maintenance $12,000.
West Virginia	30,000	Mansion, car. [1]
Wisconsin	25,000	Use of home and car. [1]
Wyoming		

[1] Executive mansion and/or other expenses, if a value is not specifically stated, are assumed to have a value of at least $5,000.

TABLE III–B.—STATE ADMINISTRATIVE AND PROFESSIONAL POSITIONS

State	Position	Salary
Alabama	Commissioner, Department of Mental Health	[1] $30,000
California	Attorney General	32,000
	Director of Finance	31,835
	Director of Coordinating Council for Higher Education	[2] 34,000
Delaware	Commissioner of Mental Health	35,000
Florida	Director, Inter-American Trade Exposition	50,000
	Superintendent of Education	34,000
	Secretary of State	34,000
	Secretary of Agriculture	34,000
	Comptroller	34,000
	Treasurer	34,000
	Attorney General	34,000
Georgia	Attorney General	30,000
	Department of Public Health:	
	Director	33,348
	Deputy Director	24,984–33,348
	Superintendent, Mental Health Institute	30,252
	Director, Mental Health Division	24,984–33,348
	Assistant Director, Mental Health Division	22,668–30,252
	Director, Medical Division	22,668–30,252
	Superintendent, Mental Health Hospital	[3] 22,668–30,252
	Assistant Superintendent, Mental Health Hospital	[3] 20,556–27,540
Illinois	Secretary of State	(4)
	Auditor of Public Accounts	(4)
	Attorney General	(4)
	Superintendent of Public Instruction	30,000
	State Treasurer	30,000
	State Highway Engineer, Dept. of Public Works and Bldgs.	30,000
Indiana	Commissioner of Mental Health	35,000
	Superintendent of Muscatatuck State Hospital	[5] 30,396
Louisiana	Anesthetist, Charity Hospital, New Orleans	[6] 27,500
	Program Director, Dept. of Hospitals, Baton Rouge, Louisiana	35,000
	Confederate Memorial Center, Shreveport:	
	Radiologist	35,000
	Assistant Radiologist	33,000
Massachusetts	Commissioner of Education	30,000
	Executive Director, Massachusetts Port Authority	36,000
	Commissioner of Mental Health	32,500
Michigan	Attorney General	30,000
	Secretary of State	30,000
	Director, Psychiatric Institute (Lafayette Clinic)	39,004
	Program Directors (Mental Health) (2) (each)	35,350
Michigan—Con.	Superintendent, Department of Public Instruction	$33,500
	Director, Department of Mental Health	39,500
	Director, Department of Public Health	33,500
	Director, State Highway Department	31,000
	Treasurer of Michigan	31,000
	Director of Budget (Executive Office)	31,000
	Medical Superintendents (14) (each)	30,985
Mississippi	Director, Research and Development Center	30,000
Missouri	Superintendent, Mental Hospital	[7] 28,000
	Associate Director, Division of Mental Diseases	31,000
New Jersey	Commissioner of Community Affairs	30,000
	Commissioner of Education	30,000
New York	Lieutenant Governor	[8] 30,000
	Comptroller	[9] 45,000
	Attorney General	[9] 45,000
	Comptroller (Dept. of Audit and Control)	[9] 45,000
	Director of Atomic and Space Development	33,500
	Commissioners and equivalent positions (10) (each)	[10] 32,000
	Director of Veterans' Affairs	[10] 29,500
	Chairman, Workmen's Compensation Board	[10] 29,500
	Attorney General (Dept. of Law)	[9] 45,000
	Commissioners and equivalent positions (20) (each)	[10] 35,500
	Commissioner of Mental Hygiene	[10] 38,000
North Carolina	Commissioner of Mental Health	30,000
North Dakota	Superintendent, North Dakota State Hospital	[11] 32,500
Pennsylvania	Lieutenant Governor	32,500
	Superintendent, Public Instruction	30,000
	Executive Director, Port Authority, Allegheny County	40,000
	Auditor General	32,500
	State Treasurer	32,500
	Commissioner of Mental Health	30,000
	Executive Deputy Secretary, Department of Public Welfare	30,000
South Dakota	Superintendent, Yankton State Hospital	[12] 26,000
Texas	Manager, Dallas Transit Authority	31,000
	Commissioner, Mental Health and Retardation	[13] 26,000
	Commissioner, Board of Higher Education	[14] 26,000
	Director, Texas State Department of Correction	[15] 26,000
	Director, Texas Research Institute of Mental Sciences	[16] 25,000
Washington	Director, Department of Institutions	31,000
Wisconsin	Secretary, Department of Health and Social Services	33,656
	Administrator, Division of Mental Hygiene	32,600
	State Health Officer	31,856

[1] Quarters furnished.
[2] Top of salary range which begins at $29,664.
[3] Plus quarters and utilities.
[4] Salary of $30,000 effective January 1, 1969.
[5] Housing and subsistence.
[6] Car.
[7] Plus $2,000 additional.
[8] Plus $20,000 for expenses.
[9] Plus $7,000 in lieu of expenses.
[10] Plus $3,000 in lieu of expenses.
[11] House furnished.
[12] Plus $5,000 maintenance.
[13] Plus Hogg Foundation Supplement of $15,000.
[14] Plus $17,500 from foundation.
[15] Plus house, food, yardman, maid service, and car.
[16] Plus $11,000 supplement from Baylor University.

TABLE III-C.—MAYORS, CITY AND COUNTY MANAGERS

State and jurisdiction	Position	Salary
California:		
Oakland	City Manager	$35,000
Long Beach	City Manager	[1] 37,000
Los Angeles	Mayor	[2] 35,000
Riverside	Manager	31,164
San Diego	City Manager	35,208
San Jose	City Manager	30,048–36,516
San Francisco (City & County)	Mayor	38,365
County of Alameda	Administrator	36,000
Contra Costa County	Administrator	31,500
County of San Bernardino	Administrative Officer	31,942
County of Santa Barbara	Administrative Officer	22,488–31,440
County of Santa Clara	County Executive	31,200–37,934
County of Ventura	County Executive	30,996
County of Los Angeles	Chief Admin. Officer	31,104–38,520
County of San Diego	Chief Admin. Officer	35,208
County of San Mateo	County Manager	37,128
Orange County	Administrative Officer	36,000
Riverside County	Administrative Officer	31,164
Florida:		
Miami	City Manager	[3] 29,849
Dade County	County Manager	32,500
Consolidated Government of Duval County and City of Jacksonville.	Mayor	(4)
Georgia: Atlanta	Mayor	[5] 30,000
Hawaii: City and County of Honolulu	Mayor	[6] 30,000
Illinois: Chicago	Mayor	[7] 35,000
Louisiana: New Orleans	Mayor	[8] 25,000
Maryland: Baltimore	Mayor	[9] 25,000
Massachusetts: Boston	Mayor	40,000
Michigan: Detroit	Mayor	[9] $35,000
Missouri: Kansas City	City Manager	32,500
New Jersey:		
Newark	Mayor	35,000
Jersey City	Mayor	30,000
New York:		
New York City	Mayor	50,000
	Deputy Mayors (2) (each)	37,500
Rochester	City Manager	33,000
Erie County	County Executive	32,500
Monroe County	County Executive	33,200
Nassau County	County Executive	30,000
Westchester County	County Executive	40,950
North Carolina: Charlotte	City Manager	30,000
Ohio:		
Cincinnati	City Manager	40,000
Columbus	Mayor	30,000
Pennsylvania: Philadelphia	Mayor	40,000
Tennessee: Metro. Nashville (Davidson Co.)	Mayor	[10] 27,500
Texas:		
Austin	City Manager	XXXXXX
Dallas	City Manager	[11] 30,000
San Antonio	City Manager	[12] 27,500
Virginia:		XXXXXX
Norfolk	City Manager	[13] 30,000
Richmond	City Manager	30,500
Wisconsin:		
Milwaukee	Mayor	[14] 30,270
Milwaukee County	County Executive	30,000

[1] Expenses and car, civil service benefits.
[2] Car and driver.
[3] Plus $2,500 expense allowance.
[4] Salary of $30,000 effective Oct. 1, 1968.
[5] Car and actual travel expenses.
[6] Plus estimated $7,000.
[7] Plus $5,000 contingency fund.
[8] Plus $12,000 expense account.
[9] Plus quarters.
[10] Plus travel and other allowances—estimated at $2,500.
[11] Plus car.
[12] Plus car and parking; budget request being drafted, salary expected to increase.
[13] Plus $5,000 expenses.
[14] Plus expense allowance—value undetermined.

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TABLE III-D.—CITY AND COUNTY ADMINISTRATIVE AND PROFESSIONAL POSITIONS

State and jurisdiction	Position	Salary
California:		
Oakland	Executive Director, Chief Engineer, Port of Oakland.	$30,600
Long Beach	City Attorney	[1] 34,051
Los Angeles	City Attorney	[2] 32,000
	Administrative Officer	[2] 37,500
	Chief of Police	[2] 32,820
	Chief Engineer, Fire Department	[2] 32,820
	City Engineer	[2] 31,104
	Supt. of Building	[2] 31,104
	Director of Planning	[2] 31,104
	Department of Water and Power:	
	General Manager and Chief Engineer	46,000
	Asst. General Manager	43,000
	Asst. Manager and Chief Electrical Engineer	41,831
	Asst. Manager and Chief Engineer, Water Works	41,000
	Chief Engineer, Water Works	41,000
	Chief Asst. City Attorney	41,000
	Assistant to the General Manager	38,500
	Asst. Chief Engineer, Water Works	36,000
	Asst. Chief, Electrical Engineer	36,000
	Auditor, Water and Power	36,000
	Director Industrial Relations	36,000
	Airports Department:	
	General Manager	44,000
	First Deputy General Manager	37,500
	Harbor Department:	
	General Manager	41,000
	First Deputy General Manager	33,000
	Second Deputy General Manager	33,000
	Chief Harbor Engineer	33,000
San Diego	City Attorney	33,528
Alameda County	Medical Director	33,018
Los Angeles County	Director of Hospitals	25,484–36,416
	Chief Medical Examiner—Coroner	25,008–30,104
	County Assessor	36,516
	District Attorney	36,516
	Sheriff	36,516
	County Counsel	25,484–36,416
	Probation Officer	25,704–31,944
	Board of Supervisors (5)	30,572 each
Orange County	County Counsel	34,000
	Chief Engineer, Flood Control	32,820
	Health Officer	33,696
	Medical Center Administrator	32,820
	Medical Director	32,820
	Road Commissioner and County Surveyor	32,820
San Diego County	Director of Medical Institutions	33,528
	Director of Public Health	33,528
	County Engineer	30,408
San Mateo County	Director of Health and Welfare	33,204
Santa Clara County	Director, Public Health	30,531
	Director, Medical Institutions	33,651
San Francisco (City and County).	General Manager, Public Utilities	$30,708–$37,332
	Chief Administrative Officer	30,708–37,332
	Controller	29,964–36,420
	Deputy for Development	29,964–36,420
	Executive Director Redevelopment Agency	35,556
	Director of Public Health	26,532–32,244
	Secretary and Asst. General Manager, Administrator, Public Utilities.	25,884–31,464
	Chief Assistant Controller	25,884–31,464
	Director, Systems and Data Processing	25,884–31,464
	Assessor	31,821
	General Manager and Chief Engineer, Water Department	25,260–30,708
Florida: Dade County	County Attorney	32,500
Illinois: Chicago	General Superintendent Sanitary District	37,500
	Commissioner of Planning and Development	30,000
	Chairman and Commissioner of Urban Renewal.	30,000
	Superintendent of Police	30,000
	Fire Commissioner	30,000
	Corporation Counsel	30,000
Louisiana:		
Orleans Parish	Attorney to assist the Inheritance Tax Collector (fees).	[4] 80,000
New Orleans	Director, Port of New Orleans	30,000
Massachusetts: Boston	Commissioner of Health and Hospitals	35,000
	Director, Boston Redevelopment Authority	35,000
Maryland: Baltimore	Director of Finance	30,750
	City Solicitor	30,000
	Director of Public Works	30,000
Michigan:		
Wayne County	Public Health Director, City-County	33,170
	Community Mental Health Director	32,100
	County Medical Examiner	30,670
	General Superintendent, Wayne County General Hospital.	30,670
	Managing Director—Roads	30,000
	Health Commissioner	31,000
Detroit	Police Commissioner	30,000
Minnesota: Hennepin County	Budget and Purchasing Director, General Hospital.	23,712–33,360
	Chiefs of Medical Specialities (7), General Hospital (each).	24,900–33,360
	Hospital Director	22,584–31,176
Missouri:		
St. Louis County	Hospital Commissioner	[5] 22,500–28,700
Kansas City	Director, Health Department	30,000
St. Louis	Hospital Commissioner	[5] 25,000
New Jersey:		
Bergen County	Superintendent of Bergen Pines County Hospital.	38,000
Jersey City	Executive Director, Jersey City Medical Center	33,000
Newark	Executive Director, Newark Housing Authority	35,629

See footnotes at end of table.

TABLE III–D. CITY AND COUNTY ADMINISTRATIVE AND PROFESSIONAL POSITIONS—Continued

State and jurisdiction	Position	Salary
New York:		
Nassau County	Commissioner of Health	$33,000
	Superintendent, Meadowbrook Hospital	34,000
	Director of Anesthesiology	32,000
	Director of Clinical Laboratory	32,000
	Director of Psychiatry	32,000
	Director of Obstetrics and Gynecology	32,000
	Director of Radiology	32,000
	Director of Pediatrics	32,000
	Director of Internal Medicine	32,000
	Chief of Surgery	32,000
	Consultant for Physical Medicine and Rehabilitation.	32,000
Westchester County	Budget Director	31,980
	County Attorney	31,980
	District Attorney	31,980
	Commissioner of Hospitals	31,980
	Commissioner of Health	31,980
	Commissioner of Public Works	31,980
	Commissioner of Social Services	31,980
	Director, Community Mental Health Board	31,980
New York City	Assistant to Mayor (2) (each)	30,000
	Director of Budget	40,000
	Comptroller	40,000
	Deputy Comptroller	35,000
	Director of Finance	35,000
	President, City Council	35,000
	Human Resources Administrator	40,000
	First Deputy Human Resources Administrator	35,000
	Deputy Human Resources Administrators (2) (each).	32,500
	Borough Presidents (5) (each)	35,000
	Corporation Counsel	35,000
	District Attorneys (4) (each)	37,000
	Chairman, Office of Collective Bargaining	35,000
	Metropolitan Transit Authority:	
	Chairman of the Board	70,000
	Executive Officers (4) (each)	35,000
	General Counsel	32,500
	Chairman, Housing Authority	35,000
	Administrator, Housing and Development	35,000
	Deputy Administrators (2) (each)	30,000
	Commissioners of:	
	Manpower and Career Development	35,000
	Parks	35,000
	Police	$35,000
	Community Development	32,500
	Public Works	32,500
	Welfare	32,500
	Fire	30,000
	Investigation	30,000
	Sanitation	30,000
	Traffic	30,000
	Chairman, City Planning Commission	32,500
	Health Services Administrator	37,500
	Commissioners, Health Services (2) (each)	35,000
	Assistant Commissioners (2) (each)	30,000
	Administrator, Environmental Protection	35,000
	Deputy Administrator	31,500
	Administrator, Economic Development	35,000
	Director, Mental Health Board	30,000
	Director, Educational Liaison	30,000
	Director, Lower Manhattan Development	XXXXXX
	Personnel Director	
Ohio: Cincinnati	Administrative Officer—Board of Hamilton County Commissioners.	30,000
Pennsylvania: Philadelphia	Director of Finance	XXXXXX
	City Representative and Director of Commerce	34,000
	City Solicitor	34,000
	City Controller	31,500
	District Attorney	31,500
	Managing Director	34,000
	Water Commissioner	31,500
	Deputy Health Commissioner Community Health Service.	27,960–31,734
	Medical Examiner	29,218–31,734
	Philadelphia General Hospital:	
	Chief Radiologist	37,000
	Radiation Therapist	
	Nuclear Medicine Radiologist	XXXXXX
	Chief Anesthesiologist	34,000
Texas:		
Dallas	City Attorney	[7] 28,500
Houston	Executive Director, Navigation District	[8] 36,000
Harris County	Chief Medical Examiner	[3] 30,500
San Antonio	General Manager, San Antonio Public Service Board.	[6] 40,000
Wisconsin: Milwaukee County	Director, Milwaukee County Institutions	[9] 30,167

[1] Plus expenses and car, civil service benefits.
[3] Car and driver.
[5] Car.
[6] Plus miscellaneous expenses.
[8] Plus $10,000 maintenance.
[6] Plus $5,000 (includes house, utilities, and car).
[7] Plus car and parking; budget request being drafted, salary expected to increase.
[8] Plus expenses.
[9] Plus use of home.

TABLE III–E.—SCHOOL SUPERINTENDENTS AND OTHER PUBLIC SCHOOL OFFICERS

State and jurisdiction	Position	Salary
California:		
Long Beach	Superintendent of Schools	$35,000
Los Angeles County	do	30,560
Los Angeles	City School Board:	
	Superintendent of Schools	[1] 49,000
	Deputy Superintendents of Schools (2) (each).	[1] 38,000
	Associate Superintendents of Schools (6) (each).	[1] 36,242
	Assistant Superintendents of Schools (20) (each).	[1] 30,537
	Assistant Superintendent of Schools (colleges).	[1] 31,477
	Business Manager	[1] 36,516
	Controller	[1] 32,820
	Buildings and Grounds Services Administrator.	[1] 31,104
	Business Services Administrator	[1] 31,104
Oakland	Superintendent, Oakland City Schools	30,000
San Bernardino	Superintendent of Schools	32,500
San Diego	Superintendent of Schools, San Diego Unified School District.	45,000
	Associate Superintendent (Services to Schools), San Diego Unified School District.	31,252
	Superintendent of Schools, Sweetwater Union High School District.	30,500
City and County of San Francisco	Superintendent of Schools	35,000
San Jose	do	30,000
Colorado: City and County of Denver	Superintendent, Denver Public Schools	[2] 32,500
Florida:		
Brevard County	Superintendent, Board of Public Instruction	[2] 28,900
Dade County	do	33,000
Georgia: Dekalb County (Metropolitan Atlanta area).	Superintendent of Schools	[4] 28,752
Illinois: Chicago	do	48,500
	Attorney, Chicago Board of Education	30,000
Maryland: Baltimore	Superintendent of Public Instruction	50,000
Massachusetts: Boston	Superintendent of Schools	[1] 35,000
Michigan: Detroit	Superintendent, Board of Education	35,000
Minnesota:		
Anoka	Superintendent of Schools	$32,000
Minneapolis	do	35,000
Nebraska: Omaha	School Superintendent	30,500
New Jersey: Newark	Superintendent of Schools	30,000
New York:		
Buffalo	do	32,000
New York City	do	46,500
	Executive Depty Superintendent of Schools	35,250
	Deputy Superintendents of Schools (5) (each).	31,500
	Assistant Superintendents of Schools or equivalent (20) (each).	30,000
Rochester	Superintendent of Schools	35,000
Ohio:		
Cincinnati	Superintendent, Cincinnati Public Schools System.	30,000
Cleveland	Superintendent of Schools	39,500
Columbus	do	30,900
Shaker Heights	do	31,315
Toledo	do	30,300
Oregon: Portland	Superintendent, Portland Public Schools, Multnomah County District #1.	30,000
Pennsylvania:		
Philadelphia	Superintendent of Public Schools	36,000
Pittsburgh	do	36,720
Tennessee: Davidson County and City of Nashville.	Metropolitan Director of Schools	[6] 30,000
Texas:		
Dallas	Superintendent, Dallas Independent School District.	37,500
Houston	Superintendent, Houston Independent School District.	[2] 30,000
San Antonio	Superintendent, San Antonio Independent School District.	32,000
Virginia:		
Norfolk	Superintendent of Schools	[7] 32,500
Richmond	do	[8] 35,000
Washington: Seattle	Superintendent, Seattle Public Schools	30,000
Wisconsin: Milwaukee	Superintendent, Milwaukee Public Schools	31,000

[1] Board car—Los Angeles City School Board salaries are listed at top of a 3-step range—18 months to maximum step.
[2] Plus car.
[3] Car, travel, and other expenses.
[4] Car, actual travel and other expenses.
[2] Salary of $35,000 effective Sept. 1, 1968.
[6] Plus actual travel expenses.
[7] Plus $360 expenses.
[8] Plus use of car.

TABLE III-F. PUBLIC UNIVERSITY PRESIDENTS, OFFICERS, AND FACULTY MEMBERS

State and jurisdiction	Position	Salary
Arizona	University of Arizona:	
	President	[1] $36,000
	Dean College of Medicine	30,000
	President Arizona State University	[1] 32,900
Alabama	President University of Alabama	[2] 35,000
	University of Alabama School of Medicine (Birmingham):	
	Administrator	50,000
	Department Chairmen (15) (each)	30,000–35,000
	President Auburn University	[2] 30,000
Alaska	President University of Alaska	[2] 29,700
California	University of California:	
	President	45,000
	Vice President	42,500
	Vice President for Administration	37,000
	Vice President Business and Finance	32,500
	General Counsel for Regents	39,500
	Treasurer of the Regents	39,000
	Chancellor at Berkeley	42,000
	Chancellor at Los Angeles	37,500
	Chancellors various campuses (3) (each)	37,000
	Chancellors various campuses (2) (each)	35,000
	do	[4] 32,000
	Chancellor San Francisco Campus	32,500
	Nobel Laureates (12) (each)	33,600
	Professors (4) (each)	31,100
	Dean Hastings College of Law	32,600
	School of Medicine:	
	Dean Davis Campus	37,500
	Dean Los Angeles Campus	38,500
	Dean San Francisco Campus	32,000
	Dean San Diego Campus	32,500
	State Colleges:	
	Chancellor	42,098
	Executive Vice Chancellor	27,288–34,836
	Vice Chancellor, Business Affairs	27,288–34,836
	Vice Chancellor, Academic Affairs	27,288–34,836
	Assistant Chancellor, Faculty and Staff Affairs	27,288–34,836
	Presidents (19) (each)	27,288–33,180
San Bernardino	President, San Bernardino Valley Junior College	[76] 28,250
Colorado	President, University of Colorado	[5] 31,500
	President, Colorado State University	[5] 30,000
Connecticut	President, University of Connecticut	[7] 34,960
	Director, Commission for Higher Education	32,730
Florida	President, Florida State University	[8] 28,250
	Professorships, Florida State University (9) (each).	30,000
	President, University of Florida	[8] 30,000
	Professorships, University of Florida (7) (each).	30,000
	President, University of South Florida	[8] 27,000
Dade County	President, Miami-Dade Junior College	32,500
Georgia	Chancellor, Board of Regents	[9] [7] 39,000
	Vice Chancellor, Board of Regents	[9] 31,000
	President, University of Georgia	[10] 27,000
	President, Medical College of Georgia	[10] 33,000
	President, Georgia Institute of Technology	[10] 31,000
Hawaii	President, University of Hawaii	[11] 32,905
Idaho	President, University of Idaho	[12] 26,500
Illinois	University of Illinois:	
	President (Urbana)	[13] 50,000
	Chancellor	[14] 35,500
	Provost	39,500
	Vice President (Comptroller)	39,500
	Legal Counsel	31,500
	Vice President	35,500
	Director of Physical Plant	32,500
	Vice Chancellor	34,500
	Deans of Colleges:	
	(4) (each)	30,000
	(2) (each)	30,500
	(1)	31,000
	(1)	32,000
	(1)	32,500
	Professors:	
	(2) (each)	30,000
	(1)	31,250
	(1)	31,500
	(1)	34,000
	University of Illinois, Chicago Medical School:	
	Chancellor	[15] 35,500
	Medical Director	34,000
	Dean	34,000
	Professors:	
	(1)	30,200
	(1)	30,400
	(1)	30,600
	(1)	34,000
	(2) (each)	35,000
	(1)	35,500
	(1)	36,000
	(1)	39,500
	University of Illinois, Chicago Circle Campus: Chancellor.	[15] 35,500
	State Universities:	
	President, Northern Illinois University	36,000
	President, Illinois State University at Normal	33,600
	President, Western Illinois University	36,000
	President, Eastern Illinois University	36,000
	President, Illinois Teachers College (North)	32,400
	President, Illinois Teachers College (South)	32,400
	President, Southern Illinois University	[16] 36,000
Indiana	Indiana University:	
	President	[16] $45,000
	Vice President	32,000
	Chairman of School	37,992
	Professor and Chairman	33,250
	Dean	32,496
	Chairman of School	32,000
	Unclassified	30,996
	Professor	30,290
	do	30,000
	Dean	30,000
	Ball State University: President	[16] 36,000
	Indiana State University: President	[16] 31,992
	Purdue University:	
	President	[16] 43,500
	Vice President and Treasurer	37,000
	Staff Administrators (5) (each)	32,000
	Distinguished Professors (2) (each)	36,000
	Distinguished Professor	34,000
	Vice President and Dean of Graduate School	37,875
	Staff Administrator	30,000
	Professors (2) (each)	30,000
	Office Staff Administrators (2) (each)	30,000
	Head Professor	30,000
	Distinguished Professor	[17] 31,250
Iowa	President, Iowa State University, Ames	[18] 31,250
	President, State University of Iowa, Iowa City	32,500
	Vice President, University of Iowa	34,000
	Dean, College of Medicine, University of Iowa	35,000
Kansas	Chancellor, University of Kansas	33,000
	President, Kansas State University	[19]
	President, Wichita State University	
Kentucky	University of Kentucky:	[18]
	President	32,500
	Executive Vice President	32,500
	Vice President, Medical Center	32,500
	Vice President, Business Affairs	31,500
	Assistant Vice President, Medical Center	36,500
	Dean, College of Medicine	
	Medical Professors and Department Chairmen:	
	(1)	36,500
	(4) (each)	35,000
	(2) (each)	34,000
	(1)	33,000
	Medical Professors:	
	(1)	33,000
	(2) (each)	32,000
	(1)	31,000
	President, Murray State University	32,000
	President, Morehead State University	33,000
	President, Western Kentucky State University	30,000
	President, Eastern Kentucky State University	30,000
	University of Louisville (Municipal):	
	Professor, Department of Radiology	36,000
	Assistant Professor, Department of Radiology	34,800
	Assistant Professor of Medicine	35,000
Louisiana	Louisiana State University System: President	[20] 35,000
	Louisiana State University—Baton Rouge:	
	Chancellor	[21] 28,500
	Executive Vice President	[22] 29,175
	Vice President for Academic Affairs	[22] 27,500
	Dean, School of Law	[22] 27,800
	Academic Professors (7) (each)	[22] 27,000–29,500
	Louisiana State University—Shreveport: Director, Medical School.	32,000
	Medical School—Louisiana State University at New Orleans:	
	Director	[23] 33,500
	Assistant to the Director	[22] 27,500
	Louisiana State University Medical School:	
	Chancellor	[23] 28,000
	Dean	[24] 30,000
	Head, Pathological Department	30,000
	Louisiana State University at New Orleans: Chancellor.	[25] 32,000
	Medical School—Louisiana State University at New Orleans: Academic Professors (13) (each).	[22] 28,050–33,300
	Other Colleges:	
	President, Francis T. Nichols College, Thibodaux.	[26] 25,000
	President, Grambling College, Grambling	[26] 25,000
	President, Louisiana Tech.—Ruston	[26] 25,000
	President, McNeese State College, Lake Charles.	[26] 25,000
	President, Northeastern Louisiana State College, Monroe.	[26] 25,000
	President, Northwestern State College, Natchitoches.	[26] 25,000
	President, Southeast Louisiana State College, Hammon.	[26] 25,000
	President, University of Southwestern Louisiana, Lafayette.	[26] 25,000
	President, Southern University System—Baton Rouge	[26] 25,000
Maryland	President, University of Maryland	35,000
Massachusetts	President, University of Massachusetts	[27] 30,000
	Chancellor, Board of Higher Education	30,000
Michigan	Michigan State University:	
	President	38,000
	Vice President (Director of Student Health)	30,000
	Vice President (Provost)	34,000
	Vice President (Business Administration)	37,000

See footnotes at end of table.

TABLE III–F. PUBLIC UNIVERSITY PRESIDENTS, OFFICERS, AND FACULTY MEMBERS—Continued

State and jurisdiction	Position	Salary
Michigan—Continued		
	University of Michigan:	
	President	$49,000
	Vice President (Business and Finance)	40,000
	Vice President (Executive)	39,500
	Vice President (Academic)	39,000
	Vice President (Research)	33,000
	Vice President (Student Affairs)	30,000
	Vice President (University Relations)	31,000
	Wayne State University:	
	President	40,000
	Vice President (Executive)	33,000
	Vice President (Research)	30,000
	Vice President (University Relations)	30,000
	Chancellor, State College Board	32,500
Minnesota	University of Minnesota:	
	President	[28] 42,000
	Vice President for Business Affairs	33,250
	Vice President for Academic Administration	33,000
	Vice President for Educational Relationships and Development	33,000
	Assistant Vice President for Academic Administration	30,000
	Dean of the Law School	30,000
	Dean of the Medical School	31,000
	Directors, Medical Specialties (5) (each)	30,000
Missouri	University of Missouri:	
	President	[29] 30,000
	Chancellor	[30] 28,000
	Dean, Dental School	30,000
Nebraska	University of Nebraska:	
	Chancellor	[31] 35,000
	Vice Chancellor	30,000
	President (Omaha)	30,000
	President (Medical Center)	36,000
Nevada	University of Nevada:	
	Chancellor	[32] 26,700
	Vice Chancellor and Director of Desert Research	[33] 28,000
	President (Reno Campus)	[32] 26,700
	President, Nevada Southern University	[32] 26,700
New Hampshire	President, University of New Hampshire	[34] 30,000
New Jersey	Chancellor of Higher Education	32,000
	Rutgers State University:	
	President	32,000
	Dean of Medical School	30,410
	Chairman, Department of Psychiatry	30,801
	Professor of Pathology	30,801
	Director, Psychiatric Clinic	30,801
	Dean of Law School at Newark	30,410
	Dean of Law School at Camden	30,410
	Dean of Graduate School of Education	30,410
	Dean of Faculty of Liberal Arts	30,410
New York	State University:	
	President and Commissioner of Higher Education	[34] 45,000
	Chancellor	45,000
	Vice Chancellors (4) (each)	31,000
	Presidents (10) (each)	30,000–38,500
	Vice Presidents (15) (each)	30,000
	Provosts (7) (each)	30,000
	Deans (9) (each)	30,000–36,000
	Professors (31) (each)	30,000–45,000
	New York City Colleges and Universities:	
	Chancellor	40,000
	Provost	32,000
	Presidents (8) (each)	35,000
	Presidents (7) (each)	30,000
North Carolina	Consolidated University of North Carolina:	
	President	[35] 34,000
	Vice President, Academic Affairs	32,000
	University of North Carolina:	
	Chancellor (Chapel Hill)	[35] 32,000
	Chancellor (Raleigh)	[36] 31,500
	Chancellor (Greensboro)	[36] 31,000
	Chancellor (Charlotte)	[37] 31,000
	President, East Carolina University	[37] 28,000
	President, Western Carolina University	[37] 27,000
	President, Appalachian State University	[37] 27,000
Ohio	Superintendent of Public Instruction	40,000
	Chancellor, Ohio Board of Regents	40,000
	Ohio State University:	
	President	[1] 40,000
	Vice President, Business and Finance	33,888
	Academic Vice President and Provost	34,968
	Dean, College of Medicine	33,069
	Dean, Medical School	36,276
	Associate Dean, Medical School	33,132
	Director, University Hospital and Assistant Dean, Medical School	31,608
	President, Akron State University	[39] 30,000
	President, Bowling Green State University	[39] 30,000
	President, Cleveland State University	[39] 30,000
	President, Kent State University	[39] 30,000
	President, Miami University	[39] 30,000
	President, Ohio University	40,000
	President, University of Toledo	[39] 30,000
	President, Wright State University	[39] 30,000
	President, Youngstown State University	[39] 30,000
Cincinnati	President, University of Cincinnati	[40] 35,000
	Vice Presidents, University of Cincinnati (2) (each)	30,000
Oklahoma	Chancellor (for higher education) State of Oklahoma.	[41] 30,000
	President, University of Oklahoma	[41] 30,000
	President, Oklahoma State University	[42] 29,000
Oregon	University of Oregon: President	[41] $32,500
	University of Oregon Medical School:	
	Dean	[44] 35,000
	Dean of Faculties	32,500
	Chairman, Department of Dermatology	30,000
	Chairman, Department of Psychiatry	30,000
	Chairman, Department of Surgery	30,000
	Director, Division of Crippled Children	30,000
	Chairman, Department of Medicine	30,000
	Chairman, Department of Obstetrics and Gynecology.	30,000
	Chairman, Department of Radiation and Therapy.	30,000
	Chairman, Department of Pediatrics	30,000
	Chancellor, State Colleges	[45] 35,256
	President, Oregon State University	[43] 32,500
	President, Portland State College	[43] 32,500
Rhode Island	President, University of Rhode Island	30,000
	Chancellor, State Colleges	30,000
South Dakota	President, South Dakota State University	[46] XXXXXX
Tennessee	President, University of Tennessee	[47] 25,000
Texas	University of Texas System:	
	Chancellor	[41] XXXXXX
	Vice Chancellor for Academic Affairs	[41] 26,000
	University of Texas:	
	Dean, College of Education	32,000
	Dean, School of Arts and Sciences	33,000
	Dean, School of Law	34,000
	Dean, School of Business Administration	33,000
	Dean, School of Engineering	33,000
	Chairman and Professor of Linguistics Department.	[30] 27,000
	Chairman and Professor of Zoology Department.	[31] 32,000
	Director, Graduate School of Library Science	30,000
	Chairman and Professor of Psychology Department.	XXXXXX
	Professor of Botany and Dean of Graduate School.	[33] 20,000
	Professor of Zoology	[33] 22,500
	Welch Professor of Chemistry	32,000
	Professor of Philosophy	30,000
	Ashbel Smith Professor of Physics	30,000
	Professor of Electrical Engineering	[34] 27,500
	University Professor in the Arts	[35] 22,500
	Athletic Director and Head Football Coach	30,000
	Dean and Director, Medical School at Galveston	[35] 22,500
	Dean, Medical School at Dallas	[47] 22,500
	Texas Tech University: President	[38] 24,000
	University of Houston:	
	President	[39] 24,000
	Office of Senior Vice President and Treasurer	32,800
	Texas A. & M. University:	
	President	[40] 24,000
	Academic Vice President and Dean of the Graduate School.	30,000
	Dean of Geophysics and Professor of Meteorology.	36,000
	Dean of Sciences and Professor of Physics	36,000
	Chairman, Department of Chemistry	[41] 28,638
	Professor of Statistics and Director of Graduate Institute.	31,500
	Chairman, Department of Mathematics	30,000
	Dallas County Junior College: Chancellor	[42] 38,600
	San Antonio Junior College Tax District, Bexar County:	
	President	[42] 25,000
Utah	President, Utah State University	[43] 27,500
	President, University of Utah	[43] 28,000
Vermont	University of Vermont, College of Medicine:	
	Dean	34,000
	Chairman, Surgery Department	30,500
Virginia	Virginia Polytechnic Institute:	
	President	31,000
	Professor	32,000
	Medical College of Virginia:	
	Professor and Dean of School of Medicine	30,000
	Professor, Chairman, Neurosurgery	31,406
	Professor, Chairman, Obstetrics	33,000
	Professor, Chairman, Pediatrics	33,000
	Professor, Chairman, Medicine	33,000
	University of Virginia:	
	President	31,000
	Professor and Dean, School of Law	32,000
	Professors:	
	(1)	36,000
	(2) (each)	34,000
	(2) (each	33,000
	(2) (each)	32,000
	(1)	31,500
	(19) (each)	30,000
	Associate Professors (5) (each)	30,000
	University of Virginia Medical Center:	
	Professor and Chancellor	36,000
	Professor and Dean of Medicine	36,000
	Professor and Dean of Faculty Arts and Science.	30,000
	Professor and Dean of School of Medicine	30,000
	Professor and Chairman of Physiology	30,000
	Professor and Chairman of Dermatology	30,000
	Professor and Chairman of Neurosurgery	30,000
	Professor and Chairman of Obstetrics and Gynecology.	30,000
	Professor and Chairman of Orthopedics	38,000

See footnotes at end of table.

TABLE III–F. PUBLIC UNIVERSITY PRESIDENTS, OFFICERS, AND FACULTY MEMBERS—Continued

State and jurisdiction	Position	Salary
Virginia—Continued		
	University of Virginia Medical Center—Continued	
	Professor and Chairman of Preventive Medicine	$30,000
	Professor and Chairman of Surgery	40,000
	Professor and Chairman of Psychiatry	36,000
West Virginia	President, West Virginia University	[64] 35,000
Wisconsin	Executive Director, State Coordinating Committee for Higher Education	37,500
	Director, State Universities System	35,000
	University of Wisconsin:	
	President	[65] 47,000
	Vice President	37,250
	do	37,000
	Chancellor (Madison)	[66] 36,000
	Chancellor (Milwaukee)	[67] 32,500
	Dean	35,000
	Deans (4) (each)	32,500
	Dean	30,000
	Wisconsin State Universities:	
	President, Eau Claire	30,500
	President, La Crosse	30,500
	President, Oshkosh	30,500
	President, Platteville	30,500
	President, River Falls	30,500
	President, Stevens Point	30,500
	President, Stout	30,500
	President, Superior	30,000
	President, Whitewater	30,000
Washington	University of Washington:	
	President	$50,000
	Vice President	40,000
	Vice President, Business and Finance	37,000
	Vice President, Academic Affairs	34,500
	Vice President, Research	30,000
	Vice President, University Relations	30,000
	Dean, Arts and Sciences	30,000
	Dean, Business Administration	30,000
	Dean, Engineering	30,000
	Dean, Graduate School	30,500
	Dean, School of Medicine	40,000
	Dean, School of Dentistry	33,500
	Chairman, Department of English	30,500
	Chairman, Department of Bio-Chemistry	32,500
	Chairman, Department of Biological Structure	31,600
	Chairman, Department of Micro-Biology	31,600
	Chairman, Department of Pathology	32,800
	Chairman, Department of Physiology and Biophysics.	30,000
	Chairman, Department of Preventive Medicine.	[illegible]
	Chairman, Department of Surgery	30,500
	Director, Primate Center	[illegible]
	Director, King County Hospital Medical Center	30,000
	Director, Applied Physics Laboratory	32,000
	Professor Medicine	32,000
	do	31,000
	Professor, Pedistrics	30,100
	President, Washington State University	37,500

[illegible]

[illegible]

[1] Plus estimated $4,000 for housing and car allowances.
[2] Plus quarters and actual travel expenses.
[3] Plus home $3,600; servants $6,000.
[4] Exact salaries are unknown; the minimum salary for chancellors at the University of California is $32,000.
[5] Plus estimated $2,500 for quarters, car, and entertainment allowances.
[6] Plus estimated $2,500 for quarters and car.
[7] Plus housing and services, value undetermined.
[8] Plus $3,200.
[9] Plus $3,000 subsistence.
[10] Plus quarters and actual travel expenses.
[11] Plus estimated $25,000.
[12] Plus house and maintenance $3,600.
[13] Plus mansion, car, household servants.
[14] Plus house.
[15] Plus car.
[16] Plus house and utilities.
[17] Plus $342.15 for travel and subsistence.
[18] Plus $2,018.88 for travel and subsistence.
[19] Salary of $31,000 effective Sept. 3, 1968.
[20] Plus $7,500 for car, house, and utilities.
[21] Plus car and $3,000 living allowance.
[22] Plus fringe benefits (insurance and annuities) equal to 10 percent of salary.
[23] Plus house, $6,000.
[24] Plus car and expense account.
[25] Plus car and $3,000 living expenses.
[26] Plus house, car and $1,600 for house expenses.
[27] Plus house.
[28] Plus $7,000—includes house, car, and personal expense allowance.
[29] Plus house—estimated at $2,500.
[30] Plus $3,000 house and expenses.
[31] House rent of $5,700 paid by university.
[32] Plus $1,200 housing allowance; $2,400 entertainment host allowance; children may attend university free.
[33] Plus house.
[34] Plus $5,000 in lieu of expenses.
[35] Majority in range of $30,000 to $32,000; 1 at $45,000.
[36] Plus car and home.
[37] Quarters furnished.
[38] Plus on campus housing.
[39] Housing furnished.
[40] Plus house and 2 housekeeping aids.
[41] Plus house and utilities.
[42] Salary rounded to nearest dollar; plus housing and utilities.
[43] Plus $4,800 for quarters.
[44] Plus $1,500 expense account.
[45] Plus house $2,400; and $2,000 expense account.
[46] Plus $2,500 for house and utilities.
[47] Plus quarters $3,600; car, actual travel expenses and undetermined entertainment allowance.
[48] Plus $21,000 from foundations.
[49] Plus $14,000 from faculty improvement fund.
[50] Plus $9,000 research grant.
[51] Plus $10,660 research grant.
[52] Plus $10,000 research grant.
[53] Plus $7,500 research grant.
[54] Plus $9,000 research grant.
[55] Plus $7,500.
[56] Plus $15,000 from foundation.
[57] Plus $11,000 from foundation.
[58] Plus $19,000 from foundation.
[59] Plus $19,500 from foundation.
[60] Plus $11,000 from foundation.
[61] Plus $6,362.
[62] Plus $5,000 expenses.
[63] Estimated $3,900 for quarters and car furnished.
[64] Plus estimated $7,000 for home and car.
[65] Plus use of house and car.
[66] Plus house $2,400, and expense account $2,000.
[67] Quarters furnished, plus $6,500 subsistence allowance.
[68] Position vacant, this position was paid $35,000 in 1967.
[69] Plus $2,400 entertainment host allowance.
[70] Plus health insurance $160; retirement $861; car $1,500.

TABLE III–G.—PUBLIC CORPORATION POSITIONS

Location	Name of authority and positions	Salary
California	East Bay Municipal Utilities District:	
	General Manager	$43,800
	Chief Engineer, Asst. Gen. Mgr	33,996
	Attorney	30,504
	Bay Area Rapid Transit District:	
	General Manager	35,196–42,792
	Director of Development and Operations	28,956–35,196
	Director of Finance, Controller, Treasurer	26,268–31,932
	Transit Advisor to Gen. Mgr	26,268–31,932
	Metropolitan Water District of Southern California:	
	General Manager	33,000
	General Counsel	30,000
	Southern California Rapid Transit District:	
	General Manager	(1)
	Acting General Manager	30,000
	San Francisco Port Authority: Director	31,752
Indiana	Citizens Gas & Coke Utility, Indianapolis (Quasi-public):	
	General Manager	56,000
	Assistant Manager	33,000
	Executive Director Gas Operations	30,000
Maryland	Maryland Port Authority: Director	35,000
Massachusetts	Massachusetts Bay Transportation Authority: General Manager	40,000
New York	Port of New York Authority:	
	Executive Director	70,000
	Deputy Executive Director	49,500
	General Counsel	49,500
	Director of Finance	49,500
	Director, Port Development	45,000
	Director, Marine Terminals	45,000
New York	Port of New York Authority—Continued	
	Director of Administration	$45,000
	Chief Engineer	45,000
	Director, World Trade	45,000
	Director, Aviation	45,000
	First Deputy Director, Aviation	42,000
	Director, Organization & Procedures	40,000
	Comptroller	39,000
	Personnel Director	39,000
	Director of Public Affairs	38,000
	Director, Tunnels & Bridges	37,800
	Director, Terminals	37,000
	Assistant General Counsel	36,010
	Treasurer	35,776
	Director, Real Estate	35,000
	Chief, Contract Division	34,190
	Chief, Leases & Operations Agreements Division	34,190
	Chief, Opinions & Appeals Division	34,190
	New Jersey Solicitor	34,190
	Asst. Director of Aviation Project Development	34,034
	Chief Architect	34,008
	Deputy Director, Marine Terminals	33,566
	Deputy Chief Engineer	33,514
	Chief of Construction, Newark Airport Redevelopment.	33,306
	Deputy Comptroller	33,046
	Chief, WTC Planning & Construction	33,020
	Asst. Chief Engineer for Design	32,578
	Director, Rail Transportation	33,000
	Asst. Director of Finance	32,526
	Deputy Director, Port Development	32,526

See footnotes at end of table.

TABLE III-G.—PUBLIC CORPORATION POSITIONS—Continued

Location	Name of authority and positions	Salary
New York—Continued	Port of New York Authority—Continued	
	Chief, Central Planning	$32,526
	Radio & Television Director	32,500
	Deputy Director, Tunnels & Bridges	33,072
	Engineer of Research & Development	31,694
	Manager, Construction Division	31,096
	Director of Port Commerce	31,096
	Project Director, Newark Airport Redevelopment	31,096
	Asst. Director of Avia. for Business Administration	31,018
	Chief, WTC Rentals & Development	31,018
	Triboro Bridge & Tunnel Authority:	
	Executive Officer & Chief Engineer	40,500
	Deputy Chief Engineer	35,000
	Triboro Bridge & Tunnel Authority—Continued	
	Counsel to Triboro Bridge Authority	$40,000
	Comptroller	32,000
	New York State Thruway Authority: Executive Director	32,000
	Niagara Frontier Port Authority:	
	Executive Director	33,000
	Chairman of the Board	30,000
Pennsylvania	Southeastern Pennsylvania Transportation Authority: General Manager	45,000
	Delaware River Port Authority of Pennsylvania & New Jersey:	
	Executive Director	40,000
	Director of Engineering and Planning	37,972

[1] Position vacant—salary negotiable—it was $40,000 in January 1967.

TABLE III-H.—JUDICIARY

State and jurisdiction	Court and position	Salary
California	Supreme Court:	
	Chief Justice	[1] $41,578
	Associate Justices (6) (each)	[1] 39,132
	District Courts of Appeal: Justices (39) (each)	[1] 36,687
	Superior Courts:	
	Judges (394) (each)	[1] 30,572
	Administrative Director, California Courts	31,500
Connecticut	Supreme Court:	
	Chief Justice	33,000
	Chief Court Administrator	33,000
Florida	Supreme Court Justices (5) (each)	34,000
Illinois	Supreme Court: Justices (7) (each)	37,500
	Appellate Court: Judges (21) (each)	35,000
Massachusetts	Supreme Court: Chief Justice	30,800
Michigan	Supreme Court: Justices (9) (each)	35,000
	Court of Appeals: Judges (9) (each)	32,500
Wayne County	Circuit Court: Judges (27) (each)	30,000
Detroit	Recorder's Court:	
	Presiding Judge	32,000
	Judges (12) (each)	30,000
	Traffic Judge (3) (each)	[2] 30,000
New Jersey	State Supreme Court:	
	Chief Justice	37,000
	Associate Justices (6) (each)	36,000
	State Superior Court: Judges (76) (each)	32,000
	County Courts: Judges (85) (each)	32,000
	District Courts: Judges (30) (each)	30,000
	Juvenile and Domestic Relations Courts: Judges (25) (each)	30,000
New York	Court of Appeals:	
	Chief Justice	[3] $42,000
	Associate Judges (6) (each)	[3] 39,500
	Supreme Court:	
	Justices (148) (each)	37,000
	Justices (24) (each)	[4] 34,500
	Supreme Court—Appellate Division:	
	Presiding Justices (4) (each)	41,500
	Associate Justices (23) (each)	40,000
	Court of Claims: Judges (14) (each)	[3] 31,500
	Surrogates Court:	
	Surrogates (5) (each)	37,000
	Surrogate	[illegible]
	Surrogate	[illegible]
	Family Court:	
	Judges (4) (each)	30,000
	County Court:	30,000
Pennsylvania	Supreme Court:	
	Chief Justice	38,000
	Justices (6) (each)	37,500
	Superior Court:	
	President Judge	36,000
	Judges (6) (each)	35,500
	Courts of Common Pleas:	
	Judges (5) (each)	32,500
	Judges (115) (each)	30,000
	Orphans Courts:	
	President Judge	32,500
	Judges (27) (each)	30,000

[1] Salaries were increased on September 1, 1968.
[2] $10,000 from city and $20,000 from county.
[3] $6,000 in lieu of expenses.
[4] $3,000 in lieu of expenses.
[5] $4,500 in lieu of expenses.

APPENDIX E

AVERAGE COMPENSATION—2,537 CHIEF EXECUTIVE OFFICERS

TYPE OF INDUSTRY

[In thousands of dollars]

Sales volume	Durable goods	Nondurable goods	Petroleum	Utilities	Wholesale and retail trade
Under $2,000,000	31.8	35.0	34.2	24.3	[1]
$2,000,000 to $5,000,000	41.3	41.6	47.1	35.4	33.6
$5,000,000 to $10,000,000	48.2	48.6	[1]	40.2	39.2
$10,000,000 to $25,000,000	61.3	57.4	49.8	49.6	50.4
$25,000,000 to $50,000,000	72.2	70.9	66.5	59.0	63.6
$50,000,000 to $100,000,000	87.4	80.4	82.0	70.0	73.5
$100,000,000 to $200,000,000	111.3	96.8	112.5	87.1	84.2
$200,000,000 to $500,000,000	144.3	143.2	127.5	110.1	116.5
$500,000,000 to $1,000,000,000	178.5	174.2	193.0	122.7	143.0
Over $1,000,000,000	269.5	220.7	250.1	181.4	186.8

[1] Insufficient data.

Source: Top Management Report, November 1967, American Management Association.

APPENDIX F

AVERAGE PERCENTAGE INCREASES IN EXECUTIVE SALARIES, 1953–67

Year of survey	Increase in salary over previous year	Total compensation [1]
1953	3.9	0.6
1954	4.6	5.2
1955	2.7	1.8
1956	4.5	5.9
1957	4.4	5.1
1958	4.2	3.9
1959	2.9	1.2
1960	3.9	6.2
1961	1.6	.2
1962	3.1	2.6
1963	3.0	4.0
1964	3.4	3.9
1965	3.5	4.9
1966	3.5	5.3
1967	4.0	4.8

[1] As of 1966, total compensation percentages reflect overall increases in salary plus bonus only. Percentages prior to 1966 reflect increases in retirement contributions as well.

Note: Salary increases averaged 3.6 percent a year for the 15-year period (1953–67) or 3.5 percent annually for the 5-year period (1963–67).

Increases in total compensation average 3.7 percent a year for the 15-year period (1953–67) or 4.6 percent annually for the 5-year period (1963–67).

Source: Top Management Report, American Management Association, November 1967.

APPENDIX G

HIGHEST PAID EXECUTIVES IN 1,304 CORPORATIONS IN 1965

	Median	Range of Middle Half
Manufacturing	$100,000	$75,000-$150,000
Retail trade	100,000	74,000- 154,500
Gas and electric utilities	80,000	65,000- 100,000
Commercial banking	63,000	48,500- 83,000
Life insurance	47,500	33,000- 65,000
Fire, marine, and casualty insurance	45,000	33,000- 67,500

[Source: National Industrial Conference Board Study]

APPENDIX H

SALARIES OF PRESIDENTS OF FEDERAL RESERVE BANKS DEC. 31, 1967

	Annual salary of president
Federal Reserve bank:	
Boston	$40,000
New York	75,000
Philadelphia	45,000
Cleveland	45,000
Richmond	45,000
Atlanta	35,000
Chicago	60,000
St. Louis	35,000
Minneapolis	42,500
Kansas City	42,500
Dallas	45,000
San Francisco	46,000

Source: 54th Annual Report of Board of Governors of the Federal Reserve System.

SALARY REFORM FOR TOP OFFICIALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

(Transmitting recommendations for salary reforms for the top officials of the legislative, judicial and executive branches of the Federal Government)

To the Congress of the United States:

The Congress, the executive branch, and the Federal judiciary are the vital nerve centers of Government. Whoever mans them is involved in activities so momentous and far reaching that they touch the lives of all our citizens—and indeed of people the world over. Our national interest demands—and our national survival requires—that America summon its best men and women to assume the power of decision and the responsibility of leadership for government in action.

Central to this concern is the matter of compensation at the top echelons of Government. Today, the salaries we pay our top officials are clearly inadequate.

THE KAPPEL COMMISSION

The record of the past has been one of inadequate and fragmentary adjustments in top-level compensation—always too little, often too late.

I believed in my administration that the time had clearly come to reexamine the entire top Federal salary network. To this end, I asked the Congress to create a bipartisan commission to—

—Recommend any changes its study found necessary

—Review top-level Federal salaries every 4 years.

The Congress responded. In December 1967, I signed into law a measure which gave life to the Commission on Executive, Legislative and Judicial Salaries—the first such body in our Nation's history.

The Commission was composed of nine distinguished Americans:

Three were appointed by the President:

—Frederick R. Kappel, former Chairman of the Board of Directors of the American Telephone and Telegraph Company, who served as the Commission's Chairman.

—John J. Corson, Consultant and Corporate Director.

—George Meany, President, American Federation of Labor and Congress of Industrial Organizations.

Two were appointed by the President of the Senate:

—Stephen K. Bailey, Dean, Maxwell Graduate School, Syracuse University.

—Sidney J. Weinberg, Senior Partner, Goldman, Sachs & Co.

Two were appointed by the Speaker of the House of Representatives:

—Edward H. Foley, Attorney, former Undersecretary of the Treasury.

—William Spoelhof, President, Calvin College, Grand Rapids, Michigan.

Two were appointed by the Chief Justice of the United States:

—Arthur H. Dean, Attorney, Chairman, U.S. Delegation, Nuclear Test Ban and Disarmament Conference.

—William T. Gossett, Attorney, President, American Bar Association.

After a comprehensive study of top Federal salaries, the Commission concluded that—

—Present compensation levels are not commensurate with the importance of the positions held;

—These levels are not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy and in many instances have long established; and

—Action should be taken to modernize, without delay, the top pay structure of the Executive, Legislative and Judicial Branches of government.

THE RECOMMENDED REFORMS

Any recommendations the President might make for salary reform must be included in his budget. In preparing my budget for Fiscal Year 1970, I carefully reviewed the full report of the Kappel Commission. Their proposals served as a valuable guide as I weighed the recommendations the law requires me to make—recommendations which will become effective 30 days after they are submitted unless the Congress disapproves them during that period.

I agree with the recommendations of the Kapple Commission Report. If I alone had the power to put its recommendations into effect, I would do so. But in our proposal to the Congress and in the law passed by the Congress creating the Commission, final action on the report was to be a joint enterprise between the executive and legislative branches. I have therefore found it necessary to modify some of the Kappel Commission recommendations—particularly with respect to congressional salaries, and also with respect to the pay of certain executive positions.

I do recommend that the Kappel Commission proposals be put into effect for the top officials of the federal, judicial and executive branches. For them, I recommend the following pay scales:

Chief Justice: $62,500.

Associate Justices of the Supreme Court: $60,000.

Cabinet heads: $60,000.

Of all the salaries, congressional compensation posed the most difficult problem of all and was the hinge on which my recommendations turned. As the Commission pointed out:

"Members' salaries should be adjusted to compensate for the substantial and unique responsibilities they bear, to meet the cost peculiar to elective rather than appointive office, and to minimize the need to rely on other means of augmenting income."

The Commission then recommended that Congressional pay should be set at $50,000.

Congressional salaries have been raised in slow and piecemeal fashion, far outpaced by pay increases in the rest of the economy. Over the past three decades, Congressmen have received only three pay increases—an average of one pay raise every ten years—to the current level of $30,000, a salary which by today's standards is woefully inadequate.

I do not think that the American people want to see their elected representatives—who must bear the awsesome burdens these critical times demand—serve their Nation at the price of financial hardship. I therefore believe that the $50,000 Congressional salary recommended by the Kappel Commission can be justified.

A proper concern for history and tradition, however, suggests that the President should consult the leaders of Congress before he makes any recommendations concerning Congressional salaries.

I have done that.

These discussions and consultations revealed that Congress would be reluct [redacted] approve a $50,000 salary. When it comes to a pay increase, Congress puts its own members last in line. Instead, an incre [redacted] $42,500 was considered preferable and more likely to receive the necessary support. I respect the desires of the leaders of the Congress. I therefore now recommend a $42,500 salary for the Members of the House of Representatives and the Senate.

The Congressional salary I am recommending today represents an 89% increase over the level of compensation in 1955. I must point out, however, that during this [redacted] period salaries of the highest Civil Service career grade increased by well over 100 percent.

Civil Service salaries, moreover, will be adjusted periodically to keep them comparable to those in industry—while Congressional salaries must, under current law, remain unchanged for the next four years.

Projections indicate the following salary increases between 1955 and 1972:

—88.9% Congressional salaries
—90% Postal workers
—94% Average Federal worker
—94% Factory workers
—101% Government Wage Board employees
—109% GS-15 Career Civil Servant
—135% GS-18 Career Civil Servant

Thus, even with the recommended pay increase for our lawmakers, the increase in Congressional salaries will lag behind those of other Government workers and employees in the private sector.

Since the weight of custom and a sense of fairness require that we maintain and preserve proper pay relationships at the upper echelons of Government, the proposed $42,500 Congressional salary requires that I make certain adjustment in the Kappel Commission's proposals for other top level salaries. Accordingly, I recommend the following pay scales:

Level II (Heads of Major Agencies: $42,500.

Level III (including Under Secretaries): $40,000.

Level IV (including Ass't Secretaries): $38,000.

Level V (including Heads of Boards): $36,000.

My recommendations for the other top level positions covered by the Kappel Commission are set forth in my budget in accordance with the requirements of Public Law 90-206.

The salaries of the Vice President, the Speaker of the House, the Majority and Minority Leaders of the House and Senate and the President Pro Tem of the Senate were not, as such, covered by the Kappel Commission's charter. For this reason, I am submitting separate pay legislation embodying my recommendations, as follows:

Vice President: $62,500.

Speaker of the House: $62,500.

Majority and Minority Leaders of the House and Senate and President Pro Tem of the Senate: $55,000.

CONGRESSIONAL ALLOWANCES

The burdens imposed by Congressional service are unique. They often require members to bear extra expenses in connection with their official responsibilities.

Most lawmakers, for example, must maintain two homes for themselves and their families—one among the people in the district or state they serve; the other in or near the Nation's capital.

Recognizing these facts, the Federal tax laws have allowed deductions of up to $3,000 a year for living expenses at the seat of our national government.

That maximum deduction has remained fixed for 15 years now—while sessions of the Congress have grown longer and longer under the pressure of increasing workloads and crowded legislative calendars.

I believe we should increase the maximum deduction so that Members of Congress will not be required to use any new pay increase to defray some of the essential living expenses incurred in the pursuit of their official duties.

Accordingly, I recommend that the maximum Federal tax deduction for Congressional living expenses be raised by $2,500—from $3,000 to $5,500 for each Member of Congress.

EXCELLENCE IN THE PUBLIC SERVICE

The proposals I make today are long overdue and urgently needed salary reforms at the upper levels of our government. But they are more than pay recommendations, for they cut to the heart of what modern government is all about—excellence in the pursuit of the public's business.

This moment of decision provides a unique occasion to strengthen the sinews of American government. We can do this by offering to our best and ablest citizens fair compensation for the job they must do in guiding America forward in the years ahead.

Just as these public servants—in the Congress, in the Cabinet and in the Judiciary—have a responsibility to the Nation, so the Nation has a responsibility to them.

The total amounts involved in my pay proposals are relatively small. But they will be wise investments in our future.

I urge the Congress to grasp the opportunity presented to it and to respond favorably to the recommendations I am submitting today.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The VICE PRESIDENT. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, we all are familiar with instances when people have not come into the executive branch of Government because of lack of money. This should not be so, but it is.

Some of us are familiar with instances when people have not run for Congress because of their knowledge of the financial burden that goes with election. I know that I know of such an instance. This, too, should not be so, but it is.

All of us know, too, of colleagues who, to make ends meet, are dissipating their energies and activities. This should not be so, but it is.

Some of us have more personal and family responsibilities, some less.

Some of us have more money with which to fulfill our responsibilities, some less.

But the governing factors to our vote should be the answers to three questions. One, does the responsibility and difficulty of the job justify the salary? Two, are we losing people in government because of financial reasons? Three, can the United States afford the salary?

The answer to all three of these questions is yes. Therefore, I submit we should support the Government pay raise.

The VICE PRESIDENT. Who yields time?

Mr. WILLIAMS of Delaware. I yield 15 minutes to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 15 minutes.

Mr. ALLOTT. Mr. President, first of all, I would like to congratulate the distinguished senior Senator from Delaware for having the courage to precipitate the parliamentary situation which now confronts the Senate. This is an issue which has aroused the deep concern of many of us here in the Senate. This concern was first manifested by several of us, as far back as last summer, when we tried to delete the appropriation for this Commission on Executive, Legislative, and Judicial Salaries.

I should like to clarify the record, Mr. President, with respect to that situation. The Commission was not in the appropriation bill as it was sent to us from the House because they had not had testimony on it. In the subcommittee, it voted not to put it in the appropriation bill. The full committee put it in the bill by a vote of 14 to 8. The matter was raised again on the floor and was passed and kept in the bill by a vote of 46 to 41.

Therefore, I do not particularly enjoy being accused of engaging in demagogic practices in talking about this matter now, because as far back as last year some of us who were trying to delete this proposal, were simply trying to stop this back-door method of controlling the salaries of Congress, the judiciary, and the executive branch.

I hope that this will clarify that portion of the record which has not heretofore been made clear. We were simply trying to force Congress to assert its constitutional prerogative regarding the question of adequate compensation for the top Federal salary network in the three branches of Government.

Among other Senators who asserted their sensitivity as to proper legislative responsibility in this matter, were the Senator from Mississippi (Mr. STENNIS), who has spoken already, and the Senator from Virginia (Mr. SPONG) with whom I have subsequently been working on this matter, to meet the issue head on and in a forthright manner.

Now, Mr. President, why are we in this legislative squeeze play which requires the current parliamentary tactic? The specific sections of the law with which we are now concerned are contained in the provisions of Public Law 90–206, sections 225 (h) and (i). In essence, these provisions require that the President shall include in his budget recommendations with respect to the exact rates of pay which he deems advisable for Senators, Members of the House, certain personnel in the judicial branch, and certain other positions in the executive branch. These recommendations become effective following 30 days after transmittal only to the extent that first, there has not been enacted into law a statute which otherwise establishes rates of pay, other than those proposed; or second, that neither House of Congress has enacted legislation which specifically disapproves all or part of such a recommendation.

Acting on the recommendations of the Kappel Commission, President Johnson sent his recommendations to Congress with regard to the proposed increases in salary on January 15, 1969. Therefore, according to the requirements of Public Law 90–206, a regrettable and unfortunate creature of the last Congress, these new salaries will become effective, beginning the first pay period after February 12, 1969, unless this Congress acts to the contrary.

Mr. President, I want to make the record perfectly clear that I have always considered the acceptance of this procedure a completely irresponsible abrogation of the power of the Congress to a Commission which was, in the final analysis, not accountable to anyone for its recommendations.

I am absolutely unwilling to hide behind this legislative curtain, and allow these increases to be swept into law by the backdoor. If a pay raise is justified, I am certainly willing to stand here on the floor of the Senate and vote for it; and if I am not willing to vote for it, God knows I do not deserve it.

I believe that the scheme of increasing salaries as proposed by sections 225 (h) and (i) of Public Law 90–206 is an absolutely unwarranted delegation of congressional power. It seems to me that the recommendations of this Commission, as subsequently adopted in President Johnson's budget, provide a singularly unfortunate opportunity for Congress to sidestep its responsibilities.

Mr. President, there is a practical side of this matter which is also being overlooked at this time. On page 2 of the message transmitting his recommendations for salary reforms for the top officials of the legislative, judicial, and executive branches of the Federal Government, President Johnson stated, in part:

(I)n the law passed by the Congress creating the Commission, final action on the report was to be a *joint enterprise* between the Executive and Legislative branches.

Now, Mr. President, let us take a good look at the realities and practical considerations of the nature of this "joint enterprise" to establish these salaries.

Obviously, during the opening days of this session, we have been consuming Members' energies and attention in the usual crush of organizational and legislative activity which always accompanies the opening of a new Congress. In this body, we have been devoting the majority of our energies to the question of amending rule 22 and the confirmation of important members of the new Nixon administration. In the other body, legislative activity has been simmering on the back burners pending the organization of new committees. "Joint enterprise" between the legislative and executive branches to establish adequate compensation for these top officials, under these

circumstances, is obviously a very moot question. Any practical regard for the realities involved clearly indicates that the Congress has had no opportunity to participate to any degree with President Johnson in the preparation of these recommendations.

Mr. President, let us take a look at the recommendations of the Kappel Commission which were adopted by President Johnson and recommended in his budget message. The former President stated in that message that he was recommending a $42,500 salary for the Members of the House of Representatives and the Senate instead of the $50,000 salary originally recommended by the Kappel Commission. The former President's reason for not adopting the Kappel recommendations for congressional salaries is summed up in his message in this way:

> A proper concern for history and tradition, however, suggests that the President should consult the leaders of Congress before he makes any recommendations concerning Congressional salaries.

Accordingly, President Johnson indicated that he had contacted the leaders in Congress to advise him what the market would bear, so to speak, so far as increasing congressional salaries was concerned. Evidently, the former President felt that this marginal consultation with Congress was enough to satisfy the requirement that final action on the Kappel Report was to be a "joint enterprise" between the executive and legislative branches. As a result of his consultation with the leaders of Congress, President Johnson developed his recommendation of $42,500 as the proper salary for the Members of the House of Representatives and the Senate.

Mr. President, I must say that I deplore this approach with regard to establishing adequate compensation for the Members of Congress. I do not believe that only the leaders of Congress should be contacted with regard to what they may or may not believe to be the wisdom of salary increases. I believe that the only way in which the Constitution intended, and the people expect, is for each Member of Congress to provide his own recommendation with regard to these increases by casting his vote for or against the specific recommendation. I cannot believe that the leaders of Congress can be expected to speak for all of us in this regard, nor do I believe that they would presume to do so, without giving each of us the chance to express our views concerning this question.

That is why I earnestly support the resolution now before us, so that the Senate may go on record as specifically disapproving the recommendations of President Johnson with respect to the raise in pay transmitted to the Congress in his budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967. Once this resolution has been adopted, the entire matter may be the subject of full and complete hearings before the proper congressional committees and returned to the Congress in the usual fashion for a final vote.

That is the only proper way it should be done. Any other way would be an abrogation of our power. I intend to be as candid and as forthright as I possibly can about this matter. I happen to believe that some form of congressional salary increase is justified. I am not committed to any specific amount, but I am committed to the concept that Congress itself must assert its sense of responsibility here. I recognize the fact that this salary question is unpopular and distasteful among the Members of Congress. It is an issue which brightens our mail with thunderbolts of protest from honest, industrious constituents back home. I, for one, am willing to stand here on the floor of the Senate and vote for a raise in salary once the recommended amount has wended its way through the rocky ground of committee hearings and endured congressional debate. I am not willing, however, to see this matter slip by with a wink and a nod so the folks at home will not become too upset.

Mr. President, having made known my views concerning the wisdom of approaching this subject of congressional salaries through the backdoor, let me now turn to a brief examination of President Johnson's recommendations regarding judicial salaries. President Johnson, without an additional comment, recommended the following pay scales for these judicial officials: Chief Justice of the United States, $62,500; Associate Justices of the Supreme Court, $60,000.

As Senators are aware, during the debate on the Government Employees Salary Reform Act of 1964, the Senate adopted my amendment to increase the salary of the Chief Justice of the United States to $38,000 rather than the proposed $43,000, and the salaries of the Associate Justices of the Supreme Court to $37,500 rather than the proposed $42,500. To my everlasting dismay, this amendment was lost in the conference which subsequently ensued on this particular bill.

As I tried to make clear at that time, and will earnestly reiterate for the benefit of my colleagues today, it was not my intention to reduce these judicial salaries because of any particular disagreement I may have had with regard to some of the decisions of the Supreme Court. Rather, it was merely an attempt to try to bring into existence some semblance of equity with regard to the salaries which are paid to members of the Supreme Court and the Members of Congress. I think one only has to look to the present inequities to understand what I mean. For example, Justices of the Supreme Court, enjoying life tenure, are not subject to the same uncertainties and vicissitudes which often buffet a man who has devoted his life to politics. They are not called upon, for example, to spend any of their compensation for the purposes of reelection. Once appointed, they know that they can move to Washington and not worry about the problems of maintaining another household in their home State. Aside from the security which redounds to the position of a lifetime appointment, members of the Supreme Court are not called upon to travel back and forth to their home State in order to elicit the comments and criticisms of their constituents. They are effectively removed from the poltical arena which, as Members in this body well know, is oftentimes filled with the sound and fury of unhappy constituents. This insulation from the slings and arrows of political misfortune, this security from increasingly complex problems of entertaining constituents as well as campaigning for their votes, places, it seems to me, a Supreme Court Justice in a much more enviable position, from a salary standpoint, than a Member of Congress.

One must also bear in mind that Justices of the Supreme Court, enjoying the privilege of life tenure, do not contribute one cent to any pension fund, because their salaries continue until they die. Members of Congress, on the other hand, must contribute 7½ percent of their salaries to a retirement fund. We get what we have earned of that 7.5 percent at the time the good people of our State retire us or we retire ourse[illegible]

The VICE PRESIDENT. The Senator's time has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 more minutes to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 2 additional minutes.

Mr. ALLOTT. Today the Se[illegible] completely walking away from an examination of these inequities. By silent acquiescence we are allowing former President Johnson, without comment, to adopt the recommendations of the Kappel Commission report concerning Supreme Court salaries. Thus, it seems to me, Mr. President, that we are completely negating the provision of the Constitution, article III, section 1, which provides the manner in which Justices shall be compensated for their services. I think it is clear, from an examination of the debates which were held during the Constitutional Convention, that the Founding Fathers expected the legislative branch to maintain a certain sense of oversight and surveillance over the judicial branch. I cannot understand how, under the present situation, we are allowing an executive recommendation, based upon findings by a commission which is not accountable to any citizen in this country, to determine these judicial salaries.

Mr. President, I think that if there is any need for proof that this is the wrong method, and that we should not go at this matter through the back door as provided by this ill-founded, illegitimate law—and I use the word "illegitimate" in any sense anyone wants to take it—it is found in examining the discrepancy between the Supreme Court salaries and the emoluments of their offices and the salaries of Members of Congress. I sincerely hope my colleagues will join with me, and then we can bring out a bill, as we ought to do, to govern pay raises for the Congress and the members of the judicial branch and the executive branch.

Mr. KENNEDY. Mr. President, I yield 20 minutes to the Senator from Illinois (Mr. DIRKSEN).

The VICE PRESIDENT. The Senator from Illinois is recognized for 20 minutes.

Mr. DIRKSEN. Mr. President, some rather curious arguments have been made on the floor this afternoon, and,

of course, a great many of them are simply untenable. Strange that the method by which this pay proposal came up here should be attacked. It was recited that it found its ways into a conference report, and a conference report could not be approved except by both bodies. So who shall say that the pay commission was not created by law by the exclusive law-making body in this Government?

It is not unusual to put something in the budget and then provide that it can be disavowed by a resolution, within 30 days, by either House. Why, that technique is almost as old as the beginning of the New Deal. I was here in 1933, Mr. President, when we had a resolution to reorganize the executive branch, and a format was worked out under which, if the Congress did not disavow what the President said in a 30-day period, it automatically became law. Oh, there was a lot of grousing about it at the time, but since then it has been adopted dozens of times. So to make an argument on that score today, as the distinguished Senator from Mississippi made, is extremely unusual, I must say.

I repeat pretty well what I said to our policy group today—that the Constitution does provide that Senators and Representatives shall be compensated as ascertained by law; and since this is the only body that can get any money out of the Treasury, pursuant to an appropriation, and since this is the exclusive law-making body, the thing is very definitely in our hands, and it has been since the Constitution makers wrought their famous document in Philadelphia in 1787.

The first pay of Senators and Representatives was $6 a day—when they attended sessions. Later on, it became $8 a day.

It was not until 1855 that congressional salaries were set at $3,000 a year. Just bear that date in mind: 1855.

Ten years later the salaries were raised to $5,000. Mr. President, how long do you think they stayed at $5,000? A year? Or from one bargaining contract date to another? That salary stood there, Mr. President, for a period of 42 years. For 42 years the pay of Congress was not increased. It rode at a level of $5,000.

Up in the press gallery they write about a 40-percent increase. Why do they not go back and pick up the stitches as to where they stopped doing justice by congressional salaries?

So for 42 years we were at a salary of $5,000. That salary ran until 1907. It was then raised to $7,500. Mr. President, how long do you think it was there, 18 years. Well, there was no bargaining committee to bargain across the table with management in the form of our constituents and others. We just took it and let it ride at that.

So for 42 years the salary stood at $5,000 and for 18 years at $7,500.

In 1925, the salary was raised to $10,000. Mr. President, how long do you think it stood at $10,000? For 22 years there was no modification of that salary. Of course, the country was growing, and there was always some inflation. But that did not seem to concern those who are always rather hostile to the idea that the laborer is worthy of his hire—and that goes for a Senator and for a Representative, as well.

Then I appeared on the scene. [Laughter.] I have been here before. I had been here for 13 years. We set up the Joint Committee on the Reorganization of the Legislative Branch. We worked for 2 years. That committee comprised six Senators and six Members of the House. Former Senator Monroney was then in the House and was vice chairman of the joint committee. The late Senator LaFollette, from Wisconsin, was the chairman. We came in with, among other things, a Reorganization Act. We streamlined the committees of both bodies. We did many many other things.

Then I fathered a pay title. We raised the pay to $15,000. Oh, I remember it so well: Senators coming over and pleading, "Please don't have a rollcall; I would like to get that pay increase, but I don't want to expose myself."

Well, I am not going to show that kind of attitude, because I went into congressional districts all over the Midwest and defended Members of Congress against attacks by opponents in the election. And not one of them was defeated as a result of a vote for a pay increase.

That was 1946. But another 10 years had to go by before the salary was raised to $22,500, and then another 8 years went by before it got to $30,000.

Mr. President, let someone stand up in this Chamber and name a group identified with any activity in the country which has not gotten pay raise after pay raise, because they either struck or got a negotiated settlement of some kind.

Look at the dock workers. The Port of New York settled with them. Other ports along the Atlantic seaboard have said, "We cannot settle on that basis, it will bust us."

But they do not seem to be concerned about the public debt, and about the noises about inflation. Those issues have been here for a long time. I have been a member of the Senate Finance Committee. I do not know of a year that we have taken testimony and raised the public debt, that we have not talked about inflation. In 31 of the 34 or 35 years that I have been here, we have had a Treasury deficit. Well, nobody blows his stack or suffers a paralytic stroke as a result. We just live with it—and live on borrowed money. Of course, we lament the fact, I know. But the arguments that have been made before, on this floor and in the other body, against pay increases, are being echoed this very day: For example, that it is a back-door approach.

Well, I offered resolutions in 1964, I think, and in 1956, and in other years, to create a commission and make a finding. Somehow, nobody quarreled about it. It was just accepted as such. I remember when the President named Judge Shapiro of Philadelphia as the head of one of those commissions. They did a tremendous amount of work, and finally came in with their recommendations. If it had been left with me, it would have been more than we provided in 1964; but I let some others talk me out of it, and so we set the figure at $30,000.

Now here comes a proposal for the courts, for the Executive, and for the Members of the National Legislature. Originally the commission brought in a finding of $50,000. I discussed it with the outgoing President.

He said, "That looks a little high."

"Well," I said, "if you are going to cut it, you ought to put in $5,000 for expenditures related to the conduct of a senatorial office, and the responsibilities of this position, and it ought to be made tax-free."

I pointed out to those gentlemen up there the other day that I was host to the President—and to you, Mr. Vice President—and to the leadership on both sides, including my beloved friend, the majority leader. Later that afternoon, the manager of the restaurant came to my office and I signed the bill. The [redacted] added $10 out of the goodness of my heart. But that lunch cost me $177 out of my own pocket.

That is not the first time that has happened. I do not know how many lunches I have bought for the Illinois delegation, because nobody ever broke his arm reaching for a check. That is the way it is; and I do not mind. All I need is beans and bacon to get by, but I want to perform the social amenities and do my job as well as I can.

So, in discussing the matter with the President, I said, "All right, let us have a $5,000 tax-free fund, and spend it and voucher it, without itemizing, and just declare under oath 'fully expended' for income tax purposes."

We did that before. Then we vitiated that action, and we put in $3,000 for, ostensibly, the fact that the Members had to maintain two dwelling places, one out home and one here.

When I came to Washington, you could rent pretty easily for $150—could you not, Steve?

Mr. YOUNG of Ohio. That is right.

Mr. DIRKSEN. Try now to rent for $500, and see how far you get. Go down at Watergate. Go to the Shoreham. Go to the Wardman, or try to buy a house.

The former Secretary of the Treasury came here, and finally bought a house for $140,000. I read the real estate pages, and I see it is now on the market. What do you think the price is? $140,000? They say a half million dollars. That is what has happened to property values here.

So Senators and Representatives have to put in out of their pockets, and they ought to be entitled to something reasonably decent.

I see other public servants have had the advantage of pay increases. Let us look. I talked with the Chairman of the Civil Service Commission last night, and here is what I got from him, on Federal employee pay raises since 1946, when I authored that increase to $15,000:

In 1946, 14.2 percent.
In 1948, 11 percent.
In 1949, 4.1 percent.
In 1951, 10 percent.
In 1955, 7.5 percent.
In 1958, 10 percent.
In 1960, 7.7 percent.
In 1962, 9.6 percent.
In 1964, 4.2 percent.
In 1965, 3.6 percent.
In 1966, 2.9 percent.
In 1967, 4.5 percent.
In 1968, 4.9 percent.

That adds up to 94.2 percent. But if we compound it, the percentage will be more

than that. That is only half the story, Mr. President. Let us look down the road to the first of July. What is going to happen? I have the budget here. There will be an automatic pay increase of $2.8 billion.

If somebody is interested in inflation, this is the place to stop it. But no voice has been raised. That is a pay increase for the military and civilian. And even my distinguished friend, the Senator from Delaware (Mr. WILLIAMS), will probably admit that it is going to be more than that.

Here we have an item of $22 million for increases in salaries for the judiciary, Congress, the Supreme Court, the Cabinet, and executive heads. We cannot buy the engines for a bomber for that amount I just asked the most knowledgeable Member of the Senate. He is sitting over there. He has flown as a pilot all over the country for years. General GOLDWATER—and he is a general—said, when I mentioned the item of $22 million: "You cannot buy the engines in a bomber for that amount." That is what is involved here.

Mr. President, talk about deficits and about public debt and about triggering something. I point out that things have been triggered around here ever since I can remember. And somehow or other, we have not come to grief. And we will not come to grief if the Members of the National Legislature are adequately compensated.

That is the burden of what I have to say, and I am not going to weary the Senate any longer with further discussion. I am not insensible to inflation. Goodness, I have been fighting it and I have been inveighing against it. I have been hurling imprecations from platforms in every State of the Union against it. And I am well aware of what it means.

On the other hand, Mr. President, is it not time to be a little realistic and to remember that Senators have to eat, too, that they have expenses, and that there is a certain dignity and a certain decorum that has got to be maintained. Those are attributes of the office, not of the person who occupies it. And if the people back home, in whose hands rests the power, feel that a Senator or a Representative is not equal to that duty and responsibility and is not willing to comport himself with that kind of dignity, they can haul him out of office—and maybe they should.

Of course, that is going to happen, too, year after year—or perhaps I had better say more accurately biennium after biennium, because as surely as the stars travel in their courses, human design and human destiny will be subject to the mutations and to the fickleness of the voter.

I was not sure I was going to be here this last time for the very simple reason that there has been a tradition in our State against a fourth term. Once I had a colleague named Paul Douglas. He tried it, and they left him at the church. I do not think I have seen him since. And that is quite a long time ago.

My supporters began to wring their hands about me. They said, "Don't you know you are beginning to flirt with destiny and danger?" I said, "Well, who isn't"?

They even flirt with danger in South Dakota. That is why the senior Senator from South Dakota hauled me out there to make speeches. I am glad that he always picked out a church. I felt at home in a church when I was supplicating the voters because I felt that I had the Lord close by.

In my own case, at the hour of 11 o'clock on election night the telephone rang. A friend said: "My God, you are 175,000 votes behind." I thought that was potatoes.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield 5 additional minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized for 5 additional minutes.

Mr. DIRKSEN. Mr. President, I thought that was potatoes. Those people, and particularly those who are among the uninitiated, do not know how elections work there. There are 10.5 million people. There are voting machines all over Chicago. They make a big run through the cities and look at the totals on the machines. Those totals are phoned in to the city news bureau. Then, they do a little extrapolation and say that DIRKSEN is 175,000 votes behind.

The only trouble is that there were 101 other counties that had not reported at that time.

I only carried 99 counties. Can the Senator do any better than that? I did not think I could do any better—even in South Carolina.

So, I courted danger and challenged destiny. I guess it worked out all right. I just figure that the Lord has work for me to do right here, and I guess He will leave me here—I hope—until that work is finished. And, incidentally, at the first opportunity—and it will not be long from now—I will get the prayer amendment in here, the constitutional amendment with respect to the right to have prayer in public buildings, in schools. If ever we needed it, it is now, to wash out all of the meanness and the dirtiness in the human minds and hearts which are responsible for and motivate the criminality that we see right here in this city. I guess the time is appropriate now to go back to prayer.

I dropped into the haberdashery this morning. I have known the proprietor for years.

He said: "We were held up yesterday morning."

I said: "When?"

He said: "Eight o'clock. We have a fellow that opens up. And yesterday morning, when he turned the key and opened the door, four fellows were behind him. They said: 'Open the safe.' He said: 'I do not have the combination.' They said: 'Give us what is in your pocket.' He had a few dollars in his pockets. Then, for good measure, they banged him in the head with a pistol."

And he is in the hospital this afternoon. That is a sample of what is going on here. What they need here is a spiritual awakening such as they have never experienced before.

I guess there is a little work that I have to do while I am still around. I want to see that the dignity of the Senate is maintained and that it is adequately provided for, and that the pay is commensurate with the responsibility that goes with it.

They talk about a 40-percent increase and a 50-percent increase. I have seen some figures that our worthy friends upstairs have used. They have used the figure of 70 percent. I point out again the slowness of the legislators' progress with regard to pay.

They were 42 years at one level, 18 years at another level, 22 years at another level without any pay increase.

Look at the citadels of labor here. They know what to do. Walter R[redacted] knows what to do. So does George Meany. They decide on what they want, and they go in and bargain, and they bargain hard.

We have no way to bargain. We have to be decent and reasonable about it with ourselves. It is the only answer. It is our responsibility, and we ought to discharge it. That is the whole duty.

The distinguished Senator from Massachusetts echoed my sentiments pretty well when he said, "You do your job here in proportion as you can command the resources to discharge those responsibilities." And the Senator is so eternally correct.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. I do not need any more time. But that is the story.

I trust, Mr. President, that the resolution of disavowal by my distinguished friend the Senator from Delaware will be substantially defeated. I hope it will be defeated and that this pay increase, as it is incorporated in the budget, pursuant to the recommendation of a great pay commission, with a former chairman of the board of A.T & T. as the chairman, may finally find its way into applicability with the salaries of Senators and Representatives.

The VICE PRESIDENT. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from South Carolina (Mr. THURMOND).

The VICE PRESIDENT. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I have listened to the eloquent and distinguished arguments of my colleagues who favor this proposal, and I am convinced that the reasons against adopting this pay increase are overwhelming.

Many of us in this body have expressed ourselves clearly and unequivocally in favor of a sound fiscal policy by our Government and in favor of additional economies. This has been particularly true as a result of the serious financial problems our Nation has encountered as evidenced by the rising cost of living, the serious gold crisis which confronted the 90th Congress, and the balance-of-payments problem which still plagues our economy.

The responsibility of Congress—and that includes the Senate—for helping to bring about policies which will correct

these deficiencies in our economy is not something which can be delegated to the executive branch. Congress must make it clear, both by legislation and by example, that we intend to pursue a course which will insure that our economy is sound and that the Government itself will not contribute to the inflationary pressures which have become a burden to Americans. Even assuming that the pay raises in and of themselves would not significantly affect the budget, an even more important consideration is that no one in this Nation, including other Government employees, trade unions, members of the armed services, leaders of industry, can be expected to exercise restraint in their own demands for increases in wages or profits if we choose to raise our own salaries by 40 percent. How can we tell civil service employees that their desire for increased pay cannot be met when our salaries are being increased from $30,000 a year to $42,500?

Aside from seriously undermining any persuasive influence the Congress might have in keeping down costs, there is a distinct possibility that this wage increase would set off a series of demands that would inevitably result in increased inflationary pressures on the economy. Perhaps the budget can absorb readily the cost of the increases currently under consideration. I think we all know, however, that if this increase should initiate other increases, costs which could not be handled within a sound fiscal policy could easily come about.

Mr. President, we are all familiar with the arguments for additional income for Members of Congress. Most of us are required by circumstances to keep two homes in operation. It is necessary that we travel a great deal, and travel costs are high. The distinguished minority leader pointed out most vividly last week the costs which Senators often incur for entertainment when he revealed that he personally paid the $175 check for entertaining the President and the Senate leadership. Nevertheless, I am convinced that there are few Americans of any income level who could not make a most persuasive case for a substantial increase in their income. It is true that Members of Congress incur great expenses not experienced by most Americans. But with the increase in the costs of housing, in the costs of food, in the costs of medicine, in the increases in taxes, and in many other areas, I am sure many Americans feel the need for higher income.

Mr. President, inflation is a serious problem, and a policy of financial restraint is called for. We cannot escape our responsibility for meeting this problem. In order to accept this responsibility fully, I believe it is imperative that the Senate disapprove the pending pay raises and that the resolution of my distinguished colleague the Senator from Delaware be adopted.

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from Alabama (Mr. ALLEN).

The VICE PRESIDENT. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I appreciate being accorded time by the distinguished senior Senator from Delaware to speak on this subject.

The fact that I was sworn in as a Member of the Senate approximately a month ago makes me hesitant to burden the Members of the Senate with my views. But that fact makes it mandatory that I speak on this subject.

Having been elected to the Senate in November of last year at one salary, it ill behooves me to vote for a 40-percent raise for the same position 3 months later. Economic conditions have not changed that much in 3 months. So I feel compelled to speak out against this salary raise and in favor of Senate Resolution 82.

Last month, the junior Senator from Alabama was one of the few Senators who spoke out against the presidential pay raise, and I believe I am being consistent in speaking out against the congressional raise at this time.

This administration, the last administration, and the last several administrations for that matter have been committed to a policy of curbing or holding back inflation. So we have one rule for ourselves, for top people in the Federal Establishment, and another rule for those who are involved in labor-management contracts, where we speak piously of holding back inflation by holding wage increases to 3.6 percent, 4 percent, 5 percent, and 6 percent.

I believe that the Senate should set the tone for proper and lofty conduct by the people. I believe we should have a lofty concept of our duties, of this matter of compensation for our services.

I was much impressed with the argument of the Senator from Mississippi (Mr. STENNIS) and the Senator from Colorado (Mr. ALLOTT) on hiding behind the findings and recommendations of a commission, and I share their belief and their feeling that Congress should not have abdicated to this commission its power to set its own salaries.

I dislike to see the matter of congressional salaries tied in with the salaries of the members of the Supreme Court and top Cabinet officials. Compensation of $60,000 per year for Associate Justices of the Supreme Court and $62,500 for the Chief Justice of the United States is certainly far out of line.

Mr. President, the junior Senator from Alabama would prefer to see a majority of the present members of the Supreme Court retired on pensions of $160,000 a year rather than to see them compensated for their services at the rate of $60,000 a year. I believe we could better employ the funds of the Republic in paying them for retirement than by paying them to serve on the Supreme Court.

Mr. President, I shall vote in favor of Senate Resolution 82 for the reasons I have stated.

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I oppose the congressional and judicial salary program decreed by President Johnson.

I oppose this program for several reasons. One reason is that I feel the method employed is very unwise. I feel Congress is very unwise in giving the President the authority to determine, and I shall quote from the law, "the exact rates of pay" which he deems advisable for the Members of Congress and Federal judges.

The second reason I oppose the congressional and judicial salary change is the matter of timing.

During 1968, this Nation had an inflation of 4.7 percent. Just last week the Government paid as interest on bonds that it sold, the highest rate for 100 years.

Therefore, it seems to me this is an unwise and inappropriate time to be increasing congressional salaries by 41 percent, Supreme Court salaries by 56 percent, and Federal judges by a high percentage also.

The first action this Congress took [redacted] to double the President's salary from $100,000 to $200,000. The second legislative action it is taking now is to increase its own salaries by 41 percent and the salaries of Justices of the Supreme Court by 56 percent. This is not a very good example to set in seeking to curb the fires of inflation.

Mr. President, as I understand the [redacted] uation in which we find ourselves as the result of the very unwise legislation which the Congress passed last session, we must accept what President Johnson decreed or we must reject it all in toto. We are not permitted and cannot parliamentarily change the exact rates of pay which the President has decreed for Congress and for the Federal judges.

That being the case, and regarding the proposals as excessive, I shall cast my vote against the congressional and judicial pay increases. I shall do that in the only way it can be done, which is by voting for the resolution offered by the distinguished Senator from Delaware.

The VICE PRESIDENT. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized.

Mr. MUNDT. Mr. President, I shall support the resolution of the Senator from Delaware (Mr. WILLIAMS), which would have the impact of rejecting the salary proposals which President Johnson has sent down to us as part of his budgetary message.

My first reason for doing so is that I deplore the procedure by which we are attempting to arrive at a solution of the salary problem. This type of congressional approach was rejected by the Senate at the time we first acted on it when it was brought out by the Committee on Finance. Finally, by a series of parliamentary maneuvers, it worked its way into conference, became attached to a salary increase bill for civil service employees, which most of us had promised to support, and so we had to go along with the procedure at that time without adequate discussion. We were given a take-it-or-leave-it legislative procedure that we could not amend. I think the process of passing the buck to the Commission for the responsibility to determine salary increases is in itself of doubtful constitutionality. It certainly

and clearly is an unwise procedure. I think we should reject this proposal and act courageously as legislators to make a study of the salary situation, to find what salary relationships we desire, what increases are necessary, and legislate on them instead of passing the responsibility to a nongovernmental Commission to become a matter sent down to us on a take-it-or-leave-it basis, which cannot be amended. That is a dangerous precedent, as well as bad fiscal policy at this time.

My second reason for supporting the resolution of the Senator from Delaware and rejecting the salary increase proposal is the arrangement of the salary proposals themselves. We have heard almost every speaker condemn the relationship of the salaries of Federal judges, Cabinet officers, Members of the House of Representatives, and Senators. This is not the way we want it, but in order to get the $42,500 salary for ourselves, we are supposed to take all of the bad features written into the bill by the Commission, all of the inequities, injustices, and inadequacies, and we are asked to take them all because there is no other way we can get the $42,500 salary for ourselves.

I do not believe that the carrot in front of the horse is big enough to make us reject all our wisdom and determination to act on these things, the way Senators should. The upshot, it seems to me, is to downgrade Congress. We hear about the dignity and posture of Congress. Certainly, we downgrade Congress when we subject ourselves to the whim and caprice of an outside commission proposing to legislate our salaries for us.

We are asked to consider ourselves as being worth $42,500 per annum. We are not to be concerned with Justices of the Supreme Court being paid $60,000, or downgrading the Congress still further in comparison with the executive branch of Government and its Cabinet officers. How can we maintain our triparty system of government so that each branch is coequal with the others if we increase the salaries of other branches of government to get something for ourselves and in so doing increase the disparity in salary schedules?

But we have not been doing so badly on the matter of salaries. I heard the minority leader say we had increased the salaries of Government employees 92.4 percent in the last 20 years. Do Senators know how much their salaries have increased? We are really ahead of civil service employees. It is not so bad. In 20 years our own salaries have been doubled. I can think of many segments of our economy which have not been doubled in pay, or increased very much at all.

The third reason I shall oppose the increase is that I think it is an alltime masterpiece of bad timing insofar as fiscal policy is concerned. Look at the environment in which we are asking to give ourselves a 40-percent pay increase. It is during a war. Nobody denies that. One of the first things we should do in time of war is to share the sacrifices; not single out those who are to sacrifice most. We will be providing a cyclone cellar for a number of Government employees to provide protection against the pressures of inflation at Government expense—ourselves included—if we do not agree to the resolution of the Senator from Delaware.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 2 minutes.

Mr. MUNDT. Second, during this era of unbalanced budgets it seems to me that we certainly do not work toward a balanced budget by increasing expenditures in this way, which in themselves are large enough, but which trigger a series of chain reactions throughout the public and private sectors which will perhaps cost the economy $10 billion in the next 12 to 18 months. If we are going to talk about balancing the budget, now is the time to start practicing what we preach. The way to start practicing what we preach is to accept the Williams resolution and to defeat President Johnson's salary increase proposals.

Third, these are the perilous times of inflation. We find ourselves concerned in every single appropriation and tax bill with the fact that the American dollar is in a dangerous situation. The bank interest rates go up and up and up. We are concerned about inflation. There is not a person voting for this salary increase who does not, in his heart, know—and his constituents will soon find out—that he is feeding the flames of inflation and making the economy of the country more perilous by the kind of reckless action represented by these salary increases.

Fourth, it is during an era when our constituents are faced with an alltime high interest rate which they are compelled to pay. We cannot blink our eyes at that. We cannot shut our eyes to it. If we do not do anything to help that situation, we will make it even worse by voting ourselves this salary increase now.

It is during an era when we will soon be called upon to vote again to increase the national legal debt limit. We make it more imperative and more necessary that we increase the legal debt limit by reaching in and picking up a few little "pieces of silver" at this highly undesirable time. If salary increases are necessary, but they are not provided today, no Senator will starve to death this year. We have an opportunity to put first things first. Let us balance the budget and end the war and then let us resolve any salary problem that we face.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. WILLIAMS of Delaware. I yield 1 additional minute to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 1 additional minute.

Mr. MUNDT. It is during an area of high disparity of income. Many of you may not have many farmers in your States, but they are now getting 72 percent of parity for their products. They are worse off now than they were in 1946. They are worse off since we doubled our own pay. Seventy-two percent of parity is the income of the farmer.

When we talk about comparability of income with the private sector, we always compare ourselves to the fellow at the top of the stack, the $250,000 lawyer, the $100,000 president of a university. If we are going to have honest comparability, let us think about the farmer. Let us think about the 72 percent of parity on which he is living. How does that income compare with that of businessmen? Comparability should be considered across the board, not just with regard to what the favorite few in the large cities receive, the six-figure salaries they get. We say, "There, but [redacted] grace of an election, go I." Maybe not, but I say that——

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. MUNDT. Will the Senator from Delaware yield me one-half minute?

Mr. WILLIAMS of Delaware. I yield one-half minute to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for one-half minute.

Mr. MUNDT. Mr. President, I think that we should measure up to our responsibilities, uphold our constitutional authority and obligations, vote down these increases, and agree to the Williams resolution. Then later, in public hearings, and committee sessions we can study the salary problem and act correctly by ourselves, instead of delegating our function to a nongovernmental commission. Control of the purse rests with Congress. That cannot be delegated to a Presidential Commission, nor even to the President himself. I urge your support on the Williams resolution.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Delaware will state it.

Mr. WILLIAMS of Delaware. How much time do we have remaining?

The VICE PRESIDENT. Twenty-five minutes remain to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I yield myself 10 minutes.

The VICE PRESIDENT. The Senator from Delaware is recognized for 10 minutes.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from South Dakota has just answered the argument made by the respected minority leader as to the manner in which he thinks congressional salaries have been lagging. Now what is the record? I came to Congress in 1947. My predecessor, who served in 1946, was then drawing $10,000 a year. It was raised 50 percent the year I came to Congress, or to $15,000; it was raised another 50 percent in 1956, or from $15,000 to $22,500 per year. In 1964, congressional salaries were raised 33⅓ percent, or from $22,500 to $30,000 a year.

Today they are proposing another 40-percent increase on top of that. Thus, I think we can well say that congressional salaries have been keeping far ahead of incomes in general.

Certainly, as I pointed out earlier, we cannot overlook the fact that if we raise congressional and executive salaries today by 40 percent every Member of the Senate must ask himself, "What am I going to do later on about the question of raising the salaries of civil service employees and our Armed Forces?"

When we raise those about 9 to 10 percent, which is projected, we are talking about a $4- to $5-billion-a-year increase in the cost of Government. That is what we are voting upon today. We are setting the pattern for $4.5 billion extra cost, which will be one-half the revenue to be derived as a result of extension of the 10-percent surcharge for another 12 months.

How many of us want to go back to our constituents and say that we are extending the 10-percent surcharge because we need one-half of it to pay for those salary increases which have been voted at this session of Congress?

The American people did not vote for any such extravagance when they went to the polls last November.

Now certainly, every Member of Congress——

Mr. KENNEDY. Mr. President, will the Senator from Delaware yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. KENNEDY. As I understand it, over the past 15 years, we have increased the salaries of Federal employees and officers between 90 percent and 135 percent. During the same period, congressional salaries have been raised 88 percent. The Senate Post Office and Civil Service Committee has indicated that the total cost of the pay raises we are speaking about will be approximately $22 million annually. Thus, I have some trouble following the point the Senator has made time after time all afternoon, stating that we are really voting for a $3 billion program.

Mr. WILLIAMS of Delaware. I would be very glad to sit down with the distinguished Senator from Massachusetts and educate him a little bit on the mathematics of what is going on in the Government. I think it would be time well spent. The $4 billion figure represented the cost of all proposed salary increases for Government employees.

As to the mathematics, in 1946 congressional salaries were $10,000 a year. Today they are $30,000 a year, which is an increase of 200 percent.

Now, so far as a 40-percent increase in salaries for Congress is concerned, I repeat, we are operating the Government at a deficit and have been operating it at a deficit for the past 5 years, during which period the deficit was in excess of $70 billion.

Mr. KENNEDY. Mr. President, will the Senator from Delaware yield at that point?

Mr. WILLIAMS of Delaware. I yield on the Senator's own time.

Mr. KENNEDY. That is an interesting commentary. I wish the Senator would respond to the specific question. Is the Senator trying to indicate to the Senate by inflated figures, rather dramatically, that we are not really voting on the salaries of Senators, but what we are talking about are the across-the-board increases for all civil service employees and officers? Salaries for Federal civil service employees have been increased from 90 percent to 135 percent in the past 15 years. Those were pay raises which I supported, generally, but I do not feel because I support this raise that I have to support every other kind of pay increase that comes down the pike. So I was trying to follow the logic of the Senator from Delaware and if the Senator would care to continue to educate me on that point, I would be very glad to listen to him.

Mr. WILLIAMS of Delaware. I shall be delighted to do so because, as I said before, I think it would be time well spent. After all, $70 billion in deficit spending during the past 5 years is now costing us over $2.5 billion annually to pay the interest alone on these deficits. I think that it is time we asked ourselves how long we can continue down the road of deficit spending.

During the past 12 months we had two financial crises when the American dollar almost went over the precipice. It was saved only because someone on this side of the aisle stepped forward and introduced a tax increase bill when, unfortunately, no one on the majority side of the aisle wanted to do it. We passed that tax bill along with certain expenditure controls——

Mr. KENNEDY. Mr. President, will the Senator from Delaware yield right there?

Mr. WILLIAMS of Delaware. Just a moment—just a moment——

Mr. KENNEDY. Will the Senator yield on a question of fact?

Mr. WILLIAMS of Delaware. I cannot educate the Senator while he is talking.

Congress passed that tax bill. We had to have that tax bill, and we also had to have some expenditure controls; otherwise I think the dollar would have been in serious trouble.

I agree with both President Johnson and President Nixon that we will have to extend the 10-percent surcharge for another 12 months, but I do not want to see us extend that 10-percent surcharge for another 12 months and then use one-half of it for salary increases.

I think that the first order of business of this Congress should be to put our financial house in order. As I pointed out earlier, this bill not only increases salaries for Members of Congress by 40 percent, but it also triggers an automatic increase in retirement benefits for every Member of Congress by 8 percent per year for each of the next 5 years, or a total of 40 percent. That is far above the cost-of-living increase.

In addition to that, we are triggering a staggering pension increase for the judges. This proposal would raise the salaries for the Associate Justices of the Supreme Court to $60,000. They will be able to retire at full pension, at $60,000 a year, which is nearly 2½ times the pension we allow for former Presidents.

There are many other inequities in this proposal which should be recognized. We cannot escape the fact that on January 15, 1969, we were presented with a budget which, although it was claimed it had a surplus of $2.4 billion for fiscal 1969 and a $3.4 billion surplus in 1970, actually confronts us with a deficit of $6.9 billion in 1969 and a deficit of $10.5 billion in 1970.

At a time when we are running $500 million a month in the red, I do not think Congress can afford to increase its salaries. I think it is wrong. Many people on social security are having a struggle. Many good programs are going to be considered and curtailed. As has been pointed out before, we cannot escape the fact that we are also obligated to finance a full-scale war.

I think these large salary increases are entirely unwarranted.

I concede that as a result of the xxxxxx flation of the last 12 months alone 5 percent of the purchasing power of every xxxxxx Congressman's salary has been taken away. That is true, but it is also true of every workingman in America, and many of them are living on much less than $30,000 a year.

It may be possible that some of the Members of Congress are pinched as a result of the inflation. That may be good since then we may be a little more aware xxxxxx of the problems and we may be a little more cautious when we vote on some of the spending programs.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. AIKEN. I dislike to interrupt, but I have listened all afternoon, and nobody has yet told me what I want to know. I am well aware of the destitution that is sweeping Capitol Hill and the urgent need for doing something about it without any further delay, but what I want to know, if I may discard all heroics and noble motivations, and so forth, is, What does this proposal for increased salary do for me? I have tried to figure that out. As near as I can figure it, I would have something in the neighborhood of $1,100 to $1,500 left after the deductions get through with it. For instance, I would have an increase in the U.S. tax of roughly 7 percent in the rate, which amounts to possibly $6,000 or $7,000. Then there is the 10-percent surtax on the new tax, which I am sure we are going to have to keep, which makes it a lot more. Then there is the Vermont State tax, which is 25 percent of the Federal tax, and there goes another $2,000 or so down the flue—or into the State treasury, I mean. That is a good place for it. Then there is the 7½-percent retirement deduction. That applies to the whole $42,500. So the retirement deduction is increased between $900 and $1,000 a year.

Who wants to retire? We have 100 Members of the Senate. Only four indicated a desire last year to retire. I do not suppose the percentage will increase too much.

What I want to know is, What does this do for me, and does the Senator from Delaware expect that additional costs will use up the additional $1,300 which otherwise I might gain from the increase in pay? Does the Senator from Delaware expect rents to stay stable?

Mr. WILLIAMS of Delaware. In answer to the Senator, I do not think there is any question but that if Congress

raises its own salaries by 40 percent and raises the salaries in the executive branch 60 to 75 percent, landlords in the District of Columbia are going to raise their rents. Other prices will rise proportionately. Certainly that has been the pattern. We may well be touching off another round of inflation. Each time we raise salaries we automatically trigger an excuse for another advance in prices.

I think the No. 1 job of Congress should be to take those steps necessary to check the inflationary spiral. I think the necessary steps should be started right here in Congress. Let us curtail some of our spending. I do not think we can halt inflation unless we set an example and take in some of our own belt.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 5 additional minutes.

Mr. AIKEN. I have heard from postal employees that they think if we get a 40-percent increase in pay they ought to get an increase which is comparable. Does the Senator think postal employees and other Government employees ought to get a comparable increase?

Mr. WILLIAMS of Delaware. I have said that if we pass this proposal they will be asking for an increase. Why not? How can we say, "You are not entitled to a sizable raise because the same inflation does not apply to you"?

Mr. AIKEN. I heard over the radio that cab drivers are asking for a 20-percent increase. Does the Senator feel that they are entitled to some increase?

Mr. WILLIAMS of Delaware. That is a part of the pattern.

Mr. AIKEN. And schoolteachers?

Mr. WILLIAMS of Delaware. Yes. It is all part of the pattern.

Mr. AIKEN. Does the Senator feel that inflation induces more crime? I do not say it is responsible for anywhere near half of it, but much crime hinges on poverty.

Mr. WILLIAMS of Delaware. Crime certainly has increased although it is not all attributable to inflation; if people are having a job meeting expenses it certainly contributes to the morale of the family.

Mr. AIKEN. Then we will have to have more and better paid police.

Mr. WILLIAMS of Delaware. That proposal has already been presented.

Mr. AIKEN. What about people living on social security payments of $80 or $90 a month? Does the Senator think they will be affected?

Mr. WILLIAMS of Delaware. It has been suggested that they get an increase of 3 to 5 percent. That is a far cry from the proposed 40 percent for Members of Congress.

Mr. AIKEN. Oh, my. Is the Senator sure it is not 300 or 500 percent? It should be at least comparable to our own pay increase.

Mr. WILLIAMS of Delaware. I wonder how we are going to reconcile their problem when they see we have allowed ourselves a 40-percent increase in both salaries and pensions.

Mr. AIKEN. Is the Senator aware that the costs of health, education, and home construction have practically doubled in the last 5 years? Is it not a fact that the price of plywood has about doubled in the last year? That is a major component of homes. Does the Senator see any slackening of such increases if we increase our salaries?

Mr. WILLIAMS of Delaware. The approval of these salary increases will just trigger another round of inflation.

Mr. AIKEN. What does the Senator think about underpaid news reporters, radio announcers, and television people? Does he think they should get more?

Mr. WILLIAMS of Delaware. I say we would have a job, as Members of Congress and the executive branch, going out to private industry and saying, "You should hold the line on a reasonable wage increase in order to combat inflation"—something we are not willing to do.

Mr. AIKEN. Someone was talking about Walter Reuther and George Meany. Does the Senator think they will accept this little bit of arithmetic without taking any action whatever?

Mr. WILLIAMS of Delaware. Perhaps they had their tongue in cheek when they recommended a salary increase of 40 percent for Members of Congress and the executive branch, figuring that that would give them an advantage when they sat down and began negotiations with private industry.

Mr. AIKEN. There are other things, too, which are very important. I am trying to think of one of them, but we will have to pass that up for now.

I will say that I was not sure how I would vote on this issue, but I have decided to vote for the Williams resolution, because I feel that I shall be losing if I do not, and if the Williams resolution is defeated, I will have to take the extra salary, because it will be needed more than ever.

Mr. WILLIAMS of Delaware. I thank the Senator for his support.

I seriously believe, Mr. President—and I conclude with this point—or did the Senator from Vermont have another question?

Mr. AIKEN. No; I was just thinking of the good old days when we got $10,000 a year and got by on it.

Mr. WILLIAMS of Delaware. I think Senators must recognize that we are in a period of dangerous inflation. We are in a period when the economy is not as strong as we could wish. The strength of the American dollar in the last few months is largely the result of the fact that we are comparing it with weaker currencies in Europe.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WILLIAMS of Delaware. How much time do I have remaining?

The VICE PRESIDENT. The Senator has 10 minutes.

Mr. WILLIAMS of Delaware. I yield 2 minutes of it to the Senator from Vermont.

Mr. AIKEN. As I say, Mr. President, I think this increase in pay will result in an increase of about 7 percent in my total income tax. Assuming I had an income of $200,000, what would the percentage of increase be on my tax?

Mr. WILLIAMS of Delaware. I would have to figure that for the Senator.

Mr. AIKEN. Well, here it is, right here. If I had a $200,000 income, the percentage of increase on my tax would be nothing.

Mr. WILLIAMS of Delaware. Mr. President, I hope that the Senate will agree to this resolution and thereby reject these salary increases. We could then put this matter behind us and thus be able to approach a solution to this problem of inflation—the No. 1 domestic problem in this country. Let us take this necessary step to try to bring our expenditures under control. Then we can face our constituents who come here recommending their various programs. If we can show them that we are really willing to make some sacrifice ourselves as well as asking them to make a sacrifice by curtailing one of their important programs they will cooperate. Certainly, at a time when we are financing a full-scale war the No. 1 job of this administration should be to put our financial house in order and to check this inflationary spiral. I hope the resolution can be agreed to.

The VICE PRESIDENT. Does the Senator yield back the remainder of his time?

Mr. WILLIAMS of Delaware. I had promised to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I want to add to the remarks of my colleagues in opposition to the pay increases. The increase is excessive, poorly timed, and would, indeed, feed the fires of inflation. My mail reflects the concern of people throughout the country—and particularly in Wyoming—and I am convinced that such an increase would be bad for national morale. It would encourage our people to lose confidence in the Congress which has urged that the line be held on wages and prices.

It could well signal the go-ahead for increased demands by labor for significant wage increases. It could trigger price increases.

In light of these reasons—and because I think we would be taking an unfortunate step—I will support the Williams resolution. I am against the pay increase and urge the Senate to vote against such an increase.

The VICE PRESIDENT. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the senior Senator from Wyoming.

Mr. McGEE. Mr. President, it is my feeling that we probably have more facts on this bill than we wanted in the first place, or needed; and all of them have been mentioned time and again by one or another of us.

I wish to state that I felt strongly enough about this measure that I interrupted a luncheon in London at noon today to get back here to vote in support of the President's recommendation. I think it is that important.

I believe, Mr. President, that the way in which attempts have been made to inject, in some selfish context, the interests of an individual Senator, is twisting the issue in a rather circumferential way. I think that it is imperative that we act with a little more courage than some of the comments I have heard would suggest, that the issue is a little bit bigger

than what an individual Senator may be paid.

Mr. YOUNG of Ohio. Mr. President, may we have order? The Senator is making a very important speech.

The VICE PRESIDENT. The Senate will be in order.

Mr. McGEE. I think it is a matter, very genuinely and very seriously, of trying to put all levels of our public service on a level commensurate, not only with the times in which we live, in economic terms and other terms, but also on a level that measures the kind of responsibility that is expected from us when we make our decisions. This is no time, and certainly not the place, to be looking for a bargain basement deal. I think we kid only ourselves—we are not fooling the people back home—when we play a little fuzzy-wuzzy game with them about how much "economy" we would be effecting if we were to support the resolution of the Senator from Delaware.

This question is not going to go away. It will be worse a year from now, and much worse 5 years from now. It is worse now than it should be. I believe we ought to have the kind of sense of responsibility that I think this body owes to the consideration at stake: to make this move now.

Aware men have always known that the most important business in the United States is the business of governing ourselves. If we are to do this well, we must make every effort to bring talented men and women into Government service. We ought to be willing to pay for that.

At the present time it is becoming increasingly difficult to attract the best minds and the best men and women to the higher level administrative jobs in our Government. The preceding administration had already run into this difficulty. The present administration has been immeasurably slowed down in its manpower requirements because of it.

What it comes down to is this: People of great ability are being paid from $50,000 to $150,000 a year in management and administrative positions. These positions are generally as assistants or second level to the bosses. Unless a man is independently wealthy, he is no longer willing to serve in Washington at such a great sacrifice as he now has to make incomewise. This is even true in the U.S. Senate.

Permit me to interject that this present salary increase proposal is not designed to save Senator GALE McGEE. As a former professor of history, he would not have been making as much money had he stayed in the classroom as he now receives as a U.S. Senator. The central question is not what this Senator receives but what the pressures and responsibilities of good government require. It is not what do we do about raising the level of public performance by private individuals.

In the U.S. Senate today there are said to be 27 millionaires. This is up from what it was just 2 years ago, and that was up from the preceding election, and so on. My point is we are gradually forfeiting service in our National Congress to the millionaires. I do not believe that to be desirable.

For the past 2 years I have been a member of the Senate campaign committee. I can testify that, again and again, as we sought to interest responsible, attractive, young candidates to run for the Senate, we were turned down because the ablest ones could make so much more money in the private sector. They could not afford to come to Washington.

The issue, then, is not a pay raise. Instead the issue is do we raise the level of our Government, or do we let the first duty of citizenship—governing ourselves—become emasculated? When this happens, talented men will seek the greater rewards which industry all too frequently provides these days.

What is at stake here is not the increase in salaries so much as it is the common good. If those who are in Government are suitably rewarded, then the opportunities for governing ourselves are increased. And this, it seems to me, adds to the common good.

I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Price Tag on Talent," published in the New York Times of December 26, 1968.

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

PRICE TAG ON TALENT

"The ability of our nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country," says the Commission on Executive, Legislative and Judicial Salaries in its report to President Johnson.

The report, now circulating among key officials although not formally released, recommends large salary increases for Senators, Congressmen, Cabinet members, judges and others. Salaries of the President, the Vice President and the Speaker were technically outside the commission's purview, but it suggests boosts for them, too.

These increases for Federal officials are long overdue. The present, grossly inadequate pay scales penalize public-spirited citizens seeking to serve their nation. They cause some to decline to serve. They drive others out of Government employment.

The commission was headed by Frederick R. Kappel, retired head of the giant American Telephone and Telegraph system. The President is expected to use the recommendations in framing Federal salary scales in his budget message; unless Congress specifically acts to overturn these scales, they will become law.

"We should expect the compensation of those to whom we entrust high responsibilities and authority in government to bear some reasonable relationship to that received by their peers in private life," says the commission. It recommends that the salaries of Senators and Congressmen be increased from $30,000 to $50,000. Cabinet officers from $35,000 to $60,000. Noting that it would be utterly impossible to fix a value on the President's "unique" services, it nonetheless suggests that equity in pay structures demands a doubling of the present $100,000 salary.

The top salaries paid executives in private industry in 1967 were listed last June in Business Week magazine and they are pertinent: Neil H. McElroy—once a Secretary of Defense—and Howard J. Morgens of Procter & Gamble each made $325,000; Samuel Bronfman of Distillers Corp.-Seagrams, Ltd., made $331,475; Harold Geneen of International Telephone and Telegraph received $250,000 in salary and $235,000 in other compensation; P. B. Hofmann of Johnson & Johnson made $277,000 in salary and $209,142 in additional compensation.

Government need not match these stratospheric rewards. There are compensations in public service that private employment cannot duplicate, but the financial sacrifice required of men of talent and dedication should be far less than it is.

Mr. McGEE. Finally, Mr. President, in view of the comments this afternoon, I wish to announce that I shall not offer a motion to table. In the light of the comments that have transpired and the exchange that has taken place, I believe we ought to have a straight up-and-down vote on this measure; and as far as I am concerned, I am ready to vote.

Mr. WILLIAMS of Delaware. Mr. President, as far as I am concerned, I [redacted] ready to yield back the remainder of my time.

Mr. KENNEDY. I yield one-half [redacted] ute to the Senator from Illinois.

Mr. WILLIAMS of Delaware. I withdraw the offer.

Mr. DIRKSEN. Mr. President, I am sure that the man who campaigned the 50 States of this country and became President of the United States is not unaware of every fact that was alluded to or used as an argument here; and I [redacted] at liberty to say, for him, that he is opposed to the Williams resolution, and he favors the pay bill that was reported by the Presidential Commission.

Mr. JORDAN of Idaho. Mr. President, I shall support the Williams of Delaware resolution. In good conscience I cannot support the pay increase recommended by the President's Commission for several reasons.

First, I knew what the salary was when I sought this Senate seat. I did not protest the salary then, and now that I have been reelected, I do not feel I should use the power of my own vote to increase my own salary.

Second, this pay increase is inflationary and unwise at this time. Our economy is caught up in an inflationary spiral now at the level of 5 percent per year which places excessive and even insufferable burdens on those who are least able to pay—the poor, those on pensions or social security, all who are on fixed incomes—no one can escape the silent but merciless effects of inflation. I have done everything I can to fight inflation. The timing is wrong, with our Nation facing further deficit spending and the prospect of a surtax continued beyond its expiration date.

Finally, I do not like the backdoor approach of providing for excessive pay raises unless Congress takes affirmative action to stop it. Why do we depart, in this instance, from the regular procedure of committee hearings and orderly procedure?

How can we ask the working people to temper their demands for higher wages? How can we ask the businessman to hold the line on prices?

This is a fine opportunity for us in Congress to set an example in holding the line. Only by so doing can we hope to stop inflation and keep faith with those who look to us for leadership.

Mr. COOPER. Mr. President, I shall vote for the salary increases recommended for Members of the Congress,

the executive departments, and the judiciary. I shall speak of my reasons for so doing as they apply to Members of the Congress.

In the first place, it is difficult for Members of Congress without independent means to maintain their families and to perform all the duties expected of them under the special conditions of double residence at the present salary scale. Most, if not all, Members are required to provide for two residences, to constantly travel from Washington to their home State and to arrange for the education and transportation of children of school age. Furthermore, the high cost of living—which I must say is high for all our citizens wherever they live—is unusually high in a metropolitan city such as Washington.

While the allowances provided to me by the Senate for office staff and for the operations of my office are adequate, there are many other expenditures expected of Members of the Congress and expenses required for which we are not reimbursed. In this connection, Members of the Senate are permitted six roundtrips per year to their State in addition to the roundtrip permitted for the opening and closing of each session of the Congress. I find that the number of times I travel to the State on official business and for ceremonial occasions far exceed the six trips for which I am reimbursed. The costs of these additional trips and the expenses are very substantial each year. I have made it a practice to refuse honorariums or travel expenses for my trips to Kentucky in representing my State, for I have considered these trips as part of my duties and responsibilities as a U.S. Senator.

In my own individual case, the increase will be helpful while I do not have children for which to provide residences in two places or to educate, I point out that it will be much needed by the younger Members of the Senate who, without outside means, are raising families and maintaining two residences.

If we are to maintain our democratic institutions and processes of government, I do not think that this country should ever permit the situation in which the only individuals who can afford to run for public office or to hold public office are those of wealth and private means. This is my chief reason for voting for the increase.

KAPPEL COMMISSION SALARY RECOMMENDATIONS ILL TIMED

Mr. CHURCH. Mr. President, we are asked to approve salary increases for ourselves, for Federal judges, for Cabinet members, and other high-ranking officers of the Government. In most cases, including those affecting Congress, these are the largest salary increases in history. I shall vote against them.

I base my decision on two factors: First, the general economic condition of the country which makes such large increases ill timed and ill advised; and, second, my customary practice of voting against any increase in my own salary.

It is now clear, owing to the inflationary pressures of the war, that our country faces a serious financial crisis. Rather than abating, the signs point to a worsening of the situation in the months to come.

Inflation abounds. The cost of living rose last year by the highest margin since 1951. The Treasury is now forced to pay the highest rate of interest in 104 years on its borrowed money. More and more, young married couples find it impossible to arrange financing on the purchase of homes because of the soaring cost of mortgages.

We continue to operate on a huge deficit. The 10-percent surtax, brought on by the conflict in Vietnam, is now to be extended. Originally proposed as a 1-year "emergency measure," the new Nixon administration agrees that it must be retained for at least another year.

In our international accounts, excessive foreign spending has heavily drawn down our gold reserves. Even our trade surplus—once so healthy—has sunk to its lowest level in 31 years.

In the midst of this fiscal bedlam, we are now asked to give our approval to a congressional salary increase of $12,500—or nearly 42 percent. Recommendations for executive and judicial pay raises are comparable and, in some cases, even higher.

The lack of propriety of such pay boosts, under present circumstances, is appalling. While millions of Americans must tighten their belts just to make ends meet, we are asked to fatten our pocketbooks, and those of executive and judicial officials, at public expense.

And it will not stop here. Inevitably, approving these new pay schedules will lead to further salary increases at the higher levels throughout the entire Federal bureaucracy. The ultimate impact will be another hefty addition to the inflationary spiral we all deplore.

I do not imply, Mr. President, that members of the Kappel Commission, or former President Johnson, or President Nixon have acted with anything but good faith in recommending these substantial salary adjustments. But Congress has always jealously guarded its power over the public purse strings, and if we permit, under existing economic conditions, pay increases of such magnitude to take effect, I can only regard it as a dereliction of congressional responsibility.

Beyond these considerations, there is another reason for my opposition to the congressional salary recommendations, one that is purely personal. I have never voted to increase my own salary, and I do not intend to start now.

When we put our finances in sound shape again; when the war is over; when inflation has been brought back under control; when the budget is balanced and interest no longer borders on the usurious; then the time will be appropriate for consideration of increased pay for members of the Cabinet, Federal judges, and other high officials of the executive branch.

Meanwhile, I fail to see how we can justify the approval of these recommended leaps in salary levels in the face of the unsatisfactory, if not precarious, economic situation in which the country finds itself today.

The VICE PRESIDENT. Do Senators yield back their time?

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The VICE PRESIDENT. All time having been yielded back, the question is on agreeing to the resolution offered by the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MOSS (when his name was called). On this vote I have a pair with the junior Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. YOUNG of North Dakota (when his name was called). On this vote I have a pair with the junior Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the senior Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Georgia (Mr. TALMADGE), and the Senator from Washington (Mr. MAGNUSON), are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of illness in the family.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

On this vote, the Senator from Nevada (Mr. BIBLE) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Nevada would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from Louisiana (Mr. LONG). If present and voting, the Senator from Mississippi would vote "yea," and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. TALMADGE) would vote "yea."

Mr. SCOTT. I announce that the Sen-

ator from New York (Mr. GOODELL), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are absent on official business.

The Senator from California (Mr. MURPHY) is necessarily absent.

The respective pairs of the Senator from California (Mr. MURPHY) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Nevada (Mr. BIBLE). If present and voting, the Senator from New York would vote "nay" and the Senator from Nevada would vote "yea."

The result was announced—yeas 34, nays 47, as follows:

[No. 16 Leg.]

YEAS—34

Aiken	Ellender	Nelson
Allen	Fannin	Prouty
Allott	Fulbright	Proxmire
Anderson	Gore	Russell
Boggs	Hansen	Smith
Burdick	Hatfield	Spong
Byrd, Va.	Jordan, Idaho	Stennis
Byrd, W. Va.	McClellan	Symington
Cannon	Miller	Thurmond
Curtis	Montoya	Williams, Del.
Dole	Mundt	
Dominick	Muskie	

NAYS—47

Baker	Gravel	Packwood
Bayh	Griffin	Pastore
Bellmon	Gurney	Pell
Bennett	Harris	Percy
Brooke	Holland	Randolph
Case	Hughes	Ribicoff
Cook	Javits	Saxbe
Cooper	Jordan, N.C.	Schweiker
Cotton	Kennedy	Scott
Cranston	Mathias	Sparkman
Dirksen	McCarthy	Stevens
Dodd	McGee	Tydings
Eagleton	McGovern	Williams, N.J.
Ervin	McIntyre	Yarborough
Fong	Metcalf	Young, Ohio
Goldwater	Mondale	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Mr. Hollings, for.
Mr. Hruska, for.
Mr. Mansfield, against.
Mr. Moss, for.
Mr. Young of North Dakota, for.

NOT VOTING—14

Bible	Hartke	Murphy
Church	Inouye	Pearson
Eastland	Jackson	Talmadge
Goodell	Long	Tower
Hart	Magnuson	

So the resolution (S. Res. 82) was not agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the resolution was rejected.

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

The motion to lay on the table was agreed to.

PROGRAM—ORDER FOR ADJOURNMENT TO FRIDAY, FEBRUARY 7, 1969

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with respect to the schedule for the remainder of the day and also for tomorrow.

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

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, the calendar, like Mother Hubbard's cupboard, is quite bare. There are some nominations from the Committee on Foreign Relations, the Committee on Banking and Currency, the Committee on the Interior and Insular Affairs, and perhaps some others, that we should like to take up this evening.

I believe the distinguished Senator from Colorado (Mr. ALLOTT) is anticipating some action. A number of Senators are prepared to engage in colloquy—perhaps a round robin is a better term—on the question of the ABM and its usefulness or lack of it.

Mr. President, I ask unanimous consent at this time that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Friday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is the intention at that time to lay before the Senate a joint resolution placing the House and the Senate in adjournment from the close of business on Friday next until noon, February 17, 1969.

Mr. DIRKSEN. Mr. President, one further inquiry: I should like to inquire whether the nominations have been printed on the Executive Calendar and whether they are available for the Members.

Mr. MANSFIELD. No; they have not been printed on the Executive Calendar. I understand that five are from the Committee on Banking and Currency—HUD superintendents; one from the Committee on Interior and Insular Affairs; two from the Committee on Foreign Relations. We thought we would be doing a favor to the other side to bring them up. We have no desire to rush them, but if the Senator desires that they be brought up, we will do so.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. A very serious situation exists in the country today which I do not believe is contemplated by the Senator's request.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New York may proceed.

Mr. JAVITS. Mr. President, there is a very extensive longshoremen's strike in the country which is causing very great difficulty, and which has been very slow in getting settled. Although certain sections of the country have agreed on terms, settlement has been held up until all agree.

By adjourning or going over until Friday, and then for another 10 days, it is a fact that we are limiting the capability of the President, if he should so desire, to make some recommendation to the Congress, as has been done before in this kind of matter.

Therefore, because the situation is so uncertain, and I cannot ask that anything specific be done, I suggest to the majority leader the possibility of our having to deal with this question and that Senators be advised it may be necessary that some other disposition be made as to our time if this matter blossoms or if there is some kind of emergency, which there could be as the matter is getting very difficult now.

Mr. MANSFIELD. Mr. President, I wish to say that the wishes of the Senator from New York, or any other Senator for that matter, will be given every consideration. We will go over until Friday and from Friday to February 17; but the President at any time is in the position that he can call us back, and if he thinks the economic situation relative to the longshoremen's strike warrants it, if he issues a call, we would remain.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Mr. President, did I get unanimous consent to have the Senate go over until Friday? XXXXXX

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Yes. XXXXXX

Mr. STENNIS. Mr. President, reserving the right to object, I wish to ask a question. It had been planned to have hearings in the Committee on Armed Services on Thursday for some civilian appointments in the Department of Defense, some of which have not yet come over. Could I get unanimous consent that they will be automatically referred to the committee if they are sent up? XXXXXX

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. I ask unanimous consent to that effect.

AUTHORITY TO RECEIVE MESSAGES AND FILE REPORTS AND TO MAKE REFERRALS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate, following the completion of business today until noon on Friday, the Secretary of the Senate be authorized to receive and refer messages from the President of the United States and the House of Representatives and that committees be authorized to file reports.

The PRESIDING OFFICER. Does the request include the right to refer?

Mr. MANSFIELD. Yes, indeed.

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

Mr. STENNIS. I thank the leader.

TRIBUTE TO ALAN BOYD, FORMER SECRETARY OF TRANSPORTATION

Mr. PELL. Mr. President, I am concerned at the comments and criticisms that have arisen concerning former Secretary of Transportation Alan Boyd.

In the years that we worked together on seeking to develop a high speed ground transportation system in the densely populated northeast corridor between here and Boston, I found Mr. Boyd a man of complete probity and integrity.

In my experience, his whole concern was always with the public weal and general good. In fact, I know of few men whom I would consider more public-service minded or more honorable than Alan Boyd, and wish to express this view at this time on the floor of the Senate.

In this regard, I ask unanimous consent to have placed in the RECORD a copy of a column in the Evening Star of January 30, by Charles Bartlett, a wise, probing and Pulitzer Prize winning reporter.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

BOYD'S INTEGRITY, SERVICE TO PUBLIC DEFENDED

(By Charles Bartlett)

The suggestion of murky dealings in the employment of the first secretary of transportation, Alan S. Boyd, by the Illinois Central Railroad is a cruel distortion of the spirit in which Boyd labored to launch his new department.

The coincidence between Boyd's employment as president of the railroad and his department's grant of a $25 million subsidy for the Illinois Central's commuter operations was blatant enough to stir suspicions. But the very blatancy of the coincidence should equally attest its innocence.

Certainly if Boyd, an administrator who suffered many wounds for his lack of deference to commercial pressures, had been bent on playing a cozy game with his prospective employer, he would have taken pains to avoid the incriminating sequence between the grant and his employment. No conniver would risk anything so obvious.

The facts are that the grant was handled routinely by Paul Sitton the administrator of the Urban Mass Transportation program. Grants totaling $72 million had already been made under new legislative authority to five railroads that serve New York City. Illinois Central's turn came up in December because a commuter system in another city, for which a larger grant was earmarked, had been hit with labor trouble.

Boyd's personal negotiations with the Illinois Central are said to have begun in mid-December. On about Dec. 20, he returned to Washington and told his undersecretary, John E. Robson, that he wanted to have nothing to do with the Illinois Central application.

He would have protected himself better if he had taken more formal precautions. But the grant process was so routine to the operations of the department and so divorced from the secretary's area of direct involvement that he presumably felt he had done all that was necessary.

Boyd's attitude was conditioned by the quality of his performance in many intricate areas of the government's relations with industry. As chairman of the Civil Aeronautics Board for four years, undersecretary of commerce for 18 months, and finally secretary of transportation, he established himself with the public as well as with his close associates as a public official of instinctive integrity.

The scars which he bears from his Washington experiences are scars suffered in battles to assert the public's interest over private selfishness. He challenged the maritime industry's claim upon a huge annual subsidy. He fought to impose a user tax on private aircraft owners who pay less than five percent of what their operations cost to the government. He struggled to impose social concerns upon the highway builders. He pushed an unpopular railroad safety bill.

The most lamentable consequence of this cloud of suspicion, apart from its personal damage to Boyd, will be its tendency to obscure the charter which he left this vital new department. His mandate was that transportation policies should be considered in the broadest terms of public interest instead of in the parochial terms which guide competing segments of the industry.

This concept is important in a secretary of transportation because it affects his response to the problems like noise, dislocation, and inconvenience which are inevitable byproducts of extending mobility to large and crowded populations. Boyd was diligent to consider the citizen who wants to stay at home in peace and privacy as well as the traveler.

The obscuring of this record is particularly serious at a time when his successor, John Volpe, may be less wedded to this broad concept. Much will be lost if the new administration diverts the influence of the department to a narrow concern with the problems of the companies which supply the transportation and build the highways.

It is worth noting that while the Illinois Central grant was approved during Boyd's tenure, the contract was not signed and the matter was left open to review by Volpe. He is studying the papers and his readiness to clarify or compound the ambiguity will be a clue to the spirit in which he has taken power.

NOMINATION OF RUSSELL TRAIN TO BE UNDER SECRETARY OF THE DEPARTMENT OF THE INTERIOR

Mr. PELL. Mr. President, I rise to enthusiastically support the nomination of Russell Train to be Under Secretary of the Department of Interior.

I have known, liked, and admired Russell Train for many years. He has a rare ability of being able to combine the qualities of integrity with political sagacity, of being able to comprehend the heat of people's emotions, while at the same time being able to keep his own cool.

His whole background has been spent in public service or supporting the interests of the general community. Actually, he has served in all three branches of our Government. In the legislative branch, he was an attorney on the staff of the Joint Committee on Internal Revenue Taxation for 4 years; then clerk of the House Ways and Means Committee in the 83d Congress, and its minority adviser in the 84th Congress. In the executive branch, he was a Navy officer in World War II and, later, an assistant to the Secretary of the Treasury, 1956–57. In the judicial branch, he was a judge on the U.S. Tax Court from 1957 to 1965. In addition to his public service he has a real sense of private business and the responsibilities and the workings of our economic system.

Chief warden of his church and enjoying the respect of all his friends and associates, he has always displayed himself as a man of the utmost character and probity.

I can think of no better man for this job and congratulate President Nixon on his nomination.

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

Mr. PELL. I yield.

Mr. ANDERSON. The hearing was held this morning and the matter already has been recommended to the floor of the Senate. He is a fine man.

Mr. PELL. I thank the chairman.

ANTI-BALLISTIC-MISSILE SYSTEM

Mr. PELL. Mr. President, on another subject, and briefly, I understand that later there will be a discussion concerning the advisability of the anti-ballistic-missile system.

I should like to add my own voice as being one of those who question whether we should go ahead with this system at this time.

THE "PUEBLO" AND THE CENTRAL INTELLIGENCE AGENCY

Mr. SYMINGTON. Mr. President, there have been many implications and some statements that the Central Intelligence Agency had something to do with the problems incident to the U.S.S. *Pueblo*. Although I remembered that shortly after this unfortunate occurrence, the Director of the Central Intelligence Agency stated that the Agency had nothing whatever to do with this particular situation, I decided to make certain of that remembrance.

Accordingly, after hearing and reading these implications and statements, I wrote a letter to the Director, and today received the following reply: XXXXXX

CENTRAL INTELLIGENCE AGENCY,
OFFICE OF THE DIRECTOR,
Washington, D.C., February XXXXXX

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR SYMINGTON: Per your request and in reply to your question, neither this Agency nor I personally have had anything to do with the mission of the USS *Pueblo*, the ship itself, or any of its crew. As you will note, in the sidelined portion of the attachment, the Department of Defe XXXXXX de a statement on January 24, 1968 setting forth the facts about Commander Bucher and the *Pueblo*. They are accurately presented. May I make one additional point: The information which the *Pueblo* was tasked to gather during this mission was of tactical and departmental interest to the United States Navy.

I hope that the foregoing is responsive to your inquiry.

Sincerely yours,

RICHARD HELMS,
Director.

Mr. President, the Defense Department statement referred to in the Director's letter was published in the New York Times of January 25, 1968, along with the North Vietnamese text of the purported confession which the Pentagon refuted.

In connection with the foregoing I would read an important short paragraph from the Pentagon reply to the purported confession and then ask unanimous consent that the entire article be printed in the RECORD at the close of these remarks. The Defense Department states:

Typical of this propaganda sham is the suggestion that the Central Intelligence Agency had promised Commander Bucher and his crew "a lot of dollars" for their mission. Commander Bucher is a naval officer commanding a naval ship and performing a naval mission. He is not employed by the Central Intelligence Agency and was promised nothing by the Central Intelligence Agency. Nor were any members of his crew.

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

TEXTS OF PURPORTED CONFESSION AND PENTAGON'S REPLY

PURPORTED CONFESSION

I am Comdr. Lloyd Mark Bucher, captain of the U.S.S. Pueblo, belonging to the Pacific Fleet, U.S. Navy, who was captured while carrying out espionage activities after intruding deep into the territorial waters of the Democratic People's Republic of Korea.

My serial number is 58215401. I was born in Pocatello, Idaho, U.S.A. I am 38 years old.

The crew of our U.S.S. Pueblo are 83 in all, including 5 officers besides me, 75 servicemen and 2 civilians.

My ship had been sent to Sasebo, Japan, to execute assignments given by the U.S. Central Intelligence Agency.

On Dec. 2, last, we received assignments at the port of Sasebo from Rear Adm. Frank A. Johnson, U.S. Navy commander in Japan, to conduct military espionage activities on the far eastern region of the Soviet Union and then on the offshore areas and coastal areas of the Democratic People's Republic of Korea.

My ship had conducted espionage activities on a number of occasions for the purpose of detecting the territorial waters of the Socialist countries.

A LOT OF DOLLARS

Through such espionage activities, my ship detected the military installations set up along the coasts of the Socialist countries and submitted the materials to the U.S. Central Intelligence Agency.

Recently, we were given another important mission by the U.S. Central Intelligence Agency—that is, to detect the areas along the far east of the Soviet Union and the Democratic People's Republic of Korea.

The U.S. Central Intelligence Agency promised me that if this task would be done successfully, a lot of dollars would be offered to the whole crew members of my ship and particularly I myself would be honored.

Soon after that, I reinforced the arms and equipment of the ship and made detailed preparations for espionage activities.

Then we disguised my ship as one engaged in research on oceanic electronics and left the port of Sasebo, Japan, and conducted espionage acts along the coast of the Democratic People's Republic of Korea via the general area off the Soviet Maritime Province. We pretended ourselves to conduct the observation of oceanic conditions on the high seas, electronics, research on electric waves, magnetic conditions and exploitation of oceanic materials.

MISSION BEGAN JANUARY 16

It was on Jan. 16, 1968, that we entered the coastal waters of the Democratic People's Republic of Korea via the Soviet Maritime Province.

In accordance with the instructions we had received, my ship was on the utmost alert and observed and ascertained the depth of water, current, water temperature, sea basin, salt density and water transparency of the territorial waters of the Democratic People's Republic of Korea with radar and various kinds of observatory instruments in a clandestine manner at Chongjin, Wonsan and several other points, and detected the radar network, accommodation capacities of the ports, the number of the incoming and outgoing vessels and maneuverability of the naval vessels of the Korean People's Army.

Furthermore we spied on various military installations and the distribution of industries and the deployment of armed forces along the east coast areas and sailed up to the point 7.6 miles off Nodo when the navy patrol crafts of the Korean People's Army appeared.

We were on the alert instantly and tried to escape, firing at the navy patrol crafts of the People's Army.

"WE HAD NO WAY OUT"

But the situation became more dangerous for us, and thus one of my men was killed, another heavily wounded and two others lightly wounded.

We had no way out, and were captured by the navy patrol crafts of the People's Army.

Having been captured now, I say frankly that our act was a criminal act which flagrantly violated the armistice agreement, and it was a sheer act of aggression.

I have no excuse whatsoever for my criminal act as my ship intruded deep into the territorial waters of the Democratic People's Republic of Korea and was captured by the naval patrol crafts of the Korean People's Army in their self-defense action while conducting the criminal espionage activities.

My crime committed by me and my men is entirely indelible.

I and my crew have perpetrated such a grave criminal act, but our parents and wives and children at home are anxiously waiting for us to return home in safety.

Therefore, we only hope, and it is the greatest desire of myself and all my crew, that we will be forgiven leniently by the Government of the Democratic People's Republic of Korea.

PENTAGON'S REPLY

The statement attributed to Cmdr. Lloyd M. Bucher by North Korean Communist propagandists is a travesty on the facts. The style and wording of the document provide unmistakable evidence in themselves that this was not written or prepared by any American.

The major point which this propaganda utterance attempts to make is that the Pueblo had violated North Korean territorial waters and was in fact violating those territorial waters when the North Korean patrol craft appeared. This is absolutely untrue.

The Pueblo reported her position at that time to be 39 degrees 25 minutes north and 127 degrees 55 minutes east. The Pueblo's position as determined by the radar track of the North Koreans themselves was 39 degrees 25 minutes north and 127 degrees 56 minutes east. These two reported positions are within a mile of one another, and both show conclusively that the Pueblo was in international waters.

The Pueblo was under orders from the beginning of its mission to stay at least 13 miles from North Korean territory. There is no evidence to suggest that these orders were not followed and there is much evidence both from her own radio transmission and from the information broadcast from the North Koreans themselves in their own internal report that the orders were obeyed.

Typical of this propaganda sham is the suggestion that the Central Intelligence Agency had promised Commander Bucher and his crew "a lot of dollars" for their mission. Commander Bucher is a naval officer commanding a naval ship and performing a naval mission. He is not employed by the Central Intelligence Agency and was promised nothing by the Central Intelligence Agency. Nor were any members of his crew.

The entire world learned during the Korean war of the tactics and techniques of Communist propaganda and of North Korean exploitation of men it held captive. This Fabrication is but another example. No credence should be given this contrived statement.

ECONOMIC HARDSHIPS OF OUR OLDER CITIZENS

Mr. PROUTY. Mr. President, during the years since I came to Congress, I have been particularly concerned about the economic hardship our society imposes on its older citizens.

As we begin the 91st Congress, I know most of my Senate colleagues agree that much remains to be done for most Americans age 65 or over.

Today, I want specifically to mention one group of older Americans who individually, during their working years, have greatly contributed to the success of millions of other Americans but who often face economic hardship in retirement. I am speaking of the thousands of dedicated schoolteachers in the country who are presently retired. I am hopeful that all of us will give their retirement annuities special attention both at the Federal and State level.

Recently, Ernest Giddings, the legislative representative of the National Retired Teachers Association, showed me a copy of a State-by-State report on retired teachers pensions prepared by his organization.

I ask unanimous consent, Mr. President, that a copy of this report be printed in the RECORD, and hope that each Member will find the National Retired Teachers Association report as informative as I did. I congratulate that organization on its excellent research.

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

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COVER LETTER TO RETIRED TEACHERS ASSOCIATION PRESIDENTS, STATE DIRECTORS AND LEGISLATIVE CHAIRMEN

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The following reports were submitted to the Washington office during November and December 1968 by Retired Teachers Association officers. In a few cases we edited the original report slightly in the interest of brevity. In those cases, we made a genuine effort to retain all facts and interpretations without distortion.

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The results of Retired Teachers Association efforts to improve benefits vary almost unbelievably. In one state, the median retirement allowance for the 8800 retirants is now above $3300 a year. In another less fortunate state, the annual pension is $332 for the 513 beneficiaries on the rolls.

One of the great essentials to success in pension legislation is cooperation between all groups concerned. Retired Teachers Association officers who develop good working relationships with the State Education Association and with officials of the State Retirement System seem to fare best before their State Legislatures.

Unity and cooperation within Retired Teachers Association ranks seems an absolute requisite for a successful legislative campaign. Open and above-board disclosure of plans, proposed techniques and financial needs seem as important as good leadership. Friction between the groups concerned seems always to decrease the possibility of success.

Ideas which have been especially helpful in several states include:

(1) A year-round continuing legislative committee.

(2) An efficient routine for the legislative committee to report regularly to all retirees.

(3) A plan by which each retiree may, if he wishes, make a cash contribution no matter how small to the expense of carrying on the legislative work in his state.

(4) An efficient continuing membership campaign carried to every retired teacher in the state in order to attain as nearly as possible 100% membership in both NRTA and the State RTA.

(5) A more active local Retired Teachers Association in every community.

Several copies of "Pension Reports" are being sent to RTA officers. They are invited to request as many copies as needed for other officers, local presidents and legislative committees.

We appreciate very much the splendid cooperation of all who contributed to the preparation of the foregoing summary.

ERNEST GIDDINGS,
NRTA Legislative Representative.

NATIONAL RETIRED TEACHERS ASSOCIATION
PENSION REPORTS BY STATE RETIRED TEACHER ASSOCIATIONS—1968

Many state Legislatures enacted substantial pension adjustments during the years 1967 and 1968.

Some provided percentage improvements based on the increase in cost of living since the teacher retired. Other states refused or neglected to make justifiable adjustments.

However, with almost no exceptions the campaign must be and is being waged again in 1969 to keep the retired members of the teaching profession from suffering the indignities of a decreasing purchasing power in their fixed pensions while the rest of our economy is caught up in a spiraling inflation.

The following reports by states are presented in order that Legislative Committees of your state may have the benefit of the plans, techniques, formulae and accomplishments of every other state.

DECEMBER 1968.

Alabama

W. E. Snuggs, President ARTA: "Retired teachers in Alabama number more than 5000 with an average pension of about $150 per month. Those who retired before 1955 when salaries were low are the ones suffering the greatest inequities.

"A spot check was recently made of such retirees' pensions in three separate parts of the state. In one area 36 were reported, in another, 38, and in still a different area 41. Seventy-eight of these were receiving less than $90 per month. Some were living in nursing homes or being cared for by their children. All were facing the same spiraling costs of living on meager pensions which have fallen farther and farther behind industrial wages, the salaries of active teachers and our expanding State economy every year of their retirement.

"As a basis for recommendations for increased legislative appropriations for education in the state, the Governor appointed a commission to make a study of educational needs. The Alabama Retired Teachers Association prepared and presented to the commission a position paper that recommends *automatic cost-of-living adjustments* for Alabama retired teachers, with the result that we have been given favorable consideration in their report. Thus the situation seems more hopeful as we look to the regular session of the State Legislature early in 1969."

Alaska

Lola C. Tilly, President, Alaska RTA: "In 1968, 1½% was added to pensions, retroactive to July 1, 1967. This is a cost-of-living increase.

"No Alaska pension for retired teachers is less than $100 a month. The lowest pensions are received by the group of about 17 retirees who retired early. Their pensions average $150, plus the aforementioned 1½%. The automatic cost-of-living increase is not to exceed 1½%; and therefore it is not necessarily geared to adjustments to increases in salaries of active teachers."

Arizona

Wayne R. Gibson, Director, Arizona State Retirement System: "In Arizona, from July 1967 through 1968, prior service pensions for employment before the start of the Retirement System were increased by 25% for those teachers who continued in employment after 1955. These teachers also have received the benefit of liberalized social security pensions. Some few teachers who had limited employment before the establishment date became eligible for partial pensions by 1968 legislation.

"The improvement in the benefit status of members retired since 1955 accelerates another inequity. Teachers retired before that date receive, typically, $170 a month. Legislation to be proposed in 1969 will ask that benefits be increased to $200 a month.

"Averages are deceptive and some Arizona teachers retired with as few as five years of creditable service. Benefits are also reduced by the payment method elected or payments continued to a beneficiary. Nonetheless the 'average' pension paid those teachers retired before 1955 who do not have a social security entitlement from teaching employment in Arizona is $140 a month."

Arkansas

Louis Merrill Griffin, President, Arkansas RTA: "Act 9 of the May 1968 Special Session of the General Assembly permitted the Arkansas Teacher Retirement System Board to invest a certain percentage (10%) of the system's assets in certain high-grade common stocks. This should, in the future, increase the earnings of the system's investments.

"The minimum pension of Arkansas retired teachers is $75 a month. Pension adjustments have been inadequate. A proposed law would provide cost-of-living adjustments as follows: 10% to all retirees of 1959 and earlier, 9% for those who retired in 1960, 8% for those who retired in 1961, etc. Then it proposes an addition to 1% annually for 10 years, then 1½% annually, plus an increase in retirement payments of active teachers from their salaries and from matching state funds.

"Thus our efforts are now involved in attempting to increase retirement pay to all persons on the teacher retirant rolls and this hopefully will include cost-of-living increases over a period of years. The General Assembly will convene early in January 1969.

"The Arkansas Education Association heads up our program (ARTS funds are included in the Public School Budget), so we work with them to secure increases."

California

Mrs. Myrtle Workman, President, California RTA: "In California, during the period from July 1, 1967 through 1968 to date, fourteen measures relating to teacher retirement were enacted into law. Chief among these were the following:

"(1) An increase, ranging from 2% to 23%, in retirement benefits for teachers who retired in 1965 and in earlier years, applied to existing allowances up to $300 per month.

"(2) Improvements in regulations governing substitute teaching by retired teachers, if qualified, in both regular and special schools, permitting annual earnings up to $2500 per year without loss of retirement benefits.

"(3) Increase in the retired teacher's death benefit from $400 to $500.

"(4) Technical changes to improve administration of the California Teachers Retirement System and in eligibility for retirement benefits. Proposed legislation which should be considered in the 1969 session, along with other changes in administration of the retirement system, are (1) An automatic cost-of-living adjustment affecting all retired teachers; (2) Provision for increasing contributions to the Teachers Retirement Fund to place it on a funded basis; (3) An increase in survivor benefits for active teachers.

"During the month of September 1968, total benefits amounting to $11,522,795 were paid to 37,596 retired teachers, or an average of slightly over $306 per month. Slightly over 10,000 of these retired teachers currently receive a monthly benefit of less than $200, including almost 3,000 who receive less than $100 per month."

Colorado

Mae Gavin, President, Colorado RTA: "The Colorado RTA is cooperating with the Retirement System and the Colorado Education Association to seek (a) a retroactive pension increase of 14% for those teachers who retired 10 years or more ago and 2% for those who retired 2 years ago, with proportional increases for those who retired between 2 and 10 years ago, and (b) an increase of 1½% each year that the cost of living increases by 3 percent.

"The Colorado RTA is also sponsoring a bill to provide a $25 a month increase or annuity of $175 a month for qualified retired teachers under the Colorado Emeritus Fund."

Connecticut

Thomas J. Quinn, Chairman, Legislative Committee, Connecticut RTA: "No teachers in Connecticut receive pensions less than $100 a month. In the legislative session of 1967, a bill was passed which adjusted pensions by amount ranging from 2% for those who retired in the years 1963 to 1965 up to 63% for those who retired in 1933.

"A bill requesting an automatic cost-of-living adjustment every two years was rejected by the 1967 legislature although a similar bill for other state retirees was passed. We are introducing in the 1969 session a bill which will grant automatic adjustments in teacher's pensions beginning July 1, 1969 and we have every assurance that it will pass."

Delaware

H. E. Stahl, State Director, Delaware NRTA: "During 1968, a thorough research study of state pensions in Delaware was made by the Martin E. Segal Company, Consultants and Actuaries of New York City. This study was made under the supervision of a statewide commission. The Delaware State Legislature appropriated $25,000 for this study project and the report of the commission and the recommendations made by the actuaries will very probably be made available to the legislature and the public early in 1969. A member of the Delaware RTA is on the state commission.

"The average pension paid to all members under the Delaware Pension Plan was $212 per month in 1967. The maximum pension per month under pension laws in Delaware prior to 1966 was $250; the minimum pension was $125 per month.

"In 1966, the Delaware State Legislature enacted a contributory pension law which provided for a monthly pension up to $500 per month for active teachers who retire after 1966. Each active teacher paid 5% on his or her monthly salary between $6,000 and $12,000 a year, with a maximum of $300 annually.

"State employees in Delaware who retired from active service prior to 1966 receive between $125 and $250 monthly pensions—all moneys appropriated by the State Legislature of Delaware in a non-contributory plan.

"We are planning to ask the State Legislature when it meets early in 1969 to legislate to provide automatic cost-of-living adjustments for all state employees who retired prior to 1966."

Florida

M. O. Worthington, President, Florida RTA; Grace Adams Stevens, Chairman, Legislative Committee, Florida RTA: "House Bill 961, passed in 1967, provided pension increases to 2447 of Florida's 7400 retired teachers. The following table shows the distribution of benefits.

"Monthly increase provided:	*Number of retirees affected*
$1	225
$2 to 10	1,406
$11 to 20	301
$21 to 30	206
$31 to 40	82
$41 to 50	0
$51 to 57	227
Total	2,447

"About 5000 retired teachers received no increase and those who did were penalized for the amount of social security they received whether or not the social security came through the spouse or because the retiree had been farsighted enough to earn social security.

"We sent out 7400 questionnaires and have had 1129 returned. Of those returned, regardless of years taught the following data were collected:

"Those receiving: $100 or less—133, or 12%; $101 to $200—361, or 33—%; $201 to $300—305, or 27+%; $301 to $400—156, or 13+%; $400 or over—164, or 14+%.

"Florida's retired teachers are the 'forgotten people of this state, with many barely able to exist on the $75 to $85 a month they receive in retirement benefits. 'Considering the present high cost of food, clothing, housing and medical care, it's a miracle some of

our retired teachers aren't on county welfare rolls,' said Dr. Phil Constans, Executive Secretary of the Florida Education Association.

" 'According to recent Teachers' Retirement System figures, there are over 3,000 teachers past the age of 65 who are receiving less than $180 a month in retirement. Some receive monthly allotments as low as $70 or $80 per month. This amounts to about $2.50 a day, hardly enough for daily meals, let alone other necessities such as medicines,' added Constans.

" 'All teacher retirees—there were 6,709 as of December 1967, and now there are 7,400—suffer to some extent from the effect of a shrinking dollar,' he said, 'but the greatest victims are the 3,000 teachers who retired years ago on low benefits because of the lower salaries received when they were active.

" 'These teachers are truly the forgotten people of this state,' Constans said. 'They have seen the value of the very solid dollar contributed toward their old age security diminish until now it will buy only two-thirds of what it would at the time they retired.

" 'They are Florida's senior teachers who devoted the major part of their lives to teaching the young men and women of this state, some of whom are now outstanding businessmen and legislators.'

"The FEA sponsored six bills in the last session to benefit the retired teachers, but they never even reached the legislative floor. The one bill that passed—House Bill 961—gave badly needed increases to some few teachers but excluded those teachers who had Social Security benefits themselves or through their spouses, or reduced their benefits.

"By the end of December 1968, the Florida RTA will have had meetings in 16 strategic areas around the state for the purpose of alerting members and local officers to the legislative needs of the more than 7,000 retired teachers of the state. These would go far toward correcting existing inequities. The major goals include:

"1. Elimination of the social security offset.

"2. A cost-of-living adjustment in retired teacher pensions retroactive to the year of retirement to restore a portion of the buying power lost to retirees on low, fixed incomes during our years of economic growth and prosperity.

"3. A raise in the minimum payment for retired teachers 65 years of age or over from $4 to $8 times years of service for monthly income.

"4. A retired teacher on the Board of Trustees of the Teacher Retirement System."

Georgia

Hannah S. Flanigen, President, Georgia RTA: "No legislation concerning teacher pensions was enacted from July 1, 1967 to October 15, 1968.

"The rules of the Pension Department of Georgia do not permit the giving out to the Retired Teachers Association or anyone, the list of retired teachers, or the amount they receive. Teachers' pensions are pro-rated on the number of years taught, so those teaching less than 25 years are under the ones teaching over 25 years. This leads to the belief that many are below $100 per month, but definite facts are unavailable. Pension adjustments have been inadequate, but again no definite record is obtainable. The present law does not provide any change whatever. Pensions are considered a contract with the state and cannot be altered. We are working to change this part of the law, so that pensions may be changed. However, it takes a constitutional amendment, which probably will take 3 years to ratify."

Hawaii

John T. Ferreira, Jr., President, Hawaii RTA: "Inasmuch as new pension formula was adopted by the legislature in 1965, no significant pension legislation has been enacted to date, in spite of some past requests.

"Requests for the correction of the following inequities will be presented to the 1969 legislature:

"1. The elimination of a social security offset affecting employees who retired between 1957 and 1964.

"2. Increase of post-retirement benefits from 1½% to not less than 2%.

"3. Granting increases to retirees whenever employees in active service receive a pay increase.

Idaho

G. A. Robinson, President Idaho RTA: "Our legislature convened in 1968 only to consider an agenda of legislation, none of which had anything to do with funds for education or retirement funds for teachers. The 1967 Legislature passed a very good State Employees Retirement Plan, which included in its benefits all teachers who were teaching at the time. This plan made no provision at all for increased retirement sums for those who were already retired. Their retirement payments remained the same, but were issued by the manager of the State Employees Retirement Plan.

"Now we have three groups of retirees in Idaho: (1) those who retired prior to the availability of Social Security benefits to teachers in 1956; (2) those who retired between 1956 and 1965; and (3) those who are retiring with the benefits of the State Employees Retirement Plan. This last group receives very considerably more comparatively than those in the other groups.

"There has been one modest adjustment for the retirees in group one, the oldest retirees. We are very thankful for the passage of that bill, but the benefits were far too small.

"Our IRTA State Legislative Committee is trying to get a bill passed to help all teachers who retired prior to 1965. We feel that they should be included in the State Employees Retirement Plan, but if that is impossible, they should certainly receive 'cost-of-living' adjustments.

"Before the next legislature meets, we will try to contact each legislator to tell him of our needs. We hope to get good results!

"The Public Employee Retirement System of Idaho has prepared a cost-of-living plan to be proposed in the 1969 Session of the Legislature. Mr. T. F. Terrell, Executive Secretary of the System, has developed the following table to show proposed adjustments. Assuming the pension is $100 a month, the table shows the proposed adjustment for each year since 1946.

"ESTIMATED POSTRETIREMENT ALLOWANCE ADJUSTMENTS BASED ON CONSUMER PRICE INDEX

Year of retirement	Cost-of-living ratio for 1969 [1]	Retirement allowance ratio for 1969 [2]	Adjusted $100 allowance Effective July 1, 1969
1946	1.941	1.921	$192.10
1947	1.684	1.667	166.70
1948	1.528	1.511	151.10
1949	1.441	1.426	142.60
1950	1.485	1.470	147.00
1951	1.424	1.410	141.00
1952	1.335	1.320	132.00
1953	1.309	1.297	129.70
1954	1.297	1.282	128.20
1955	1.307	1.293	129.30
1956	1.302	1.288	128.80
1957	1.271	1.259	125.90
1958	1.235	1.224	122.40
1959	1.209	1.197	119.70
1960	1.192	1.178	117.80
1961	1.176	1.164	116.40
1962	1.165	1.154	115.40
1963	1.150	1.138	113.80
1964	1.137	1.126	112.60
1965	1.124	1.112	111.20
1966	1.104	1.093	109.30
1967	1.065	1.057	105.70
1968	1.037	1.030	103.00

"[1] Estimate based upon August 1968 Consumer Price Index. Actual will depend upon October 1968 Consumer Price Index.
"[2] Differs from cost-of-living ratio due to 3 percent annual growth limitations."

Illinois

Bess Hale, Chairman, Legislative Committee, Illinois RTA: "Our bill of 1967 was passed by the General Assembly with only four negative votes in the Senate and one in the House. In our interview with Governor Kerner he said he favored our bill and would sign it if the Legislature provided the revenue. It seems that they did not, and so the Governor vetoed our bill along with many others that carried revenue.

"So we will now introduce the identical bill in the 1969 Legislature. The bill calls for Supplementary Payments of $75 per year of creditable service up to 45 years for those who retired before 1961, with provision for increase in permanent disability from $1000 to $1500. Those who qualify for the payments will pay into the Supplementary Fund $5 per year of creditable service not to exceed 45 years; this was established in order to conform to the constitutionality of the provision that a new contract be consummated.

"The Illinois RTA State Legislative Committee has appeared before the Illinois State Pension Laws Commission to ask for their approval of the bill. We have not yet heard from them. We have asked for a hearing before the State Budgetary Commission; and Senator Everett Peters, Chairman of that Commission, has promised to give us a date.

The Governor-Elect, Richard Ogilvie, has stated in a letter to us that he feels strongly that the State of Illinois has a responsibility to its retired public school teachers, and that, contingent upon the total revenue picture of the state, he would give serious consideration to the cost of our proposal in planning his budget. This statement was made during his campaign before he was successful in the recent election."

Indiana

Henry L. McHargue, President, Indiana RTA: "The Indiana General Assembly was not in session in 1968. We are campaigning to urge enactment of the following legislation during the 1969 session: (1) a cost-of-living adjustment for retired teachers, and (2) a benefit at state expense comparable to benefits under the Federal Social Security Act for all teachers who retired before January 1, 1956, and who are not under social security. All teachers who retired in Indiana since 1966 receive social security benefits as well as our state retirement pension."

Iowa

Mabel Iowa Robbins, President, Iowa RTA: "The adjustment for Iowa State retirees after 1953 was adequate. These retirees also receive social security. For those who retired before 1953 and have no social security, there has been no pension increase for 18 years. No cost-of-living adjustment has been enacted. The Iowa Legislature has not been in session since July 1, 1967."

Kansas

Julian Johnson, Chairman, Legislative Committee, Kansas RTA: "No important legislation was passed by the 1968 Legislature affecting retired teachers. Bills to provide a Homestead Exemption were introduced with no final action.

"The Kansas State Teachers Association has prepared a revision to the present plan to be introduced to the 1969 legislature that will help retired teachers.

"The following table states the proposed upgrading:

"Years of service	Present rate [1]	Proposed rate
1 to 9½ years	$1.00	$1.20
10 to 19½ years	1.50	1.80
20 to 24½ years	2.00	2.40
25 to 35 years	3.50	4.00

[1] Amount received per month for each year of service in retirement. An effort is being made to remove the 35-year limit and include all years above 25."

Kentucky

W. S. Milburn, President, Kentucky RTA: "The 1968 Kentucky General Assembly made a number of changes in the teacher retirement statute. Most were for the benefit of teachers retiring in the future. The single exception was an increase in the minimum annuity of retirees from $50 per month to $55.

"KRTA sponsored two bills in the assembly. One, proposed to increase the minimum annual annuity from $45 per service-credit-year to $55. The other proposed to place a retired teacher on the retirement Board of Trustees.

"The first easily passed both houses, but was vetoed by the governor after the assembly adjourned. The second passed the Senate, but died in the House Education Committee.

"The greatest need in Kentucky is for a substantial increase in the annuities of the older retirees, most of whom are getting pitiably low amounts—well below the poverty level. Increases granted in the past have been on a percentage basis, the smallest going to those most in need and vice versa.

"A one percent cost-of-living increase was given in 1966, but at best it is only a placebo for the older retirees. Time will run out for them before it can be of any significance.

"KRTA will again make a determined effort to correct these inequities when the Kentucky General Assembly next meets—January 1970."

Louisiana

P. G. Rogers, President, Louisiana RTA: "No significant pension legislation was enacted from July 1, 1967 to November 1, 1968.

"A pension adjustment was made about July 1, 1965. It increased the original benefit by 1% for each year of retirement. It was inadequate. On January 1, 1965, the formula for computing retirement pay was increased 33⅓%, but it was not applicable to those who retired prior to January 1, 1965.

"A Special Session of our State Legislature was convened, beginning November 10, 1968. Governor John McKeithen agreed to include in his call two bills which we sponsored at the 1968 Regular Session. At that time, both of our bills passed both Houses of the Legislature with only one 'no' vote, but both were vetoed by the Governor. However, they were both passed at the Special Session and have now been signed into law. They are:

"H.B. 15. In 1965, the Legislature changed the formula for recomputing the retirement benefit from 1½% to 2% of average salary for the best five consecutive years for each year of accredit service, effective July 1, 1965. H.B. 15 of 1968 provides that those retired prior to July 1, 1965, are eligible for a recomputation of their benefits under the new formula. It is required, however, that the retiree pay into the system an amount equal to the amount of 1% of the total of the 5 years salary on which his present benefit was computed. The number of years that can be used in making the computation is limited to a maximum of 37½ years.

"H.B. 14. Act 208 of 1966 provided a cost-of-living increase computed as follows: 1% of the original benefit for each year of retirement. H.B. 34 of 1965 sought to increase the 1% to 2% and also to make eligible for the cost-of-living increase beneficiaries of deceased members who retired under Option 2, 3, or 4. The bill also provided for biennial adjustments in accordance with the Consumers Price Index. This bill was enacted in 1968 as H.B. 14."

Maine

Clyde E. Russell, Executive Secretary, Maine Education Association (Retired): "The Maine Legislature met only in a Special Session in 1968 and the agenda was strictly limited. Nothing related to pensions was considered.

"One provision of our law increases retirement allotments when there are increases in the salaries of state employees. It is a gross understatement to call this a cost-of-living adjustment. The salaries of public employees everywhere have increased faster than the cost of living.

"Our pensions are not very generous to start with, i.e., half pay after 35 years and if a married man wants to provide for his widow they are very substantially reduced. The active teachers will try to get the 35 years reduced to 30, but they are not asking that it be retroactive; and that does not augur very well for us to try to alter that situation.

"We had planned to introduce a bill to increase the amount of substituting a retired teacher could do without reducing his pension, but the attorney-general may have solved our problem. Whereas our retirement allowance plus our earnings could not exceed the salary our retirement allowance was based on, he has now ruled that we can earn as much as that base salary.

"Formerly if a retired teacher re-entered teaching, he became ineligible for the 'cost-of-living' adjustments until after he retired a second time. We proposed that when a retiree returned to teaching he be permitted to revert to his status when he originally retired. Perhaps that was not the best possible solution to his problem; but we hope that in view of the attorney-general's decision, the Retirement Board will be able to invent a ruling that will permit retirees to return to teaching without loss of pension.

"A great many retired teachers receive less than a $75 a month pension. Most of them retired a long time ago, and it is hoped they had time to provide for their future in other ways. Perhaps we ought to do something about them, but I would be loath to stir things up. I receive a pension of about $60 a month, myself.

"The Maine RTA seems to be most interested in an increased representation on the Retirement Board. There is now one representative for all retirees. Our RTA President, Leora Prentiss, and our NRTA Area I Vice President, Maud Haines, want a teacher and a member from the retired state employees and they have been set up as a special committee to work toward this objective."

Maryland

Ruth P. Eason, President, Maryland RTA: "During 1968, in Maryland, we have been laying the foundation for the passage of two bills in the spring assembly of 1969.

"House Bill 703 deals with the complete removal of the social security feature from the 1967 legislation, which provided a supplementary allowance for retired people in the lower bracket.

"House Bill 1047 provides for adjustments of Maryland pensions to the Cost-of-Living Index.

"Our retired teachers have been working especially hard to secure the passage of these bills. Letters to the Governor, Senators, and Delegates have been effective means of getting support. Personal contacts have been even more effective. Attending hearings and expressing the great needs of the older retirees have helped tremendously. Letters of thanks and appreciation for accomplishments always work wonders.

"In July 1968, the leaders of our group attended a hearing of the Committee on Taxation and Fiscal Matters of the Legislative Council. Many made talks and answered questions. We were received very graciously, and felt that the committee understood our needs better, and were in accord with our requests. At the close, the chairman explained that his committee would first report to the Legislative Council, which would in turn make its recommendation to the 1969 Session of the Maryland General Assembly.

"We have high hopes of the passage of both of these bills."

Massachusetts

Marie M. Gearon, Second Vice President, Massachusetts RTA: "No bill proposed by our retired teachers passed the 1968 Legislature. The Legislative Committee for Massachusetts retired teachers has filed Bill 1104 for adjustment of low pensions."

Michigan

Forrest G. Averill, President, Michigan RTA: "The Michigan Legislature approved only two of the bills which were introduced affecting the pensions of Retired School Employees this year. One of these bills makes it mandatory that one member of the Retirement Fund Board be a Retired Public School Employee. The other increased the amount one can earn after retirement if employed by a Public School System from $1,500 annually to $1,680 corresponding to the provisions of the new Social Security Act. This bill also removed the limit on earnings for those retirees over age 72.

"The Michigan Retired Teachers Association will continue to work hard in the coming session of the Legislature to get pensions keyed to increases in the Cost-of-Living Index with a retroactive feature providing additional amounts to retirees on a sliding scale increasing in amount up to fourteen years.

"The bill would operate as follows:

"Effective date of retirement:	*Percent of increase*
July 1, 1967 through June 30, 1968	1
July 1, 1966 through June 30, 1967	2
July 1, 1965 through June 30, 1966	3
July 1, 1964 through June 30, 1965	4
July 1, 1963 through June 30, 1964	5
July 1, 1962 through June 30, 1963	6
July 1, 1961 through June 30, 1962	7
July 1, 1960 through June 30, 1961	8
July 1, 1959 through June 30, 1960	9
July 1, 1958 through June 30, 1959	10
July 1, 1957 through June 30, 1958	11
July 1, 1956 through June 30, 1957	12
July 1, 1955 through June 30, 1956	13
Any time prior to June 30, 1955	14

"It would also provide that after July 1, 1969 the retirement allowance would be adjusted annually by reference to the Consumers Cost Index provided it has increased 2% or more since the last preceding adjustment. Increases of less than 2% would be cumulative with increases in succeeding years. It also provides that in no case would a retirement allowance be reduced below the amount payable for June 1969. The provisions of this act would apply to both the Detroit and the outstate systems.

"We are also working hard to increase the pensions of some of our older retirees who do not receive credit for experience beyond thirty years in calculating the amount of their pension by removing this stipulation. This bill also contains the provisions that all full time employees would receive credit at not less than $60 a year for each year of service."

Minnesota

Ellis Schweickhard, President, Minnesota RTA: "We have had no new legislation since July 1, 1967. However, laws passed by the 1967 legislature resulted in the following: 1628 retirees in Basic System received increase of 15% and 722 retirees in Coordinated System had increases of 10%. Those in Coordinated System also have social security. One hundred and three older retirees under '1915 Law' had increases of $10 per month.

"We are urging the 1969 legislature to provide cost-of-living adjustments to compensate for rising prices and a fixed minimum floor, based on years of service, to compensate for low salaries in areas of the state where salaries were especially low.

"More than 1100 Minnesota retired teachers receive less than $75 a month pension. Of these, 1628 are in the Basic plan and 722 are in the Coordinated plan.

"Our present law does not provide for automatic cost-of-living increases and pensions are not adjusted to increases in active teacher salaries. We are working toward these goals in the 1969 legislature."

Mississippi

The 1967 report of the National Council on Teacher Retirement showed there were 6710 retired teachers or beneficiaries who received pensions and that their median annual retirement allowance was $818.40 a year. There are 463 retirees of the former retirement system with a median retirement allowance of $513.12. During the past year, 949 members retired; and for this group, the median annual retirement allowance was $1398.81.

Missouri

Ava M. Everts, President, Missouri RTA: "We are working diligently to secure a $75 a month increase in the pensions of those who retired before 1965. Some will not receive the full $75 a month if that increase would place their pensions above $150 a month. We do not have a cost-of-living clause in Missouri."

Montana

Russell L. Neal, Chairman, Legislative Committee, Montana RTA: "The Montana teacher pension adjustment bill has been prepared in cooperation with Mr. J. Hugh McKinny, Executive Secretary of the Montana Teacher Retirement System. The bill proposes an increase of 2% for each year from the year of retirement to 1967. It guarantees a $125 a month minimum in case the formula would produce a pension under that figure.

"Thus the person who retired in 1957 on a $100 monthly pension would be raised to $120 by the formula. He would in fact be raised to $125.

"The teacher who retired in 1952 on a $100 pension would be raised to $130 a month."

Nebraska

W. A. Rosene, Chairman, Legislative Committee, Nebraska RTA: "Under its present form some of our retired teachers receive $70 a month which is the maximum. Just 60 old-timers get this amount. We have raised this to $300 a month under the new bill. Those who retired previous to January 1, 1958, and after July 1, 1945, about 400 of us, receive from $17.55 to $35 a month. You will note we will get a maximum of $250 a month under the new bill. Since social security and the regular retirement must be subtracted from this amount, it will mean only about $50 to $100 a month additional.

"The new group which we hope to have included in the group of Reserve Teachers will in most cases get just $17.50 a month additional income."

Nevada

Earl Wooster, Chairman, Legislative Committee, Nevada RTA: "No pension legislation was passed from July 1, 1967, to July 1, 1968.

"Nevada does not have a teacher pension system—it is a state pension system including all state, city, county and educational workers. The system was started in 1949 and paid 50% of salary up to a maximum of $4800 per year. In 1959 this was changed and it paid 50% of salary up to a maximum of $7200 per year for 20 years of service with an additional 1.5% increase for each year of additional service up to 30 years. In 1964 this was changed to remove limitations and full salary was taken as the base with 50% of salary for 20 years of service and 1.5% for each additional year up to 30 years of service.

"In 1964 a 1.5% annual increase on your basic retirement was incorporated in the plan. This then makes retirement figures of less than $75 or $100 rather academic, although I find that 4 people do receive less than $75 and 42 people receive less than $100 all prior to 1964. The injustices in the system resolve down to comparisons between the early retirees and the present retirees.

"With the 1.5% increase each year for cost of living, the early retiree receives a very small amount while the late retiree gets a rather substantial cost-of-living increment each month. I will use my own case as an illustration. I receive about $3 per month increase while my successor who retired six years later gets some $16 cost-of-living increase each month. My retirement income was limited on the $7200 salary a year figure while my successor received the benefits of a salary adjusted to inflation with no limitation. This runs through the whole system and is applicable to all retirees prior to 1964. We have tried to get this adjusted on the basis of 30% increase for retirees prior to 1959 and 20% for those retiring between 1959 and 1964, but without success. We will try again but I am not optimistic."

New Hampshire

Gertrude O'Leary, President, New Hampshire RTA; Elizabeth Donovan, Director, New Hampshire NRTA: "The 1967 Session of the General Court (legislature) of New Hampshire voted a supplementary increase in retirement benefits for teachers retired prior to July 1, 1957. The appropriation, payable in one calendar year, 1968, included a cost-of-living increase, based on the cost-of-living index of October 1966, and a minimum floor of $115 per month for 30 years of creditable service. Disability benefits and proportionate adjustments for fewer years of service were also allowed. Of the 214 teachers now in this group, 116 receive less than $100 and 80 receive less than $75 basic retirement income. The average of the group is $95.45 per month.

"There have been no adjustments in basic retirement benefits of teachers retired on and after July 1, 1957. At that time the existing State Retirement System was modified and the State entered into a contract with the Federal Government whereby social security was made available to those teachers retiring on and after July 1, 1957. There are at present 851 teachers in this group. The average basic retirement income from the New Hampshire Retirement System is $130.82 per month. This does not, of course, include social security benefits. However, the total retirement benefits to this group of retirees is not geared to the inflationary cost-of-living trend of the past few years, nor are they commensurate with the present salaries of active teachers.

"The New Hampshire Teachers Retirement System is a contributory one. Since no employee contributions have been made to supplementary benefits, such benefits have been ruled to be 'pensions.' The Constitution of the State of New Hampshire limits the payment of 'pensions' to a single calendar year. However, in the case of the older teachers mentioned in the first paragraph of this report, the Supreme Court of New Hampshire ruled that the retirees in question could be paid an amount equal to double the annual supplementary benefit in a single calendar year. It is obvious that for automatic supplementary adjustments to be made an amendment to the State Constitution would be necessary.

"A new retirement system is now operating in New Hampshire. The system includes State employees, public policemen, and public firemen."

New Jersey

May C. Smith, President, New Jersey REA; Charles L. Steel, Jr., State Director, New Jersey REA: "This has been an important year in pension legislation in New Jersey. The benefits from the contributory life insurance program were increased and the contribution rate decreased to ½ of 1% of salary. Enactment of Senate 383 removed most of the restrictions on the amount of money retired teachers may earn through public employment without pension deductions.

"In 1955, pension legislation provided at least $1,200 annually to all retirees who had given 20 years or more of service to New Jersey schools. There have also been three modest cost-of-living adjustments in 1958, 1961, and 1964 for those who retired before 1955. Therefore, it is difficult to give an accurate picture of retirees in New Jersey who are receiving less than $100 per month. Assuredly, there are some. These, however, have had very limited service, have retired on disability, or have failed to join the State Pension Fund when joining was voluntary.

"To date the legislators have failed to act on S. 278, our cost-of-living pension increase bill, and a group of other bills designed to permit purchase of prior service either under more favorable rates or for service not now creditable.

"The New Jersey Education Association and the New Jersey Retired Educators Association have assigned top priority to legislation that will grant periodic, automatic adjustments to retirement allowances geared to changes in the cost of living. Living [redacted] are now rising 4½% over a 12-month period. This is on top of an approximately 3% increase in both 1966 and 1967. With n[redacted] in sight of the present inflationary spiral, many of our retired members are now, or will soon be, in a desperate financial situation. It is imperative that this legislation (S. 278 or a similar bill) be enacted as soon as possible."

New Mexico

Dr. J. Cloyd Miller, President, New Mexico RTA: "No retired teacher pension legisl[redacted] has been enacted from July 1, 1967 to November 1, 1968.

"Because of other crucial educational legislation needed in the 1969 Session of the New Mexico Legislature, we have decided not to propose any retirement legislation. The 1967 Session did very well for teacher retirees. We anticipate requesting the 1971 Legislature to tie our retirement benefits to cost-of-living increases."

New York

Raymond J. Ast, President, New York RTA: "A cost-of-living law went into effect October 1, 1968, with the first payment included in the November pension check.

"In 1969 we have hopes of passing a law giving supplemental aid to widows of retired teachers who are now receiving an optional pension thru their husbands. The Governor vetoed the bill in 1968, due to some defects in the bill, and requested the counsel for the Retirement System to correct the defects. The people of the State of New York approved this Constitutional change in the 1966 state-wide election. This bill will give the widows a total of $220 a month.

"All our retired teachers on pension now receive $200 a month except those who have earned social security benefits and receive $175 monthly. Pensions are not adequate for the lower pensioned people.

"Since enactment of the cost-of-living law, anyone receiving a supplement greater than his or her cost-of-living amount will not receive the cost-of-living benefit.

"The new law is a one-year bill and will have to be passed again for two years before being made permanent."

North Carolina

Lloyd Isaacs, Public Relations Director, North Carolina Education Association: "Effective July 1, 1967, benefits were increased according to the following schedule:

"Period in which benefits commenced:	Percentage
January 1, 1966, to June 30, 1967	5
Year 1965	6
Year 1964	7
Year 1963	8
and so on concluding with	
Year 1942	29

"We are at the present time working on increasing the minimum benefit, paying benefits to those who retired prior to 1941 with

less than 20 years service, and increasing pensions for all persons who retired prior to 1956 and received no social security as a result of state coordination. At the present time we have no automatic cost-of-living adjustment, but this is included in our legislative packet to be effective July 1, 1969. Since this is being funded from the earnings of the System, we expect no difficulty in legislative enactment.

"The North Carolina Education Association Program for 1969 is as follows:

"A. Approved by Teachers and State Employees Retirement System Board of Trustees:

"1. Full retirement benefits at age 62 for members with 30 years of service.

"2. A reduction of 3% per year, rather than 4%, for members retiring before age 65.

"3. Disability benefits liberalized by computing service to age 65 rather than 60.

"4. Establishment of a cost-of-living index to adjust retirement benefits for those who have retired or who will retire in the future.

"5. Study of the problem of repayment of withdrawn contributions.

"B. Items not approved by Trustees:

"1. Increased pensions for those retired so as to help make benefits more equitable.

"2. Eligibility to select early option for those with 20 years of service.

"3. A definite program to strengthen veterans' rights and benefits.

"4. Vesting period reduced to ten years.

"5. Permission for a member to be out of service for ten years before being forced to withdraw from the Retirement System.

"C. Accomplished without legislative action:

"Average final compensation calculated on either fiscal or calendar year at the discretion of the retiring member."

North Dakota

Walter M. Loomer, President, North Dakota RTA: "The excellent working relationships between the officers of the North Dakota Retired Teachers Association, Irving L. Iverson, Executive Secretary of the North Dakota Education Association and Clara D. Brown, Executive Secretary of the Teachers Insurance and Retirement Fund, are expected to ultimately develop major improvement in retirement benefits in the State. Issues involved this year include a possible merger with the State Employees Retirement System and a more equitable percentage contribution by the State."

Ohio

James V. McDowell, President, Ohio RTA: After 14 months of effort in the State Legislature, Senate Bill 59 was passed by both Houses, February 27, 1968. It became effective July 1, 1968, and provided percentage increases in Pensions as follows:

	In percent
Pre-1955	24.3
1956	22.5
1958	15.2
1960	12.5
1962	10.1
1964	7.3
1966	2.6
First half of—	
1955	24.3
1957	18.4
1959	14.3
1961	11.3
1963	8.7
1965	5.6
1967	2.0
1968	2.0

"The law did provide a $6 to $10 a month deduction for those receiving a pension increase in 1965 and a guaranteed minimum increase of at least $3 a month.

"Inequities to be corrected as soon as possible include: (1) a minimum annual pension to care for lower levels, and (2) automatic pension increases geared to increases in cost of living."

Oregon

Part I

Paul S. Elliott, Co-Chairman, Legislative Committee, Oregon RTA: "The 1967 Legislature made such pronounced changes in the Oregon Public Employees Retirement law that now the State Retirement Service has divided its membership into two groups, those retired before January 1, 1968, totaling 9300, and those retiring afterwards.

"The new law requires employees to contribute on a fixed rate depending on the monthly gross salary with the employer to match the same. The benefits are from 50% to 100% greater than under the old law. It permits the employee to request as high as 50% of his contribution to be invested in common stocks for a variable annuity. He also receives a guaranteed pension. The options for settlement are approximately the same as the old law.

"No improvements have been made for the prior to January 1st retirees in the law. Only the extra dividends from a higher interest earning are available. They amounted to a 25% increase in 1968. New legislation is under consideration but nothing definite is formulated to date.

"Part II

"Oregon has two retirement systems. One is in the Portland School District established about 1912. The other is the State of Oregon Public Employees Retirement Service established in 1946.

"The Portland Teachers Retirement Fund Association is funded by the employee but not by the Portland school district. The district only matches the earnings of the fund annually.

"There are between 900 and 1000 retired teachers under this plan. Those retiring since 1953 are under social security. Prior retirees have no social security unless obtained in other than school employment.

"The average benefit for all retirants is $135.40 per month. The funded moneys through increased interest earning increased the average by 25% in 1968 for those qualifying.

"Those who have been retired 15 years or more (about 24%) are receiving an average of $128.06. Of this group about 24% receive no social security, 42% have a wife's share and a 25% a widow's or full share.

"*The Oregon State Public Employees Retirement System* includes state, school and public colleges, as well as city and county employees if the employer elects to belong. We are of the opinion that the system includes between two and three thousand retired teachers. The system files are not open to our committee but we have obtained the names of approximately 1900 retired teachers through school districts and retirants themselves.

"The average benefit for a state teacher is $80.32. All of the 9300 retirants and beneficiaries under the old law received a 25% increase in 1968 due to the increase in earning of the dedicated funds. It appears that the extra dividends will continue annually.

"A comparison of the benefits of the two systems follows:

	Per month
"Portland T.R.F.A.:[1]	
3 percent average	$48.03
2 percent average	88.39
61 percent average	135.47
30 percent average	167.25
4 percent average	218.90
"Oregon State P.E.R.S.:[2]	
46 percent average	42.20
16 percent average	82.39
33 percentage average	119.21
4 percent average	167.52
1 percent average	219.47

"[1] Figures from questionnaires received from 33 percent of the Portland T.R.F.A. retirees.

"[2] Figures from questionnaires received from 25 percent of the 1,900 State teacher retirees.

"One reason for the smaller benefits for the up-state teachers was the low maximum amount the employer had to match. For a number of years it averaged less than 7% on $1800 annually."

Oklahoma

G. T. Stubbs, President, Oklahoma RTA: "The Oklahoma Teachers Retirement System is facing a real crisis as we look for action in the 1969 Session of the State Legislature. During the 1968 Session, both Houses approved a bill promoted by both the Oklahoma Education Association and the Oklahoma Retired Teachers Association. The bill was vetoed by the Governor and an attempt to override the veto failed. During the last hours of the session, a quickly drawn and patched-up substitute bill initiated by the Governor was adopted. It is now generally agreed, even by the sponsors, that this bill is wholly inadequate and must be replaced as soon as possible.

"Recognizing the inadequacy of the adopted bill, the Legislature with approval of the Governor set up an interim study of the Oklahoma Teachers Retirement System. A special committee composed of members from both Houses was created and charged with responsibility for the study and for recommendations to be presented to the 1969 Session. The committee employed an out-of-state actuarial firm to make an evaluation and to present proposals for changes. A progress report has been made and the final report will be presented in January 1969. From the report and proposals by the actuaries the Special Study Committee will make its recommendations for legislation to improve the Retirement System.

"All active and retired teachers are awaiting these final recommendations with great hope. The efforts of ORTA in cooperation with OEA over a period of years to inform and to alert teachers, members of the Legislature, the Governor, and lay people as to the inadequacy of the State Teachers Retirement System seem to be paying dividends. Public statements from those responsible for state government indicate that legislation for teacher retirement will receive priority during the 1969 Session. In the meantime, the Legislative Commission of the Oklahoma Education Association, which includes the President of the Oklahoma Retired Teachers Association as a member, is developing proposals for legislation on teacher retirement as a part of a comprehensive program of legislation for public education. Also the ORTA, through its Legislative Committee consisting of one member from each of the twelve districts of the state organization, is preparing for activities designed to win support from members of the State Legislature for proposals that are in the process of development.

"The ORTA Legislative Committee is giving its attention to the following items of planning: (1) Developing strength at the grass-root level by forming local units of retired teachers in each county and in metropolitan centers; (2) Following closely the work of the Special Legislative Study Committee to be ready to take a position on issues after the final recommendations are made; (3) Keeping in touch with the Office of the Oklahoma Teachers Retirement System as a means of having information about the system and needs for improvement; (4) Cultivating an acquaintance with members of the 1969 State Legislature for more effective cooperation.

"Finally ORTA is cooperating with NRTA in an intensive campaign to increase membership in both organizations and thereby to become more representative as well as to mobilize the potential political influence of all retired teachers in the state."

Pennsylvania

Burns F. Best, Chairman, Legislative Committee, Pennsylvania RTA: "The RTA Legislative Committee is considering future legis-

lation to improve the retirement allowances for teachers who retire prior to 1967.

"Teachers who retire after July 1, 1967, have been changed by Act 34 of the Pennsylvania Legislature into a class, by which he or she may receive a superannuation at age 62 or at the end of 35 years of credited service of 1/60 of *final salary* times the number of years taught.

"Since teachers retiring in 1965 and 1966 did not benefit by Act 34, legislation will be presented early in 1969 to grant increases of 4% and 1%, respectively, for them. This is based on the Consumer Price Index as used in Act 34.

"Next we want to work for additional increase in retirement allowances for all Pennsylvania teachers who retired before January 1967, as Act 34 was based on the Consumer Price Index entirely and did not consider the salaries in the 1940's when they were very much below the cost of living; this resulted in low retirement allowances. We are concerned with the cost of living today, not what it was in the 1940's and early 1950's.

"We want to adopt a logically correct plan to increase retirement to a plan that is equitable and fair, so that future increases may be based on the cost of living.

"It has been suggested that as a base there be a minimum guarantee of $80 a year for each year of credited service to be granted up to 40 years. This $3200 would be below the poverty level set up by our Federal Government. An actuarial study will be made and we will proceed from their recommendations."

Rhode Island

Kathleen V. Boyd, President, Rhode Island RTA: "A law was passed in the 1968 Session of the General Assembly of Rhode Island which provided a cost-of-living increase to all state employees who retired prior to December 31, 1967. The increase will be 1½% of the present pension allowance for each year the pensioner has been retired and will continue to increase each year to a maximum of $500. The only teachers who benefited from this legislation were those who had taught in state supported rather than locally supported schools. They also received a cash bonus of $300.

"The law passed in 1968 created a Commission of Nine Members to study and make recommendations for future pension increases. One member of this Commission is to be a retired teacher.

"Since we regard ourselves as retired state employees, we feel that the law described above is discriminating against teachers. The average annual pension of retired teachers is $3,472. About 95 retired teachers in Rhode Island receive an annual pension of $2,000, which is the minimum pension. Our present law does not provide automatic cost-of-living adjustments or adjustments geared to increase in salaries of active teachers."

South Carolina

Emma F. Davis, President, South Carolina Retired Educators Association: "Pension adjustments for South Carolina members of the State Retirement System are inadequate to meet today's cost of living. It has not been possible to learn the number of retirees receiving any stated retirement benefits and the present Retirement Law does not provide for any cost-of-living increase.

"The 1968 General Assembly passed one amendment to S. 90 providing for a 5% increase to teachers retired in 1966 or later.

"The South Carolina Education Association asked that a study be made of the South Carolina Retirement System to learn just what inequities existed. A Study Committee of three Senators and three Representatives was appointed. This committee held an Open Hearing on August 7, 1968. The South Carolina Retired Educators Association Legislative Committee, in the presence of many retirees and Legislators, presented the SCREA Four-Point Legislative Program. This program proposes: (1) a minimum monthly benefit of $125 for all members of the Retirement System, (2) that when active teachers receive increases, retirees receive proportionate increases, (3) that members with 10 or more years, but under 20 years, receive a minimum of $5 monthly times the number of years of service and, (4) that all members be allowed to calculate benefits by the 1964 formula.

"The Director of the Retirement System has announced that he has begun a study to determine the cost of the Four-Point Program. This information will be ready before the opening of the 1969 General Assembly in January.

"The Chairman of the Retirement Study Committee reports that his committee is studying the problem and promises to push for action during the next session of the Legislature.

"The SCREA Legislative Committee through county associations is working to be sure that county delegations know the Four-Point Program and understand the great needs of many retirees for better incomes."

South Dakota

Florence Krieger, President, South Dakota RTA: "Pension Legislation passed since July 1, 1967: "1. Made eligible for membership in the Retirement System the teachers in the private schools for the handicapped and sheltered workshops and sheltered workshops under the supervision of the Mental Health Commission.

"2. Made those teachers presently employed in the public schools who did not elect to become members by July 1, 1964, eligible for membership as of 1968.

"3. Permitted 30%, instead of 20%, of the assets to be invested in stock of rated public utilities, and 10% can be so invested per year, instead of 5%.

"Outstanding inequities include the following:

"1. As of January 1, 1968, no retired teacher in the state received a pension as much as $75 per month—$70 was the maximum—and there were at least 130 teachers XXXXXX 40 or more years of service. Note the following survey report.

"2. The average pension is $28 to $2[redacted] month.

"3. No pension adjustments have been made.

"4. No automatic cost-of-living adjustments have been made.

"5. There are at least 100 retired teachers in the state with 20 or more years experience who receive no pension whatever.

"6. The South Dakota Retirement System did not go into effect until July 1959. XXXXXX

"114 SOUTH DAKOTA RETIRED TEACHERS RECEIVING NO PENSION

"Year of retirement	Years taught: Less than 20 years	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 60	Total
Retired before 1940	7	2	1	1					11
Retired 1940 to 1949	2	5	0	1	3				11
Retired 1950 to 1959	10	8	6	9	7	5	3	1	49
Retired 1960 to 1964	13	2	3	4	3	1			26
Retired 1965 to 1967	11	2	1	1		1		1	17
Total	43	19	11	16	13	7	3	2	114

"425 SOUTH DAKOTA TEACHERS RECEIVING PENSION

Years taught	Amount of pension: $5 to $10	$10 to $20	$20 to $30	$30 to $40	$40 to $50	$50 to $60	$60 to $70	Total
Less than 20 years	12	6	6	3				27
20 to 24 years	6	43	24	16	5			94
25 to 29 years	2	27	19	10	4			62
30 to 34 years	3	14	22	13	2	5		59
35 to 39 years		7	10	18	16	4	1	56
40 to 44 years		3	14	22	28	20	1	88
45 to 49 years			5	4	11	3	3	26
50 to 54 years			1		2		1	4
55 and over					1			1
Number of years not given		4	2	2				8
Total	23	104	103	88	69	32	6	425

"Median years taught: 32 years. Median pension $29 per month."

Tennessee

Part A

C. H. Moore, President, Tennessee RTA: "Recent significant pension legislation in Tennessee which has not been previously reported.

"1. The legislatures of 1967 and 1968 gave us the following which has not heretofore been reported:

"a. Minimum monthly benefits for Class A retired teachers (those with Social Security) are to be computed by the formula: number of years creditable experience x $4.34.

"b. Minimum monthly benefits for Class B retired teachers (those without Social Security) will be determined by the formula: number of years creditable service x $5.00.

"Part B

"Looking forward to future legislation by our state legislature in 1969, the Tennessee Legislative Council, at the request of the Tennessee Educational Association, will study the following proposals preparatory to making recommendations for future increases in retirement benefits:

"1. Factors in the benefit formula should be increased from 1% to at least 1⅛% for Class A members, and from 1⅝% to at least 1¾% for Class B members.

"NOTE: Two years ago a fixed formula program for teachers retiring in the future was passed by the Tennessee Legislature. The formula for determining monthly benefits under this program is: average of ten best years' salaries x number of years creditable experience x the factor, as indicated above. The former minimum benefit program is still in effect for nearly all teachers that have already retired.

"2. Benefits should be calculated on the average salaries of the top five years creditable service.

"3. A cost-of-living increase should be pro-

vided for those members retired on the minimum benefit program.

NOTE: This program is given in Part A above. Two ways are given to accomplish this proposal: first, increase the factors $4.34 and $5.00 to reasonable figures; second, develop a built-in cost-of-living index tied to some reliable and meaningful indicator.

"4. The aged teachers' pension of $3.34 per month for each year of teaching in Tennessee in excess of 15, but not to exceed 30, should be increased to $5.00 for each year of teaching experience in Tennessee in excess of 15.

"NOTE: This provision applies to a group of teachers who retired before July, 1945, when the original retirement system went into effect. There are about 500 of these teachers."

Texas

Jennie S. Wilmot, President, Texas RTA: "Texas took the first step in 1968 to permit an active teacher to contribute 6% of his or her full salary to the Retirement System. The first step was removal of a constitutional restriction. Action by the Legislature is still necessary to complete the authorization."

Utah

Merritt L. Paulson, President, Utah RTA: "The Utah pension program for retired teachers is in need of increasing benefits for those retired prior to July 31, 1967. The 1967 legislature in Utah passed a bill uniting all state pension programs under a single program. This bill did very little for the teachers now on retirement.

"There are 216 retired teachers in Utah receiving $75 or less per month and 409 retired teachers receiving $100 or less per month. This does not include benefits paid to disabled teachers. The average pensions for 'older' teacher retirees and non-teachers who retired during the period July 1, 1937, through June 30, 1961, and who are still alive is $105.94. Teachers retired after December 31, 1953, are receiving social security benefits.

"The new Utah law that went into effect July 1, 1967, is much more liberal for teachers who will retire in the future. Under the old pension law for teachers, the State of Utah was to match the teacher's contributions to the pension system. The State of Utah failed to meet its obligation in this matter. Over several years, $13,000,000 was never paid by the state. Therefore, we feel justified in asking for some increase in benefits for those retired teachers who helped by their contributions to keep the pension program alive in Utah."

Vermont

Lyman C. Hunt, Member, Legislative Council, NRTA: Eleanor Baily, President, Vermont RTA: "The minimum pension for those who have 35 years of service and have reached age 60 was raised to $2100 a year in 1966.

"Preparations are underway for (a) cost-of-living increase in retirement benefits, (b) vested rights in ten years, and (c) homestead tax exemption at age 65."

Virginia

R. L. Lacy, President, Virginia RTA: "The only Pension Legislation enacted since the 1966 session of the Virginia General Assembly applied to the 1968 session which voted a 10% increase in the pension of those who retired prior to March 1, 1952, effective with check received about August 1, 1968.

"The annual meeting of the Virginia Education Association, which concluded its session November 1, 1968, adopted a legislative program of action for retirement consisting of 15 items, many of which if enacted into law during the 1970 session of the Legislature will correct many of our outstanding inequities. The Virginia RTA participated in the formulation of the above through its president, and our association has accepted this program as its own and will work with the VEA as we approach the 1970 Legislature.

Washington State

S. M. Haugen, Chairman, Legislative Committee, Washington State RTA: "At the present time, we are preparing a bill requesting an annual increase of pensions for all State retirees each year of the next biennium and believe that we will have a good chance of its passing."

West Virginia

Roy B. Shrout, Chairman, Legislative Committee West Virginia ARSE: "We succeeded in getting legislation passed in the 1968 Special Session of our Legislature of the 25¢ per month per year taught. This amounted to from $7 to $10 per month for each retired teacher or other retired school employee.

"The average monthly retirement benefit for teachers is $115 per month. I do not have the figures for those receiving less than $100 per month, but there are a great many.

"We sent a questionnaire to each candidate for public office (statewide) in the November election, asking for support in the 1969 Legislature of (1) an increase by 5% of the retirement benefits of school employees retired as of January 1, 1969, and (2) an automatic 2% increase in current retirement payments *if* and *when* the cost of living rises 1½% or more. The response was very good."

Wisconsin

Officers and other leaders of the Wisconsin Retired Teachers Association, the Wisconsin Education Association Retirement Committee and the Wisconsin State Teachers Retirement System are working to correct present inequities and generally up-grade benefits for both those who are retired and those approaching retirement.

Wyoming

Willard R. Beck, President, Wyoming RTA: "Our State Legislature meets every two years in January following the General Election for a 40 day session. A study is being made of inadequacies so that further improvements can be made. Provisions were made by the 1967 Legislature that were very favorable to retirees and provided for increased retirement benefits after July 1969.

"We are getting better local organization among our retirees and we feel that these groups are taking the initiative in implementing needed improvements. Sheridan RTA has a very active legislative committee and during November will meet with the local elected legislators.

"Our State Executive Committee met October 25th, at which time some of our legislative problems were discussed. Since this meeting one member of this committee has been elected to the State Legislature."

District of Columbia

Elsie Green, State Director, District of Columbia RTA; Margaret Moore, Legislative Chairman, District of Columbia RTA: "No retired teacher with more than 15 years of service in the District of Columbia schools receives less than $300 a month pension. District of Columbia retired teachers have received two pension increases since 1966. When the law was passed, it provided automatic adjustments identical to Civil Service adjustments which are geared to the increase in the Cost of Living Index. They are assured another automatic increase in 1969 as a result of the more than 4% recent increase in the cost of living."

EMBARGO ON IMPORTATION FROM MEXICO OF VINE-RIPENED TOMATOES

Mr. GOLDWATER. Mr. President, there is today on the Mexican border an extremely complex and distressing problem which is working a dire economic hardship on one area of my State of Arizona and complicating this Nation's relations with Mexico.

The problem arises from an order issued January 2 to be effective January 8 by former Agriculture Secretary Orville Freeman. The order prohibits the importation from Mexico of vine-ripened tomatoes smaller than $2\frac{17}{32}$ inches in diameter. This embargo, regardless of the reasoning behind it, was levied suddenly and without a warning. It was an arbitrary decision which was made in the Department of Agriculture at the apparent whim of the tomato growers in Florida. As a result, the economy of Nogales, the port of entry, is suffering to the extent of a $105,000 a day. As has been pointed out by numerous inte[redacted] parties, the embargo of medium [redacted] Mexican tomatoes makes no economic sense. However, it is wreaking havo[redacted] our relations south of the border. It raises many hard-to-answer questions about our commitment to such concepts as freer hemispheric trade policies, our responsibility to U.S. brokers, shippers, and packers as well as to business interests across the border.

Mr. President, this does not sound like much of a problem until you unde[redacted] the ramifications involved in suddenly disrupting the normal channels of distribution for perishable goods. For example, there are an estimated 23,825 acres of land planted to tomatoes in the Sinaloa-Sonora sections of Mexico. Current estimates indicate that the embargoed sizes represent about 35 percent of the entire tomato crop of West Mexico. Thus, tomatoes today are literally rotting on the vines on about 8,400 acres of tomato growing country. Other tons of the carefully cultivated, vine-ripened fruit are being harvested by hand every day, being trucked to packing plants where they are washed and sorted and then unceremoniously dumped for cattle feed.

It might be interesting for American housewives who commonly pay 34 cents a pound for winter tomatoes to learn that West Mexican cattle are being fattened on perfect specimens of tomatoes because of an arbitrary ruling by the Department of Agriculture.

Mr. President, there is no mystery about why Mexican officials are up in arms about this order. I can tell you that the feeling below the border is intense and damaging to our continued relations. The Mexicans feel that our Department of Agriculture has been used by the Florida tomato growers to play a cruel trick on one of their most perishable industries. They state flatly that Florida growers are attempting to force the American consumer to eat large and highly priced tomatoes. They also make a considerable point of the fact that most Mexican growers spend about half of their cost of growing tomatoes in the United States on items such as machinery, seed and other equipment.

Mr. President, when this embargo was first levied by Mr. Freeman, I telegraphed him urging that his order be suspended pending more hearings and further consideration. He replied that he had no choice; that his action was mandatory under a 1937 law which was invoked on behalf of the Florida tomato growers. I wish to point out that there is consider-

able doubt about whether this law makes the restrictive actions of the Secretary of Agriculture mandatory or discretionary. I submit that if it is mandatory and if it can be invoked by a group of domestic growers in a fashion that proves detrimental to domestic economic interests of another section, then that law should be changed. But I firmly believe that thorough investigation will show that this is a statute which permits the embargoing of a foreign product rather than requiring it.

Albert Conrad, secretary-manager of the West Mexico Vegetable Distributors Association with headquarters in Nogales, claims the embargo was imposed as a purely protective measure to insure a larger Florida tomato crop. Says Mr. Conrad:

> The ultimate victim in all of this will be the American consumer who will have to pay higher prices because of the lack of Mexican competition. The Florida growers cannot possibly fill the gap in the market caused by this embargo. Mexico usually supplies about 50% of the U.S. winter tomato consumption.

Mr. President, this is an extremely involved question. I have been told that the late Judge Learned Hand is commenting on the 1937 law involved in this case once described it as a "veritable verbal thicket of monstrous proportions." For this reason it is impossible for me here today to go into each and every facet of this problem. However, I claim that its very complexity argues against the kind of sudden action that was engaged in by Mr. Freeman.

In all events, I am informed that the new Agriculture Secretary, Mr. Clifford M. Hardin, is paying close attention to the developments in the tomato controversy along the American-Mexican border. I sincerely hope that the wisdom of rescinding this embargo will soon become apparent to him and that the Nixon administration will quickly issue the necessary order to right a grave wrong.

"U.S. FOREIGN POLICY: 'SELECTIVE RESPONSIBILITY'"—SPEECH BY SENATOR GOODELL

Mr. JAVITS. Mr. President, I ask unanimous consent that a thoughtful address by my colleague, Senator GOODELL, entitled "U.S. Foreign Policy: 'Selective Responsibility,'" delivered before the New York State Society of Newspaper Editors on February 3, 1969, be printed in the RECORD.

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

U.S. FOREIGN POLICY: "SELECTIVE RESPONSIBILITY"

For the United States, this is a time of both charisma in space and catharsis on earth. If Apollo is our charisma, Vietnam is our catharsis. And we agonize in earnest efforts to find better ways here on earth, both nationally and internationally.

The New Year has opened auspiciously with the agreement in Paris to proceed with substantive talks on Vietnam. This is the most hopeful sign yet that we may be on the road to resolving the tragic Vietnam conflict, which has divided our people and diverted our resources for so long. The negotiations will be long, difficult and tortuous. But with skill, good fortune, and some reasonableness on all sides, I am hopeful that the Nixon Administration will be able to achieve an honorable settlement of the war.

In foreign policy, we know that Vietnam has narrowed our vision. And we sense the one tree but not the forest perspective. While it is true that Vietnam dominates our vision, it is also true that it has led to an outlook insisting that there be no more Vietnams.

At stake, now, is not the past, but the future. What principle should guide our international commitments, our involvement, its degree and kind? What principle can serve at once the interest of our country and that of humanity—in the common cause of international peace with justice?

"Containment" has been used to justify our country's involvement in Vietnam. This principle, first announced in 1947, has led the United States to ideological commitments around the world.

During the years of the Cold War, there developed a broad consensus in support of "containment" and against an international communist movement which was viewed as monolithic. This consensus led the United States to establish a network of military alliances from Europe to Asia. And it led to U.S. anti-communist intervention in countries throughout the world.

While "containment" has applied to foreign policy needs of the past, we have now employed it to such an extent, that we are, in the eyes of the world, fully committed.

Committed to what? we are asked. To peace, when there is war? To stability when there is instability? To security, when there is insecurity?

"Containment" does not seem to give us answers. In addition, there is Vietnam, which has eroded the "containment consensus" of the past.

We have learned that our resources cannot be used with equal effectiveness everywhere in the world. We have learned—the hard way—that we cannot be the world's policeman.

Since "containment" can no longer guide us, we must develop a new approach to foreign affairs.

The new approach I am suggesting today is "Selective Responsibility." It would use a much greater selectivity in the involvement of our resources abroad. It would avoid the automatic and rigid responses that too often have marred our past policies. It would recognize that the world is no longer simply bi-polar, but has added dimensions of a political multi-polar world. It would accept the fact that threats to our security and interests can come from a variety of sources, not just the Soviet Union.

"Selective responsibility" would give full recognition to America's vital role in promoting peace and justice abroad. But it accepts the fact that we cannot—and should not—attempt to preserve the status quo in every nation throughout the globe faced with internal revolution.

In short, such a new approach should steer an intelligent middle course between a rigid "containment" policy and an obviously unacceptable return to isolationism.

Isolation could only close our opportunities in the world to the reciprocal benefits made possible by the exchanges among people of ideas and economic benefits.

A principle of "Selective Responsibility" requires us to bear the following points in mind when we decide whether and to what extent we commit our economic or military resources in any part of the world.

1. We must look at our interests throughout the globe in *real* terms, and not in *romantic* or *ideological* terms. In deciding how we should respond to a crisis abroad, we must focus on the actual economic, strategic or other benefits we could obtain by our actions. The world is far too complicated to permit us to be obsessed with our prestige, we must be concerned mainly with our real interests.

2. We must stop thinking of foreign policy as something quite separate from domestic issues. Every major commitment abroad affects our domestic scene, and affects our ability to deal with the great social problems within our borders.

In deciding how much resources to commit to a crisis abroad, it is essential to assess how such a commitment would affect opinion at home, and how it would affect the great domestic programs for improving our cities and meeting the needs of our poor.

We failed to judge the domestic impact of our Vietnam policy—upon the consciences of millions of Americans, upon the families whose sons were dying, upon the youth in our colleges, and upon our social programs. These failures, among others, have made the war so deeply divisive for our nation.

Our overall military spending must be XXXXXX sidered in the context of domestic needs. There must be a reassessment of defense policy with serious examination of what XXXXXX been called the "military spending sponge."

It is presently estimated that expenditures for Vietnam will decline by $3.5 billion due to the bombing halt, but non-Vietnam defense spending will rise by $5 billion. These figures are a startling blow to those of us who would like to see savings from Vietnam transferred to pressing needs at home, not automatically siphoned off for more military XXXXXX hardware.

3. We must make a realistic assessment of how receptive the people of any foreign nation are to our assistance, before embarking on a commitment of our economic or military resources there. Where the local population welcomes our presence, we can accomplish a great deal of good with a relatively small investment. Where the local population repudiates us, even a very large investment tends to be wasted.

4. We cannot and will not attempt to do the things which the other nations of the world can do for themselves either individually or by indigenous regional arrangements. Countries, using their own resources, must help themselves through involvement of their own people in effective community action programs.

5. Finally, and most important, we must avoid open-ended commitments. If we are deciding whether to involve our men, our arms, or our money in a foreign crisis, we must have some clear idea—even though we do not choose to announce it—of the maximum we are willing to commit. And we must have adequate contingency plans which prepare us for the eventuality that our proposed course of action fails to work as intended.

In particular, we must recognize that any decision to commit American troops to a foreign conflict tends to become "irreversible." If the troops we send do not achieve their immediate military objective, we become subject to great pressures to add more troops—i.e. to escalate the conflict. This is what happened in Vietnam.

By emphasizing flexibility and realism to serve our interests, a new policy of "Selective Responsibility" will improve our ability to act in this complicated, multi-polar world.

Regarding Soviet-American relations, this new approach will enable us better to distinguish areas of convergence and divergence of interests.

In dealing with the Soviet Union, we have oscillated between attitudes of undue trustfulness and of total suspicion. During periods of "thaw," we foster the illusion that the Soviet Union will act "reasonably" on all issues; during periods of "freeze" we harbor the opposite fantasy.

The truth is that there will be areas where we can cooperate with the USSR. The Nuclear Non-Proliferation Treaty is an obvious case in point. But there will equally be areas where we must firmly oppose the Soviet Union—as in the Mediterranean. We cannot

afford a policy which ignores these distinctions.

Congress—especially the Senate—has an important role to play in implementing this new policy of Selective Responsibility. It can do so by conducting a continuing review of our foreign policy to see if it reflects the real interests of America.

Congress can perform a particularly valuable function in helping to assure that our foreign policy is consistent with domestic opinion and domestic social needs.

Through their broad contacts with their constituents, members of Congress can help gauge the impact of our foreign policy at home. This function is vital to assure that we no longer attempt ambitious foreign commitments—especially military commitments—which lack the support of a consensus in America.

But to perform this function, Congress must be informed. One minimum measure is that the President should undertake fully to inform Congress in advance of any new commitment of American troops abroad, unless a clear emergency prevents him from doing so. If possible, he should request a joint resolution of Congress for this purpose.

No one approach to foreign affairs can be guaranteed to work. Too much depends upon the incalculable factors of good or bad luck; the skill and judgment of our leaders; the rationality and predictableness of those who oppose us. Nevertheless, I am hopeful that the approach I have outlined will be of some assistance in charting constructive new directions in America's foreign policy.

MIDEAST PEACE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech by Senator SCOTT entitled "Mideast Peace Must Be Negotiated by Israel, Arabs."

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

SENATOR SCOTT SAYS MIDEAST PEACE MUST BE NEGOTIATED BY ISRAEL, ARABS

PHILADELPHIA, PA.—U.S. Senator Hugh Scott (R.-Pa.) said last night that "President Nixon has taken the initiative to encourage a fairly-negotiated Arab-Israel peace settlement."

Speaking before the Cardozo Lodge at the Marriott Motor Inn, where he received the Justice Benjamin N. Cardozo Award, Senator Scott said:

"President Nixon has taken the initiative to encourage a fairly-negotiated Arab-Israel peace settlement.

"The announcement that there will be an effort to bring the parties together should *not* be interpreted as an effort to impose a settlement on the contending parties in the Middle East.

"I am confident that President Nixon knows full well that the only lasting settlement must be one to which Israel and the Arab states freely subscribe.

"The Arabs, the Russians and the French have been talking about a political solution. We are not deceived by nice words. What they mean by that is a Big Power settlement to be imposed on the Arabs and Israelis which will fall far short of a genuine peace and which, indeed, will be prejudicial to peace and, perhaps, conducive to the resumption of war in the near future.

"The Russians and the Arabs have been waging a war of nerves to achieve this objective. It is argued that we may be on the verge of a Great Power confrontation—that we may be slipping into a Third World War. It is argued that we cannot ask the Arabs to make peace with Israel, that they are too proud and we should not humiliate them. It is argued that Israel has been stubborn by insisting on a negotiated peace.

"I suggest that we should not be swayed or stampeded by any kind of false hysteria which may intimidate American opinion. I suggest that we look at the Middle East with calm and with reason. Let us reject the efforts of the Russians and the French to write U.S. policy. We are living in the 20th century. We cannot agree to a return to 19th century imperialism which permitted Great Powers to impose their will on other peoples. Neither the French nor the Russians have any right to dictate the future course of Middle East relationships. Surely, the Arabs have memories of their past experience with French rule when France had mandates in the area. And surely the Arabs must be aware of the Soviet Union's record in Czechoslovakia.

"Let us not be deceived by propaganda fakery which would lead us to believe that the Arab states mean peace when they talk of political solution. Bear in mind that Syria, Iraq and the Arab terrorists have all rejected the November 22 UN resolution and the Jarring mission which it created.

"A picture is worth many columns of newsprint and that front-page picture showing the lynchings in Baghdad last week conveys a graphic message. The brutal and barbarous hangings in Iraq have again exposed the virulent hostility of Arab terrorism which prevails in Syria and Iraq and among the Arab terrorists.

"As of this moment, I have not heard of any Soviet condemnation of the brutal execution of Jews in Iraq. If the Soviet Union were honestly committed to a real settlement in the Middle East, it would long ago have joined with other nations in censuring terrorism in the Middle East and in summoning the Arab states to a recognition of their obligation to live at peace with their neighbors.

"A real Arab-Israel peace must be a major objective of American policy. This means that Arabs and Israelis must reach agreement on future boundaries. There is nothing sacred or eternal about the present temporary armistice or cease-fire lines. The boundaries of the future must be based on realistic agreements, and such boundaries reached by understanding and negotiations will become bridges and not walls.

"The UN has a role to play in this, but its major function must be to encourage Arabs and Israelis to meet together. The UN will not serve the best interests of peace if it continues to keep the parties apart and if it seeks to restore demarcation lines and machinery which proved feeble and futile when they were tested by renewed aggression in 1967.

"The Great Powers have a role to play. It is to encourage all the peoples in the Middle East to join together in mutual respect, in cooperation and in the preservation of peace.

"I am pleased that President Nixon has taken the first step in that direction."

DEPLOYMENT OF ANTI-BALLISTIC-MISSILE SYSTEM

Mr. COOPER. Mr. President, a group of Senators had planned to discuss today the implications of deployment of the anti-ballistic-missile system. There has been a long debate over the recommendation to increase salaries. It is very late in the evening. At least 14 Senators indicated a desire to speak and enter into a discussion of the problems the system will cause for our country and give their reasons for desiring a reversal of the decision made last year to support its deployment.

I am very sad that the Senator from Michigan (Mr. HART) is not here, because he was a principal figure in last year's effort to strike funds for the deployment of the system. He is away, but he will return and he will take an active part in the movement this year to halt this dangerous and costly system.

My statement is brief. I know some of my colleagues have engagements, and if they want me to yield to them during my statement, I shall be glad to do so. I am glad to see here also the distinguished chairman of the Armed Services Committee (Mr. STENNIS), and I shall be happy to have his comment.

Mr. President, during the last session of the Congress, the Senate debated and voted upon one of the most important issues that face this country—the deployment of the Sentinel anti-ballistic missile system. Its awesome strategic and policy implications, its great cost, questions that many outstanding scientists and technicians have raised about its feasibility, and, above all, the concern that it will not provide security to our country, but will only launch another nuclear arms race of vast proportions, challenge the initial decision made in the last Congress to deploy the system.

Last year the Congress authorized and appropriated over $1 billion for the initial deployment of a so-called "thin" system: a total of $700.3 million was appropriated in the military procurement bill; $227.3 million in the military construction bill; and the Atomic Energy Commission bill included $324.5 million for Sentinel components. In previous years, something on the order of $3 billion have been appropriated for research.

Prior to Secretary McNamara's speech in San Francisco in September 1967, deployment had not been recommended by the executive branch. But on January 22, 1967, the administration of President Johnson, speaking through the posture statement of former Secretary of Defense Robert McNamara, recommended approval of the so-called "thin" system, designed to defend against the suggested nuclear threat of Communist China.

Senator RICHARD RUSSELL, then chairman of the Senate Armed Services Committee, said during the debate that he considered its true purpose to be a "building block" in the construction of a "heavy" system against a nuclear attack by the Soviet Union. No one can estimate its cost accurately—$5.5 billion for the "thin" system and $40 billion for the "heavy" system is one estimate provided by the Department of Defense, while others believe the cost could total $70 billion or more.

On three occasions during the last session, the senior Senator from Michigan, PHILIP A. HART, and I, joined by other Members of the Senate, including Senator SYMINGTON, of Missouri, introduced amendments to strike from various bills the authorization, or appropriations for deployment of the system. Our amendments did not eliminate or reduce funds for research and development. While the amendments were defeated by votes of 28 to 31, 34 to 52 and 25 to 45, respectively, the number of Senators voting favorably upon the amendments totaled over 40. Other amendments to strike all funds for the ABM system were offered by Senator NELSON of Wisconsin,

Senator YOUNG of Ohio, and the former Senator from Pennsylvania, Joseph Clark.

Although the amendments were defeated, we were successful in bringing this issue before the Senate for debate, and to the attention of the people of the United States. Further, it was developed clearly in the closed-door session of the Senate, held upon my motion, that the Armed Services Committee had not availed itself of the expert opinions of scientists and authorities outside the Government, at least in its hearings. Distinguished scientists, such as the former presidential scientific advisers, Nobel Prize winners in nuclear physics, and distinguished authorities in international affairs oppose deployment of Sentinel ABM system. Many believe that the ABM system is not yet technically advanced for effective deployment; that deployment would only lead to the production of new offensive weaponry of a more dangerous nature, than now exists, and to a new arms race.

Today, I shall not detail the arguments made last year against the deployment of the Sentinel system. My purpose today and that of my colleagues who so vigorously opposed appropriations for deployment is to give notice to the Senate and the country that we shall continue to contest and oppose the appropriation of funds for deployment. We shall do our best to bring before the Senate and the country the available facts which question its feasibility and effectiveness for security. We shall present political and humane arguments against its deployment. While I cannot speak for the administration, I am confident that President Nixon will, as he reviews the defense policies which affect security of our Nation, will review and weigh carefully this most important question. We are hopeful that full debate in the Senate and the opinion of the country will be of value to the President in this most important decision.

The reasons which led Senator HART and me to submit our amendments last year, among others who submitted amendments, and the support of so many Members of the Senate, including Senator MANSFIELD, the majority leader, Senator SYMINGTON, the distinguished member of the Senate Armed Services Committee, Senator FULBRIGHT, chairman of the Senate Foreign Relations Committee, Senators AIKEN, JAVITS, CASE, PERCY, BROOKE, SCOTT, GEORGE MCGOVERN, EDWARD KENNEDY, and many others; particularly Senators NELSON and YOUNG, who introduced resolutions, are still valid.

The Chinese have made little, if any, progress toward the development of a nuclear missile system and if it were used it would as Senator RUSSELL said last year in the debate bring upon Communist China its certain destruction.

The Soviet Union has not proceeded to install a substantial and effective system. The United States and the Soviet Union continue to maintain the capability of destroying each other, no matter which country makes the first strike. If one deploys an ABM system the other will do so, and will develop concurrently more effective and powerful offensive nuclear weapons, with such devices as MIRV, increasing over and over the number of warheads that can be targeted on their cities and peoples.

For myself, I cannot see that the installation of an ineffective system will provide any strength for negotiations with the Soviet Union on the reduction of the arms race. The critical situation in the Middle East, the tension in Europe following the invasion of Czechoslovakia, the war in Vietnam and other sources of danger to the United States and to the world call for a time of negotiations of which the President has spoken. I argue that these delicate balances—including the nuclear deterrent—should not be upset by the commencement of another kind of nuclear arms race. At least, we should not take this step until President Nixon and the new administration have every opportunity to search out the Soviet Union if there are ways to reduce, rather than accelerate, the arms race and to bring some hope of stability and true security to this endangered world.

Mr. President, a number of articles discussing the ABM have appeared recently. I ask unanimous consent that this article be included in the RECORD at the conclusion of my remarks.

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

[From the New York Times, Feb. 2, 1969]

FOES OF ANTIMISSILE NET INCREASE IN SENATE ATTACKS ON PENTAGON—KENNEDY JOINS SENTINEL SYSTEM CRITICS AS OTHERS PLAN INQUIRY INTO INFLUENCE OF THE MILITARY-INDUSTRIAL COMPLEX

(By John W. Finney)

WASHINGTON, February 1.—The Defense Department is being caught in a pincer movement in the Senate. A bipartisan coalition threatening to block the deployment of a ballistic missile defense system and to investigate the influence of what former President Dwight D. Eisenhower called the "military-industrial complex."

Not since World War II has the Pentagon been so placed on the defensive on Capitol Hill.

It now appears that close to a majority of the Senate is opposed to the Sentinel antiballistic missile system, a five-year nationwide project designed to provide a "thin" shield against Chinese weapons by detecting approaching missiles with radar and intercepting them with nuclear-armed antimissile missiles. With the opposed to the Sentinel antiorganized, it is likely that the Senate will refuse later this year to vote further funds for the $5-billion network.

POLITICAL FOLLY SEEN

Senator Edward M. Kennedy of Massachusetts, the Senate Democratic whip, openly joined the battle today with a letter to Defense Secretary Melvin R. Laird protesting that it would be political "folly" and a serious technical mistake for the United States to commit billions of dollars to build a yet unproved missile defense system.

In his first public statement on the issue, Senator Kennedy proposed that the Administration impose a freeze on the construction of sentinel sites while it conducts a National Security Council review into the desirability of deploying a missile defense system.

"Such a freeze," he said in a four-page letter, "would make a definite contribution to the cause of world peace, would reassure the nation that our national defense programs are sound and rational, and would heighten the possibility that we will be able to deal more effectively with our domestic needs."

Meanwhile, the Pentagon faces a broader attack on another flank by the Senate Foreign Relations Committee, which provided the hard core of resistance to the Sentinel system.

With considerable secrecy so as not to arouse the jurisdictional jealousies of the Senate Armed Services Committee, the Foreign Relations Committee is proposing to set up a special subcommittee to investigate the global and domestic activities of the Defense Department.

FOREIGN POLICY IMPACT

Ostensibly the subcommittee would look into the nation's global commitments and their impact upon foreign policy. But this mandate would be but a vehicle for investigating the impact and influence of the military establishment.

Thus the investigation would probab XXXXXX into such issues as the command and control being exercised over military units, such as the Pueblo intelligence ship, indoctrin XXXXX programs conducted by the Pentagon to educate the public on foreign policy issues, the political use made of military aid programs in underdeveloped countries, as in Latin American, and Pentagon sponsorship of nonmilitary social science research.

The subcommittee probably would be headed by Senator Stuart Symington, Democrat of Missouri, a choice that illustrates the changing attitude in the Senate toward XXXXX Defense Department.

By seniority rights, Senator Symington, a former Secretary of the Air Force, should take over the chairmanship of the Senate Preparedness subcommittee, which is the principal defender of military programs.

But Senator John Stennis of Mississippi, chairman of the parent Armed Services Committee, will retain the helm over the influential subcommittee. So Senator Symington is likely to become chairman of a rival subcommittee that should develop into the principal critic of the Pentagon.

That Senate attitudes toward the Pentagon were changing became apparent last year when Senator John Sherman Cooper, Republican of Kentucky, led what amounted to a one-man battle against the Sentinel system. While the battle is still being led by Senator Cooper, the opposition this year is much better organized and has recruited such young activists as Senator Kennedy and Senator Charles H. Percy, Republican of Illinois.

FUTILE ASSAULTS

In his letter, Senator Kennedy argued that technically there was "no conclusive evidence" that the Sentinel system would work, he said that from a political standpoint the Sentinel system would "vitiate an unparalleled opportunity to lessen world tensions" through an economic standpoint such a system would be so costly as to cause "a distortion of Federal funding priorities."

Noting that there has been considerable discussion of the "peace dividend" that would be made available with the end of the Vietnam war, he said:

"It is my opinion that we would do more to divide the country than unite it should we apply this dividend, whatever it may be, to deployment of an ABM system rather than to our domestic housing, employment, health, education, conservation and other needs."

In a series of futile assaults last year on the initial $647-million installment for the Sentinel, Senator Cooper surprised the military establishment in the Senate by corraling 42 Senators to his side.

This year the Defense Department is requesting $1.4-billion in deployment funds. As the request has grown, so also in the opinion of such Senators as Mike Mansfield of Montana, the majority leader, has the opposition mounted to the Sentinel.

Opponents of the Sentinel can now count on about 45 votes in the Senate, and with a

few switches and recruits among freshman Senators they can command a majority.

Whether the opposition can win over the crucial few votes depends in large measure upon how emphatically the Nixon Administration comes out in favor of the Sentinel.

During his confirmation hearings earlier this month, Defense Secretary Melvin R. Laird said he had "some questions whether we should push forward simply with a system that defends against the Chinese threat only."

But then at a news conference this week, Mr. Laird, echoing the arguments of his predecessor, Clark M. Clifford, said the United States should proceed with the Sentinel system to strengthen its bargaining position in any missile-control negotiations with the Soviet Union.

THE LAIRD LOGIC

As far as the Sentinel opponents are concerned, this Laird logic plays into their hands, for it questions how the United States can improve its bargaining position against the Soviet Union by building a system whose effectiveness has not been established and which is designed against the Chinese, not the Russians.

Even for defense against Chinese missiles, the opposition has obtained intelligence, information challenging the value of the Sentinel. Thus, in intelligence briefings, Senator Cooper has obtained estimates that Communist China would be capable of producing in small quantity relatively sophisticated nuclear warheads, which, with the assistance of such penetration aids as decoys, would be capable of overcoming the Sentinel system.

As a result of last year's battle, the opposition has already won one important concession from the Senate military establishment which should help it prepare a case against the Sentinel.

Last year the Senate Armed Services Committee held routine hearings on the Sentinel, with only Pentagon officials testifying. This year, at the request of Senator Cooper, the committee has agreed to hear independent experts, giving the opposition the opportunity to present, for example, the testimony of former Presidential science advisers who have opposed deployment of an ABM system.

RESISTANCE BUILDING

The opposition should also be aided by another political factor, namely the local resistance building up in some communities that have been selected for Sentinel bases.

Until the Army started buying and clearing Sentinel sites, the debate was fought out on largely abstract terms. But now the debate is acquiring a political backlash as the Senators hear from constituents opposed to the location of a Sentinel base in their communities.

Senator Percy, for example, is receiving 750 to 1,000 letters a week from constituents opposed to a Sentinel site in the Chicago area. If Senator Percy is feeling such political pressure, so presumably is Senator Everett McKinley Dirksen of Illinois, who as Senate Republican leader probably holds the key to the outcome of the Senate debate on the Sentinel system.

A question being asked in Senate circles is whether Senator Henry M. Jackson, Democrat of Washington, who is up for re-election in 1970, will be so ready to stand up as the principal Senate champion of the Sentinel system now that opposition is developing in Seattle to a proposed Sentinel site outside the city.

[From the New York Times, Jan. 30, 1969]

EXPERT FINDS UNITED STATES AND SOVIET IN ARMS SUFFICIENCY

(By Thomas P. Ronan)

Dr. George W. Rathjens, former director of the Systems Evaluation Division of the Institute for Defense Analysis, asserted in a report made public yesterday that the present strategic balance between the United States and the Soviet Union might be described as one of sufficiency in strategic forces.

He said he used the term in the sense that "each side can inflict unacceptable damage on the other, regardless of the conditions under which nuclear war might develop."

"Thus, further increases in strategic force levels are not likely to offer either country new political options," he added. "Yet on both sides there have been vigorous research and development programs that now make probable the deployment of new strategic systems."

FUTURE OF THE ARMS RACE

Dr. Rathjens, now visiting professor of political science at the Massachusetts Institute of Technology, gave his views in "The Future of the Strategic Arms Race: Options for the 1970's," a report prepared for the Carnegie Endowment for International Peace.

President Nixon, responding to a questioner who used the word "sufficiency" at his news conference Monday, said it applied to his Administration's approach to military preparedness.

He said his Administration's objective was "to be sure the United States has sufficient military power to defend our interests and to maintain the commitments which this Administration determines are in the interests of the United States around the world."

"I think sufficiency is a better term, actually, than either superiority or parity," Mr. Nixon added.

Dr. Rathjens, who has also served as special assistant to the director of the United States Arms Control and Disarmament Agency, said United States strategic forces had been built up rapidly during the early nineteen-sixties but their level had been almost constant during the last two years.

He said that Soviet strategic forces had recently been growing at a fast rate but that according to most measures of strategic strength, the United States continued to have superiority.

"Despite some uncertainty about the absolute levels of damage that each side might experience and about the recuperative ability of such damaged societies, there seems little reason to doubt that in a full-scale nuclear exchange at this time, the United States and the Soviet Union would suffer about equally and grievously," Dr. Rathjens asserted.

"The foundations of society in each country would certainly be destroyed."

[From the Washington Post, Feb. 2, 1969]

KENNEDY URGES FREEZE ON SITES FOR ANTI-MISSILES

(By Morton Mintz)

Sen. Edward M. Kennedy (D-Mass.) has urged the Nixon Administration to freeze construction of sites for the "thin" Sentinel anti-ballistic missile system—the controversial project proposed as a deterrent against China.

The Assistant Senate Majority Leader said that a freeze would "make a definite contribution to the cause of world peace," reassure the Nation that its defense programs are "sound and rational" and expand the possibility of dealing "more effectively with our domestic needs."

Kennedy's plea was voiced in a letter mailed Friday to Defense Secretary Melvin R. Laird, who has said the ABM system is needed as a bargaining tool for possible disarmament talks with the Soviet Union.

In the meantime, Laird has ordered a review of the system and of the decisions to proceed with deployment. The review provides, Kennedy said, "yet another reason" for freezing site construction.

Kennedy's letter holds to his previously expressed position—against construction of the ABM system but in favor of research and development for it.

Last April 18, for example, Kennedy was paired in support of an amendment of Sen. John Sherman Cooper (R-Ky.) to delay deployment of the Sentinel. The amendment was defeated, 28 to 31. Last Oct. 2, Kennedy was in the minority again when a similar Cooper amendment was rejected, 25 to 45.

Kennedy's letter to Laird included these arguments for a freeze on Sentinel site construction:

Technical: There is "no conclusive evidence" the system will work in combat conditions:

Relations with the Russians: The choice might be a freeze and "an unparalleled opportunity to lessen world tensions," or the possible "folly" of forcing the Soviets to continue with an ABM system of their own.

Site location: In Massachusetts and elsewhere, populated areas will be exposed to accidental ABM explosions and made "a [redacted] target."

Cost: Although the Defense Department has estimated a "thin" system will c[redacted] billion, "all of us with experience in estimates for military systems expect this . . . figure to be low."

[From the Washington Post, Nov. 22, 1968]

FOES PICTURE ABM RISK TO DEFENDED CITY

(By George C. Wilson)

The specter of a defending missile blowing up the city it is supposed to protect ha[redacted] raised by scientists and law-makers trying to stop the construction of an American anti-ballistic-missile system.

This new tack in the campaign against the $5 billion Sentinel ABM (anti-ballistic-missile) program showed up in Chicago yesterday and in the censored transcript of the secret Senate debate on the issue.

Five nuclear physicists from the Argonne National Laboratories southwest of Chicago have formed the West Suburban Concerted Scientists, committed to stop ABM construction in that city or its suburbs.

John Erskine, Argonne laboratory physicist, contends that if the long-range Spartan missile should accidentally explode, its one-megaton nuclear warhead would make "a crater 400 feet deep and three-fourths of a mile across."

The blast, he asserted, would send radioactive debris all around Chicago, killing "a large fraction of the population within 24 hours.

The Army is investigating five sites in the Chicago area for an ABM base as part of the "thin" missile defense President Johnson decided to build for the United States. Congress this year voted money for to start construction of the system, defeating several amendments to cut ABM funds out of military legislation.

Besides the accidental explosion argument, Dr. David R. Inglis, senior physicist at Argonne and former chairman of the Federation of American Scientists, said the ABM site in Chicago would make the city a military target for Soviet ICBMs. He is another of the five physicists who have banded together in the stop the ABM effort.

Col. William Wray, chief of site operations for the Army's Sentinel command, told a briefing session in Chicago yesterday that there was little if any danger of an accidental explosion.

"Over the last 20 years of storage and handling of nuclear weapons," Wray said, "we have never had an accident."

Here in Washington, Sen. John Sherman Cooper (R-Ky.) has posed the accidental explosion question to the Pentagon in these words: "in view of public hesitation to accept nuclear reactors in cities, what assurance can be given that there is less hazard from accidental detonation of ABMs stationed in or on the edge of cities? In case of accident, how does the damage in the two cities compare?"

Sen. Clifford P. Case (R-N.J.), another op-

ponent of the ABM, submitted that question on behalf of Cooper during the secret Senate debate Oct. 14. A sanitized transcript of that debate was published in the Congressional Record of Nov. 1.

Cooper hopes to pursue the danger of putting nuclear-tipped defensive missiles in or near cities in special Senate hearings early next year.

Chairman Richard B. Russell (D-Ga.) of the Senate Armed Services Committee, during the secret debate, contradicted the Johnson Administration's insistence that the thin ABM is to guard against an irrational attack by the Chinese.

"I am frank to say I consider" the missile defense now under construction "primarily the beginning of a system to protect the people of this country against a Soviet missile atomic attack."

Former Defense Secretary Robert S. McNamara, in announcing the go-ahead on Sentinel Sept. 18, 1967, said it would be foolish to go beyond the "thin" anti-Chinese defense by trying to protect the U.S. from Soviet missiles.

But the opposition to the ABM decision has insisted all along that Sentinel is just a building block.

Russell argued the ABM was worth buying for the lives it might save in a nuclear war between the superpowers.

Sen. Henry M. Jackson (D-Wash.), another advocate of the ABM, said the defense now under construction "will complicate any Soviet attack on the United States and thereby contribute to the deterrent."

Chairman J. W. Fulbright (D-Ark.) said during the secret debate that Russell's committee only listened to Administration witnesses on the ABM and did not call in scientists who opposed building the system.

Russell retorted that none of the scientists asked to testify before his Armed Services Committee nor did any Senators request them to appear.

[From the Washington Post, Jan. 26, 1969]

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B-70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new de-* * * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination, to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates the Pentagon and the aerospace industry apparently learned little * * * systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F-102, the Delta wing interceptor for the Air Defense Command, was bedeviled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extensive, two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart, A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on, B1 is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down [illegible] as fast and six, four times as fast.

As a group, the eleven average a break-down more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the papers observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both, except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F-111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena

have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F-4, a supersonic Navy interceptor. Even though the F-4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

[From the Detroit News, Feb. 1, 1969]

OAKLAND MISSILE SITES VERY MUCH HUSH-HUSH

(By Leonard Levitt)

The Army is shrouding its plan to construct two antiballistic missile sites in Oakland County in secrecy.

All outsiders were barred as top Army brass met behind closed doors, yesterday with the seven-member Oakland County Board of Supervisors planning, building and zoning committee.

Four sheriff's deputies patrolled the halls during the meeting.

Supervisor Niles E. Olson of Pontiac, described the meeting as "a briefing session over possible sites." Six sites have been proposed. Two will be chosen.

Olson, who had first been contacted about the meeting Wednesday night at his home, was informed only shortly before the session Friday afternoon that the press would be barred.

According to Olson, one of the three Army officers, Col. William Wray, of the Huntsville, Ala., missile center, said he was "under orders from his superiors in Washington not to speak to the press."

"He just won't continue the hearings if the press comes in," Olson said.

Asked why he was prevented from talking with the press, Wray merely smiled and shook his head.

Carl O'Brien, another Oakland Supervisor, complained after the meeting, "Anytime I asked them something important about the sites, they said it was classified."

The sites are part of a $5.7 billion Sentinel antiballistic missile system to be constructed at 15 cities throughout the country.

Senator Philip Hart, Michigan Democrat, declared that the program must be stopped now "before it achieves a momentum of its own the way Vietnam did."

Hart made his charge Thursday night at Oakland Community College to a group of 200 women opposed to the missile sites.

"Huge military ventures, once underway, are very hard to shut down—even if it becomes apparent in midcourse that they are of questionable value," Hart said.

U.S. Rep. William S. Broomfield, a Republican whose Oakland County district contains the six sites, has opposed the plan because he says the sites would disrupt a rapidly growing area.

The decision on sites location was put off until mid-February by Clark Clifford, secretary of defense in the Johnson administration.

Broomfield and Rep. John Conyers Jr., Detroit Democrat, who also opposes the plan, had asked the Defense Department last December to defer the decision 60 days.

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

Mr. COOPER. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, unfortunately I cannot stay for this full discussion, but, as the able Senator from Kentucky will remember, at one time I stated that the figure could reach $100 billion, if we went to a full system, a "thick" system, as it is called.

It is my understanding that already the estimated cost of the thin system has increased from $5 billion to $9.4 billion. Because of figures presented in a recent hearing before the Joint Economic Committee as to the average increase in cost of a number of weapons systems, I am not surprised.

May I ask the Senator if the thin system can double in cost within a few months, is it not possible that the cost of the thick system could double within a few years?

Mr. COOPER. I think it is absolutely certain. The Senator has a great opportunity to study deeply these matters, and I am sure what he says is absolutely correct, that the cost will be twice as much as has been estimated within the last year. In addition, there are many statements in the defense budget presented this year which differ from those made last year about both the thin system and the heavy system, and about the progress of an ICBM system in China and an ABM system in Russia.

Mr. SYMINGTON. Mr. President, I thank the able Senator, and would make these additional observations:

Some people question this system on moral grounds. I do not.

Some people question it on the basis that it could start an additional arms race, and therefore increase our taxes. If the Federal budget increases in the next 6 years, at the rate it has over the past 6 years, the annual cost to the taxpayer of the Federal Government—not counting the tremendous additions in State and local government taxes—will be $325 billion a year.

The basic reason I question this system is because I do not believe—and I have studied it to the best of my ability—that this system is yet ready for deployment.

The able Senator from Kentucky and I have never advocated throwing o[XXXXXX] system. All we have asked is that it be further engineered before being cu[XXXXXX] production. Based on the record, I still believe that was, and is, a wise suggestion.

I thank the Senator for yielding.

Mr. COOPER. I thank the Senator for the fight he has made to delay deployment. As he knows, many eminent authorities have said it is not yet technologically ready for deployment.

Mr. FULBRIGHT. Mr. Presiden[XXXXXX] the Senator yield?

Mr. COOPER. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I associate myself with the comments of the Senator from Missouri. Last year, in the debate on this come to the attention of the Senator from Kentucky and supported his move to delay deployment of the system.

I ask him, has anything, so far as he knows, developed since that time to increase the effectiveness of the system? Have there been any hearings, or any facts developed, or has any knowledge come to the attention of the Senator from Kentucky that would suggest the system has become more effective? If not, I agree with the Senator from Missouri that there is great doubt about its effectiveness.

Mr. COOPER. Nothing has come to my knowledge that would reinforce the idea that it has become more effective.

Mr. FULBRIGHT. Have there been any outside scientists, that is, scientists not connected with or in the direct employ of the Pentagon, who have testified or given any indication that it is feasible?

Mr. COOPER. No, but many of them are making statements in writing that, first, they do not believe it is a system adequate to meet the threat from the U.S.S.R., and, second, they believe it would result in an arms race which would be very dangerous to the security of the United States.

I recall that last year during the debate the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, addressed a question to the distinguished Senator from Georgia (Mr. RUSSELL), the chairman of the Armed Services Committee, asking him if certain distinguished scientists, Nobel Prize winners in nuclear physics among them, had been called before the committee to give their judgment, which I would think would be independent judgment, about the feasibility of this system, and also about the consequences it might

have as to deployment of a similar system by the Soviet Union.

I recall that Senator RUSSELL said they had not called such witnesses. I remember the Senator from Arkansas pressed both Senator RUSSELL and the Senator from Mississippi (Mr. STENNIS), who is present, as to whether or not such witnesses could be called at the next hearings; and I believe I am correct in saying that both our distinguished colleagues, Senator RUSSELL and Senator STENNIS, agreed that such witnesses would be called, and suggested that Senators who opposed the deployment of the system suggest names of witnesses, and that they would be called. I think the Senator recalls that.

Mr. FULBRIGHT. Yes, I do.

Mr. COOPER. That was the substance of the colloquy, and the record of that closed session was subsequently made public, so we can speak of it. It was the Senator's inquiry that produced the answer that those witnesses would be called.

Mr. FULBRIGHT. I might say that a further effect of that was that I had a letter from the president, I believe, of an association of scientists, the technical name of which I do not recall—I think the Senator is familiar with it—who stated that they would be willing and would like to be called to testify on this matter, that they did have very definite views about the feasibility of it.

May I ask the Senator what his information is as to how far the deployment of this system has progressed as of this time?

Mr. COOPER. I do not have any firm, recent information. I have read in the newspapers accounts of land acquisition activities in several parts of our country. I believe there are Senators who would know more about that than I. I am sure, if he can appropriately answer the question, that the chairman of the Armed Services Committee could reply to that question.

Mr. BROOKE. Mr. President, will the Senator yield for a response to the question?

Mr. COOPER. I yield.

Mr. BROOKE. The first such acquisition was in the Boston, Mass., vicinity, in the Lynnfield-Reading area. There has been protest locally, but construction is underway at this time.

Mr. FULBRIGHT. I think I read that there was some protest around the Chicago area about such acquisition, too.

Mr. COOPER. Yes; also in the State of Washington and the State of Hawaii.

Mr. FULBRIGHT. I ask one further question: Has the Senator any suggestion as to what might be done now, assuming that the sentiment of this body is more in favor of his position? Is there any resolution, or any means that the Senator has in mind, that would give us an opportunity, once again, to express our views about the matter?

Mr. COOPER. Well, of course, the most direct way would be, when hearings are held by the Armed Services Committee, to invite Senators to testify, and, to bring before that committee witnesses we can jointly suggest who were not heard before, such as the scientific advisers of former Presidents Eisenhower, Kennedy, and Johnson, and other distinguished scientists.

Another way we could reach the matter directly would be, when the bill or bills come before the Senate—I believe there are three—in which there will be funds itemized for deployment, then we could attack it by amendments on the floor.

Mr. FULBRIGHT. There is no further authorization necessary, as I understand it.

Mr. COOPER. Yes, authorization is required.

Mr. FULBRIGHT. What I should like to suggest to the Senator——

Mr. COOPER. I would be happy to have the distinguished Senator's suggestion.

Mr. FULBRIGHT. I suggest, in view of the fact that we have a new administration and we all, I am sure, wish to see it succeed, that I think it might be wise in view of the great differences of opinion on this matter, to suggest to the President that deployment, or actual construction, at least, be held up until there is an opportunity to test the present sentiment, as the Senator has suggested. As I understand him, he feels that there is no practical way for us to express ourselves except on an appropriation bill for further funds; is that correct?

Mr. COOPER. Well, that would be a direct way.

Mr. FULBRIGHT. Is there any other way?

Mr. COOPER. I would assume, if debate continues, that we can convey to President Nixon, our desires and belief that in connection with his review of policy, both defense and general policy, it would be wise to hold up the deployment of this system until he has had full information and, as I shall mention later, until he has found out whether it is possible to enter into negotiations with the Soviet Union on the questioning of the limitation of nuclear weapons—offensive and defensive. Some may suggest a resolution.

Mr. FULBRIGHT. I had hoped the Senator might suggest a resolution and had obtained sponsors for it. I had hoped to do it myself.

Mr. COOPER. We will discuss it. If the group that feels very strongly that it is the best route, we can do it.

I yield to the distinguished Senator from Mississippi, the chairman of the Armed Services Committee.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. I am not going to engage in a general debate or make a long statement.

Mr. COOPER. Mr. President, I am not going to go into details today.

Mr. STENNIS. I think it is time that I say something about procedures. There does have to be further authorization beyond the amount that was contained in last year's budget, which carries over into the selection of sites and some work, before the program can proceed.

There will be hearings on this matter before any appreciable amount of physical work is done on the site. A great deal of the money contained in last year's budget was for a continuation of development, which is the stage that precedes deployment.

I might give for information the figures that I looked up. The budget, as submitted by the retiring President, carries a request for this year, fiscal year 1970, of $1.7 billion for the Sentinel alone and something in the neighborhood of $2 billion for the entire ABM program.

Even though this is the forum in which to discuss these matters—and everyone is certainly within his rights and privileges to do so—I point out that we have a new President of the United States. We have a new Secretary of the Department of Defense and a new Deputy Secretary of the Department of Defense. We have a new Director of the Budget.

I know that all of those people, with the exception of the President, are now delving into this matter with all speed they can employ with the facilities they have at hand. When they complete their work, the President will then be presented with their findings. The President will then make a decision. That would be the new budget.

Here are the very top men in the executive branch of the Government. They carry the primary responsibility of taking the first step. We have a responsibility just as important, if not more so. That is the initial step.

These men will proceed with their preparation and will try to grasp all the major parts of the program. I know that to be a fact. They have got to weigh—and I will not take much time—the complexities of the military threat. They have got to weigh the technological question of whether any effective system can be built.

I do not know whether it can be built. I said here on the floor of the Senate last year that we should not put all of our money in this endeavor. I do not know whether it will be effective or not. This is a delicate matter, as we all know. It involves our relations with the Soviet Union and the possibility of further constructive talks on arms limitations.

I happen to believe that we will not strengthen our position by pulling back here at this point merely because of the talks.

I am not accusing them of any bad faith. However, if we withhold this matter for a year or for 2 years—and I hear the suggestion made that we withhold everything for a year—we may then find that they are not acting in good faith in the talks, because they could talk for a year or for 2 years and be building up that much more.

I want to know as much as there is to be known about the matter. Of course, I want the Senator to fully share that responsibility. However, I say with great deference, let us not rush. Let us hear these men that have to pass on the matter. With great deference I say to the public, let us not reach definite conclusions now.

So far as the hearings are concerned, as we know, this is a subject that could be heard ad infinitum. However, certainly I do not want to have anything to do with bringing in a bill containing an item as large as this until I have heard more about the matter and until the

Senate has had a chance to know and hear more about it. Of course, many of these hearings have to be held in a closed session. However, there are ways of getting the information for the Senators. We can make a skeleton report and that report can be supplemented. I do not want to say that I favor conducting hearings ad infinitum. However, certainly I want the viewpoints of the different competent people in the Government and out of the Government.

I have told the staff that I am not going to pass on this matter, on my own part, solely on the testimony of Government witnesses, even though they are very fine, capable, and knowledgeable.

I think I have given the picture as I see it and as most of the members of the committee which has responsibility for this matter see it.

Mr. COOPER. Mr. President, I thank the Senator. He has done exactly what we believed and knew he would do. We know the Senator. We are reassured when the Senator says that the new President and new Secretary of Defense are reviewing all of these policies.

This effort of ours will be continued. Our effort is not designed to hurt the new administration in any way. It is designed to give to the new President and his administration such light as we may shed on the matter by expressing our opinions and viewpoints as Members of the Senate, and sharing our information with him and his administration.

I think that is part of the proper process of the Senate. I know that the Senator will agree.

Mr. STENNIS. Mr. President, I thank the Senator very much. I am conscious of the financial implications and complications of this matter. I am greatly concerned about it. I am not overlooking that factor.

Mr. FULBRIGHT. Mr. President, I am very glad that the Senator from Mississippi said what he did about the hearings. I thought it was significant that he said we want to get the whole picture and hear from people who are not in the Government and get a complete picture on a matter of this importance. It will certainly make all of us feel much better about it, if that is done.

Mr. STENNIS. Mr. President, all of us want to hear from those in and out of the Government and to hear what the President has to say.

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

Mr. COOPER. I yield.

Mr. PERCY. Mr. President, I thank the Senator for yielding to me, as I must address the Senate Youth Forum in a few minutes.

I do not know of any subject that will affect the future leaders of America—the young people who are studying the process of the government here—more than the decision Congress and this administration must make on this very question.

I commend the Senator from Mississippi who heads the Armed Services Committee for the very openminded approach he has taken and for his willingness to hear all sides of this issue and to recognize that even with his own deep knowledge of this subject—having studied it thoroughly—it is a highly complex question. It is not merely a question of making a judgment on a simple matter. This matter affects our military posture, and it affects our Committee on Foreign Relations, since one of the basic questions we have to consider is whether the Soviet Union wants to sit down and negotiate now.

It would be foolhardy for us to proceed with the construction of this system if there were a chance to negotiate an agreement whereby both sides would have a common interest in not proceeding with this kind of expenditure.

We must ask ourselves if we can reach an agreement in this field and find a way to enforce that agreement so that we may be absolutely certain that it will be adhered to.

From my own study of the subject—and I am putting as much time on this subject as on any subject we will be confronted with this year—I think it is possible to find a safeguard by which we will have the possibility of protecting the sanctity of an agreement made in this area.

It is not possible to deploy these systems without being subject to detection by satellite reconnaissance.

And we should ask ourselves what the real cost of the construction would be. If the cost has already escalated from $5 to $9.4 billion for the thin system, we should ask ourselves what it will cost to maintain the system.

Roughly, a system of this type would require an expenditure of approximately 10 percent per year for maintenance alone. Therefore, we are talking about a cost of $1 billion every year just for maintenance of the thin system. If we proceed with a thick system, we are talking about saddling our young people, even if we pay the whole hundred billion dollars in our generation, with a $10 billion maintenance cost per year.

Then, what do you do with an obsolete system of this magnitude and size? If your aircraft become obsolete, you can sell them; you can find some use for them. But what is the spinoff used for on an obsolete ABM system? Whom could you get to buy it? What part of it could you use? It would be almost entirely waste.

I can only ask, What does it really add to our national security, or does it detract from our national security? What does it really require our adversaries to do? What is it going to do in escalating the arms race? What actions are we likely to precipitate? Are we going to strengthen the hand of the hawks in the Kremlin and in the other captials of the world by this action, by saying "there is no answer but an eye for an eye and a tooth for a tooth?"

I believe that the distinguished Senator from Kentucky, in his leadership—and we have excellent bipartisan leadership—has opened that inquiry. The Committee on Armed Services is willing to study it. I am certain the members of the Committee on Foreign Relations will give it earnest thought.

We are on the brink of a decision the magnitude of which can only be compared with, say, the Vietnam war, in total dollar cost. Before we proceed with this system, we had better know the consequences of it and what we are doing.

I commend the Senator from Kentucky.

Mr. COOPER. I know the work that the Senator from Illinois has been doing, and he has expressed the chief concern well.

Mr. President, several Senators are waiting to speak, and I promised to yield to them in this order: The Senator from South Dakota (Mr. MCGOVERN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Montana (Mr. MANSFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Massachusetts (Mr. KENNEDY). XXXXXX

Mr. JAVITS. Mr. President, will the Senator yield to me at this time? XXXXXX

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I should like to identify myself with the Senator's position and to say that the missing link is the political and the diplomatic aspect of this matter.

I join the Senator from Kentucky, and I hope he will propose a resolution asking the President now to put a freeze on this matter and to take another hard look XXXXXX at it. Let us do it in the Committee on Foreign Relations and the Committee on Armed Services. Let the President do it, himself, and with the National Security Council.

There is too much at stake and there is all the more reason for taking another hard look, even if it takes another 30 or 45 days. The world will not be lost or won in that period of time.

I hope the Senator will do that in asking the President to take that position.

I commend my colleague, the Senator from Kentucky, for his leadership and his foresight in again bringing to the attention of the Senate the grave issues connected with the question of an ABM defense system, and for the able way he has marshalled the arguments against proceeding with the deployment of the Sentinel system. I share his view that it would be a mistake to go ahead with the Sentinel system. We all know that we are talking about something much vaster than a "thin" defense against a hypothetical Chinese Communist nuclear threat in the mid-1970's.

While President Nixon has demonstrated an acute sensitivity to the grave, complex, and far-reaching nature of the whole issue of the nuclear arms race, much confusion and discord surround the whole question of the Sentinel ABM system. Indeed, it has become the focal point of a major national debate over the highest issues of national security and, even, of the very nature of our society in the decades ahead. Most recently, in his press conference of January 27, President Nixon did much to clear up the needless semantic confusion and divisiveness which had been generated around the competing concepts of "superiority" and "parity." His adoption of the concept of "sufficiency" is, in my judgment, the choice of the best frame of reference for the historic debate now going on.

To be quite frank, it is far from clear just what the Sentinel system is sup-

posed to do—and there is much dispute as to whether it can do any of the various things that have been suggested in differing quarters as to its mission. After vigorously arguing against a system oriented against any attack from the U.S.S.R., former Secretary McNamara originally justified deployment of the Sentinel system as a defense against a projected Chinese nuclear capability in the mid-1970's. However, subsequent statements by the distinguished former and present chairmen of the Senate Armed Services Committee—as well as statements from Pentagon authorities—have been to the effect that the Sentinel ABM is now to be regarded as the first building block in a "thick" ABM system oriented against an attack from the Soviet Union. Moreover, Secretary Laird has indicated that the Sentinel is now viewed as a major barganing factor in the upcoming negotiations with the Soviet Union over limitation of the strategic nuclear arms race.

President Nixon has made clear his intention to review some of the major policy decisions of the last administration, particularly where there is some prima facie evidence to indicate that there are substantial reasons against the course decided upon. I urge the President to consider ordering a halt to all further actions directly connected with the Sentinel deployment decision based on his own review of the decision to deploy the Sentinel ABM system pending the outcome of a thorough review of the entire issue by the National Security Council. I have specifically limited my call for a suspension of further activity with respect to the Sentinel system to actions directly connected with deployment. I believe that research and development activities in the ABM field should be vigorously pursued.

To parallel a review of the whole complex of issues surrounding the ABM question by the National Security Council, I believe that the Senate also should conduct a thorough public investigation and review of the entire question. While the technical justifications in favor of the deployment of the Sentinel, from the viewpoint of the Joint Chiefs of Staff, has been well probed in hearings held by the Armed Services Committee and its Preparedness Investigating Subcommittee, I do not think that the broad political and diplomatic ramifications of this whole issue have been investigated as they need to be.

Major political and diplomatic questions involved in the ABM question are: The whole complex of our relationships with the Soviet Union; with Communist China; with our NATO allies in Europe; with Japan and our other Asian allies; with Canada; and with our Latin neighbors to the south. In addition, the relationship of the ABM question to the Nuclear Nonproliferation Treaty, has not, in my judgment, been satisfactorily explored.

Finally, and by no means least, I believe it is essential for the Senate to take a systematic and thorough look at the whole question of projected costs for nuclear weapons systems in the next decade. The figures that have been projected in this regard by various, informed nonofficial sources truly boggle the mind. If these projections have validity, it is clear that the United States is going to have to make some of the most excruciating decisions on resources allocation in the years just ahead. At stake, ultimately, are the basic questions of just what kind of society we wish to become in the last third of the 20th century. It is clear in my mind that we just will not be able to finance all of the weapons systems which our Military Establishment feels it should have and still be able to meet even the minimum needs of our urban population in the explosive decade ahead.

Very hard choices are going to have to be made. The quality of life in America is the basic underlying issue and this must be borne in mind as we face the 1970's. We can either stagger and lurch from one ad hoc decision to another, or we can take a coherent look at the whole mix of competing demands and make our decisions calmly and judiciously. Above all, we must make our decisions affecting the future with an eye toward the nature and possibilities of the future rather than upon backward-looking decisions based wholly on our experiences of the 1940's and 1950's.

The question of cost and resources allocation, of course, is not merely one of "defense spending" versus domestic civilian needs. At issue is our posture in the world—the effectiveness of our interaction with 3 billion non-Americans—who will share this planet with us in the next decades. Are we to be the Sparta of the 1970's and 1980's? Is there not a higher role for America?

Mr. COOPER. I certainly value the Senator's advice, and we will consider this.

I now yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I shall not repeat the arguments that I know the Senator from Kentucky will make in calling for a delay in the deployment of this system. It seems to me that one of the most confusing aspects of the whole issue is the changing justification for this system advanced by the proponents.

Before the Senator from Mississippi, the distinguished chairman of the Committee on Armed Services, left the floor, I raised a question with him, which he said his committee would go into very thoroughly. I am sure they will do so, and I hope we can do it on the floor of the Senate as this discussion continues over the next few days.

The question is this, Are we proposing to build this system primarily as a defense against China, or as a bargaining weapon with the Soviet Union, as enunciated by the Secretary of Defense a few days ago? The previous Secretary of Defense said that it was folly to try to deploy a thin system against the Soviet Union and that he would justify it only on the ground that it would provide us some temporary protection against the Chinese. That being the case, why, then, do we talk about backing away from this system if we can get some kind of agreement with the Soviet Union?

It does not make any sense at all to argue that we need this system against China, and then to say we would give it away, provided the Russians will not build one. Obviously, there is a very clear contradiction and confusion of justification for the system. Are we building it against China, against Russia, or against both? What is our strategy? What is the real rationalization for this system? Or, is it just an exercise in spending more money on military gadgets that add nothing to our security against either the Russians or the Chinese, and which may, in fact, aggravate our relations with those countries?

Those are the kinds of questions, among others, that I hope will be [redacted] plored on the floor of the Senate and explored even more in depth by the Com- [redacted] mittee on Armed Services.

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

Mr. McGOVERN. I do not have the floor.

Mr. COOPER. I promised to yield in rotation, because Senators must leave, but I will yield to the Senator from Rhode Island.

Mr. PELL. I ask this question: Wo [redacted] not the answer to the question of the Senator from South Dakota be shown by the projected site of a Sentinel missile in Reading, Mass., which would indicate they are more concerned with weapons of the Soviet Union than of China, just by looking at the globe?

Mr. McGOVERN. I do not know. The chairman of the Committee on Armed Services frankly said he was not prepared to answer that question at this point, that he wanted more time to look into it.

But it does seem to me one of the real reasons why there is so much confusion about it—we get a different explanation for the reason for justifying this system every time the argument comes up.

I believe the proponents of the system owe us a clear statement of why they want this system built and against whom it is to protect us.

Would we give it away if we could get arms agreements with the Soviet Union, or would we have to have some agreement with the Chinese? If we do not need any understanding with the Chinese, what is the purpose of the deployment of the system?

I believe these questions should be answered before we spend any more money acquiring sites and deploying a system that we may agree to give away a little later, pending some arms agreement with Moscow.

Mr. President, I am convinced that we will someday rue the phrase "negotiate from strength" as one of the most damaging and costly cliches in the American vocabulary.

It has been employed heavily over the past several years as a concentrated expression of the reasons why we had to invest more lives in the thousands and more treasures in the billions before negotiations in Vietnam would be possible.

Now we are told that in order to "negotiate from strength" in arms talks

with the Soviet Union, we have to begin deploying a $50 or $100 billion security illusion.

It is an encouraging development in our discussions over the ABM that we are beginning to face honestly the rationale behind the 1967 deployment decision. The original suggestion that it was oriented against China—requiring that we envision the Chinese, with a comparably tiny contingent of deliverable nuclear weapons, launching a futile attack which would lead to the total destruction of their society—was really too tenuous to be taken seriously. Americans believe a lot of things about the Chinese, but we do not equate them with idiocy. Moreover, this line of reasoning posed the difficulty of explaining why we were willing to eliminate our ostensible protection against the Chinese provided the Russians would agree not to built an ABM system.

So now we can see the Sentinel system as it is—the beginning of a much more elaborate and costly missile defense directed against a Soviet attack. And our debate can center on the question whether it has any value in that respect.

It seems quite appropriate to recall in this connection the warning issued by Secretary of Defense McNamara when he announced the "marginal" reasons for deploying a China-oriented system. He said in September of 1967 that—

> The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented system.
>
> We must resist that temptation firmly—not because we can for a moment afford to relax our vigilance against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.
>
> The so-called heavy ABM shield—at the present state of technology—would in effect be no adequate shield at all against Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces. That, as I have pointed out, would make it necessary for us to respond in turn—and so the arms race would rush hopelessly on to no sensible purpose on either side.

Secretary McNamara referred in that statement to the ease of developing penetration aids—decoys and other devices—which an adversary with a relatively high degree of technical sophistication could employ to fool the Sentinel system. He also referred to the most simple method of neutralizing it; sending more offensive missiles than there are defensive missiles to intercept them. It is important to note in this respect that if only one offensive missile gets through the defensive shield it has been a failure in terms of that target.

We have heard the argument, however, that even if that target is destroyed the defensive system will have succeeded in one respect because it will have diverted offensive missiles from other potential targets. Such reasoning ignores the fact that since 1958, when the Soviets developed ICBM's, we have been engaged in a weapons race in which each side seeks to maintain an "assured destruction capability" sufficient to deter the other from launching a first strike. Both the United States and the Soviet Union have sought to accumulate enough weapons to survive a first strike and still inflict an unacceptable level of damage on the other side. The assumption that this action-reaction cycle will cease with our deployment of the ABM is totally unwarranted. In fact, I can conceive of no rationale for assuming anything but that the ABM will have exactly the opposite effect.

It will stimulate the Soviet Union to increase its offensive capability enough to overcome the Sentinel and still destroy the targets it deems important.

But the discussion is made even more complex, and it is infused with additional risk, by the fact that these strategic considerations operate on the assumption that the Sentinel will work with a substantial degree of efficiency, an assurance which simply cannot be given.

It is, in fact, quite probable that during a heavy attack the effectiveness of an ABM system would drop to near zero. The Sentinel is, to be sure, a substantial improvement over the Nike-Zeus, with strengthened ability to discern between trash and nuclear warheads, higher-powered radars, and a significant change from neutron heating to X-ray kill which will make the defensive explosion effective at greater distances from the incoming warhead.

But we have not overcome, and I do not believe that we can overcome with a system in which some missiles intercept others, the problem posed by ionization of the atmosphere resulting from a nuclear explosion. In a heavy attack, if we were able to intercept a portion of the first wave of missiles, the explosions would upset the gas in the air and would create a shield impenetrable by radar. The tracking systems on which the ABM relies so heavily would be rendered useless.

This and other problems severely challenge the premise that the Sentinel would, in fact, save a significant number of American lives, even if we could assume that the Soviet Union would not respond by sending more offensive missiles. The Maginot line analogy is not at all unreasonable.

But our knowledge of the technical problems associated with the Sentinel adds another critical element to this discussion, for while we can operate with some fair understanding of its weaknesses our adversaries are likely to be overly generous in their assessment. Working from the inherent tendency to underrate your own weapons and to overrate those of the opposition, they are likely to overrespond, and to deploy enough offensive missiles to penetrate a 100 percent effective ABM. As a consequence, after we have reached the next plateau in the arms race, the probability is that more Americans, instead of less, would be destroyed in a nuclear exchange than is presently the case.

In light of these considerations I believe we can draw two conclusions about the ABM. The first is that its deployment would be a serious waste of our resources, akin to the waste which the Soviet Union committed—and is apparently recognizing now—when it began to deploy the limited Galosh defensive system around Moscow.

The second is that the Sentinel would further aggravate the arms race cycle which both we and the Soviet Union are seeking to escape, in the mutual realization that rational human beings ought to avoid both its dangers and its terrific costs.

Mr. President, the new administration has an opportunity to set a new and much more hopeful course. It will have made a highly significant contribution if it will but delay deployment of the ABM while two possibilities are explored—the prospects for reaching agreements with the Soviet Union on mutual limitations, and the potential of develop[redacted] anti-ballistic-missile system which would be effective and useful.

We have had discouraging signals [redacted] the administration may move in the opposite direction. Secretary Laird indicated at his press conference last week that he views the Sentinel as a bargaining tool, and that he believes it should be deployed as such—so we can "negotiate from strength."

I firmly challenge that assertion. I suggest that all we will prove by deploy[redacted]ment is that we are willing to waste $5 to $10 billion or more on an unworkable device, and I fail to see how that can help us in negotiations.

Moreover, even if we concede that the Sentinel may have some value as a bargaining tool, what possible sense can there be in deploying it when we are seeking an agreement not to deploy?

If the negotiations were successful, we would be left with a useless system which would have to be torn out to comply with an agreement. Secretary Laird's assessment would, as I see it, have us in a position similar to that of a bargainer who offers to stop pinching himself so his cries of pain will stop disturbing the other party.

But certainly much more than cost is involved here. I am convinced that moving ahead with the ABM will greatly reduce the likelihood that an arms control agreement which is acceptable to both the United States and the Soviet Union can be found. I think it is time we recognize that they are not going to accept stabilization in a situation where we can inflict unacceptable damage upon them in a second strike but they cannot do the same.

Soviet leaders have made their interest in arms control talks quite clear, beginning with an invitation on inauguration day. And Peking has also indicated its desire to renew talks with us at Warsaw. Certainly we have no way of knowing in detail what the full intentions are of either the Russians or the Chinese. But if we respond by provoking another round in the arms race on the premise of "negotiating from strength" we will have committed a serious error which may be impossible to reverse before we reach a higher level of weapons and a higher level of risk.

These are questions which I hope President Nixon and his advisers are evaluating with great care. The Congress, whose responsibilities in the field of national security, defense and arms con-

trol are no less weighty, should be considering them as well. The distinguished chairman of the Armed Services Committee, Mr. STENNIS, is to be commended for his willingness to broaden this year's committee hearings on the subject, to include a measure of the technical expertise which has alined in opposition to the ABM and which we can only allude to on the Senate floor. These will be urgently important hearings.

Mr. President, Department of Defense appropriations for fiscal 1969 included $614.7 million for deployment of the Sentinel. If we can use former Secretary Clifford's posture statement as a guide the ante will more than double in fiscal 1970, to about $1,453 million exclusive of research and development.

The opportunity to hold up deployment is to avoid wasting that amount. For each year we go ahead the waste and the danger will increase.

Let us get off this hopeless path now. To stay on it is to pursue an illusion which will forever elude our grasp.

Mr. COOPER. The Senator has asked very searching questions.

We are all very pleased with the statement of the chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), and it is one we would expect from him. He intends to see that this question is thoroughly reviewed.

The questions of the Senator from South Dakota do need to be answered.

Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Kentucky. I wish to associate myself with the purpose of his remarks today. I was privileged to support him in his attempts to delay the deployment of this ABM system in the last session of Congress.

This morning I was at the Pentagon, and I asked about the cost of this thin system. The figure that was given me, as late as approximately 10 o'clock this morning, was $5.8 billion. I was rather surprised, then, to hear the distinguished Senator from Missouri give a figure this afternoon of $9.4 billion, which would be an extraordinary increase in such a short period of time.

I think there are certain questions that must be carefully considered before so costly a system is deployed. Of course, one question is the effectiveness of the system. I think that no evidence has really been supplied by any scientists which would indicate that this system can be effective. The Pentagon itself said the system is designed to defend against the potential of Communist China in the next decade. They admit it will not give us defense against the Soviet Union.

The second question pertains to the potential arms race with the Soviet Union. I read the report of the Senator from Rhode Island (Mr. PELL) and the Senator from Tennessee (Mr. GORE), when they returned from their mission to the Soviet Union. One of the passages in that report stated that in conversations with Premier Kosygin, the Premier indicated he was anxious to enter into talks for mutual disarmament.

I took great heart from that passage, and I think many people took great heart that perhaps we were entering a period in which we could begin to talk about mutual disarmament, and thereby avoid another arms race with the Soviet Union.

So I explored the possibility that the Soviet Union had responded to our thin antiballistic-missile system and had begun to build a more sophisticated system themselves. I found there is no evidence that the Soviets responded at all or that Communist China responded at all. It would seem to me the only reaction we have had is a desire on their part to talk about mutual disarmament.

Certainly we all want to bring about peace in the world and we do not want to do anything that would trigger another arms race with the Soviet Union or even Communist China for that matter.

We have had a very serious problem in Reading and in Lynnfield in the Commonwealth of Massachusetts. The residents of those areas have been up in arms about the construction of a missile site right within their neighborhoods. I have been deeply concerned about it and after we failed in the last session of Congress to delay the deployment of this system, I hoped to have the site located, for instance, at Westover Air Force Base, which is in the western part of our State. But the engineers said there were too many mountains between the densely populated area of Boston and Westover Field. I pursued this matter this morning in the Pentagon, with respect to the fact that these sites will be built in densely populated areas because they are designed to protect densely populated areas. Further interrogation indicated they had made certain concessions in some of these sites, perhaps at Lynnfield, perhaps in Chicago, and other places across the country, which might mean there would be a buffer zone or landscaping to make the sites as palatable as possible if the people knew they had no alternative and that the installation could be constructed.

I asked if the costs of these modifications were included in the projected costs of the system. It would appear they are not. We do not know how much the costs will be. As the distinguished Senator from Missouri (Mr. SYMINGTON) indicated on the floor of the Senate today we do not even know what the costs are likely to be in 1972 or 1974, when this system is to be completed, because we know that costs are ever rising. And, worst of all, even when completed we do not know that the system will not be obsolete. As the Senator from Illinois (Mr. PERCY) pointed out we might have a system on our hands which will really be of no value to the Government.

I think the Senator from Kentucky has certainly raised an important question. I serve now on the Committee on Armed Services. I am sure the Senator from Mississippi (Mr. STENNIS), our chairman, will see to it that we do have hearings. I think the purpose of this colloquy, to bring this matter to the attention of the new administration and the Congress, is a laudable one. I think it makes known to them that there are Members of this body who feel very strongly that there should be a reappraisal and an in-depth review, and that there should be a possible reconsideration before we continue to vote more money for the year 1969–70, as is proposed. So there is a definite remedy which is available to us and this is not just a futile exercise in colloquy.

I think this colloquy can serve a very useful purpose in perhaps delaying the matter until we can explore the possibility of mutual disarmament with the Soviet Union. If we are to take the word of the Senator from Tennessee (Mr. GORE) and the Senator from Rhode Island (Mr. PELL), as reported to us, there is some possibility that an agreement may be possible. But in the interim period what are we really losing if we admit the system will not protect [redacted] against a Communist threat?

I think the Senator from Rhode Island (Mr. PELL) raised a very serious quest[redacted] when he asked: If we are saying this system is designed to protect us against Communist China, why did we first choose Boston, Mass., to build the first site of installation? Communist China is not in that direction. Why did we not build it out in Seattle, Wash., or some other place on the west coast? Why did we choose the Northeast as the site of [redacted] first installation?

Of course, we are happy that the people of Massachusetts and the Northeast are being protected, but we are also concerned about the people on the west coast. I suggest that this installation might be pointed in the wrong direction if, in fact, our primary purpose is a defense against the Communist Chinese capability.

In conclusion I must add, upon interrogation also, was the purpose merely to build this thin system to protect us against the Communist Chinese, or was this system designed as the first phase of a larger and more sophisticated system that is to come in the future? The answer would appear to be that it is still designed as a defense against the Chinese capability, but it is designed so it can be broadened into a more sophisticated system which ultimately would give us a defense against the Soviet capability.

So these are the important questions I respectfully suggest have to be answered. And they are questions that I am sure will come out before the Committee on Armed Services and perhaps the Committee on Foreign Relations.

Those of us who have consistently opposed the installation of this complex and dubious defensive system have done so for a combination of reasons. They can, I believe, be summed up in the single conclusion that these costly facilities would in fact contribute very little to the security of the United States.

I would like to dwell briefly on the central reason why I believe this conclusion is justified. The system which has been proposed and for which initial site acquisition has begun is designed to protect the United States against a likely Chinese nuclear capability in the coming decade. No knowledgeable authority claims that we could now construct a really effective defense against the far greater Soviet missile threat, although the planned system would provide some defense against an accidental launching by the Soviets and might form the

basis for a more elaborate ABM at a later date.

But we cannot focus exclusively on the potential benefits this system might offer vis-a-vis a Chinese threat, for that is but a small part of our national security problem. It is precisely in its likely impact on the strategic relations between the Soviets and the Americans that the so-called thin ABM is more dangerous than defensive. Why is that so?

I believe it is as certain as anything can be in international politics that any such deployment by either great power will oblige the other to increase its offensive forces, either quantitatively, qualitatively, or both. An American or a Soviet ABM system surely will increase the risks of a continued arms race with unknowable consequences for strategic stability and world peace. It is here that the gravest long term dangers lie and, if we are truly to serve our country's interests, I believe we must never lose sight of these concerns. The apparent Soviet decision to slow down or abandon their initial ABM deployment suggests that Moscow is also aware of these considerations.

At the moment the Soviet Union has renewed its expressions of interest in bilateral talks about possible strategic arms limitations. It would be tragic indeed if, at the very time when some possibility emerged of a serious negotiation to curb the arms race, the United States were to barge ahead with an ABM system heedless of its implications for these vital discussions. It has been argued that we should proceed on this system in order to gain leverage in the negotiations. It is my opinion that a vigorous research and development program, looking toward possible deployment if the talks fail, provide sufficient leverage at far less cost and with substantially less provocation than a present deployment.

In short I think our primary responsibility is to attend to the central issues in the strategic relationship between the Soviet Union and the United States. I would contend that we can serve this goal best by prompt ratification of the nonproliferation treaty and by immediate efforts to begin concrete negotiations with the Soviets on limiting missile forces.

This view is strengthened by the fact that a new administration has now taken office with fresh opportunities to explore the possibilities of mutual restraint by the great powers. It is further strengthened by the fact that the Chinese strategic capability seems to have evolved rather more slowly than initially projected; this should provide additional time for us to press forward with the arms control effort before making a large and possibly open-ended commitment to antiballistic-missile defense. We should make exhaustive efforts in this direction, including efforts to bring the Chinese into a reasonable international security system, before we fall back upon the primitive and unreliable mechanism of competition in deadly arms, a mechanism which subsists only by fear and succeeds only by chance.

These international considerations are, of course, not the only ones we must take into account. The fact is that, in the domestic turbulence of our time, we have gained a new sense of urgency about the pressing needs here at home. The billions of dollars that would be required for even a minimal ABM deployment could doubtless find constructive and vital use for the well-being of our society. Our cities, our schools, our disadvantaged youth and impoverished adults—these have a paramount claim upon our resources. We cannot fail to confront the issue of whether the billions at stake can rightly go to a questionable defensive system when so many millions of our people are in dire need. The question of priority will not down—and I, for one, would resolve it in favor of investment in our critical domestic programs.

In arguing against the present investment in ABM, I feel it is incumbent upon us to recognize that judgments in these matters are rarely final and conclusive. ABM technology may become more reliable and resolve the technical doubts which persist about the system. The political tensions and hostilities that plague the search for peace may not yield to even the most earnest negotiations. The situation we now perceive may change. But that is hardly a reason for plunging ahead in a premature investment in weapons with such far-reaching implications for the future security of every human being on this planet. Now is the time to give this decision the closest possible scrutiny, while pursuing as diligently as possible the diplomatic alternative. That is what we propose and what we hope the Senate will support.

I thank the Senator from Kentucky who, as usual, has performed a great service in giving us the opportunity to air these views, discuss these matters, and permit the American people to know more about the matter because we could fool the American people into a false sense of security. They may be buying a package that does not give them the security they think they are obtaining.

Mr. COOPER. I thank the Senator. This is not to be a futile exercise, but we do expect to bring to bear whatever influence we can to prevent deployment of this system, at least until it is proven to be a system that will bring security to the United States and not danger.

Mr. BROOKE. I thank the Senator.

Mr. COOPER. I yield to the Senator from Montana.

Mr. MANSFIELD. The colloquy which has taken place this afternoon has been most enlightening. I was interested in so many questions that I cannot remember all of them.

The distinguished Senator from Massachusetts (Mr. BROOKE) raised the question as to whether or not this thin line is directed against Peking or, in effect, in the long run is to be directed against the Soviet Union. If I recall the debate of last year, I believe that the manager of the bill made no bones about the fact that it would be directed against the Soviet Union.

It comes to mind that the Soviet Union, indirectly but not formally, but strongly, since the new administration has come into power, has indicated that it would like to sit down with us to discuss such things as the missile race, the ABM systems, the Mideast, and other matters of mutual concern and mutual worry.

I can understand why the present administration as yet has not had an opportunity to react, but I feel quite certain that they are giving these feelers from the Soviet Union—and I say this on my own responsibility only—every consideration, to see what, if anything, can be done; because I recall the President said, not once but several times, that now is the time to move into negotiations and away from confrontation. I believe him. I think that he is trying to find a way out of the impasse in which this country and, as a matter of fact the world, finds itself, because we cannot confine [redacted] selves to United States-Soviet Union relations. Our interests encompass a far wider range. There are a good many difficult areas which we have to face up to, and we must try to find solutions to the problems which confront us there.

Mr. President, I have been pleased with the tone of the debate this afternoon. I was very much pleased with the statement made by the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), because he indicated an open mind, that he was concerned, that he had some questions, and that he was going to see to it that all sides would be heard.

I think that is good.

I think that what the distinguished Senator from Kentucky and his colleagues on the floor of the Senate today are doing will have a beneficial effect not only so far as the hearings in the Armed Services Committee are concerned, but also in the Foreign Relations Committee as well, of which we are both members; as well as in the thinking of the administration.

I was pleased to note that the Senator from Mississippi indicated that the Secretary of Defense and the Under Secretary of Defense, the Director of the Budget, and others, were giving this matter their closest attention; and that he anticipated, when they got through with their surveys, they would be presented to the President and then, of course, he would make a decision.

I must say, frankly, that I have great faith, on the basis of the President's statement and activities so far, that he will go into this matter thoroughly, reasonably, and in depth. Let us hope that on the basis of the findings made by the Members who are in his administration, on the basis of the testimony given by witnesses outside the Department of Defense and related agencies, as well as on the basis of the consistent and continuous colloquy on this subject which has been going on in the Senate over the past 3 years, a proper decision will be made at the right time.

Mr. President, it is my belief that we can go too far in this matter of a thin line, which I think is, in effect, a "make believe" line. I do not think it will have any effect in its present stage, although, for the time being, the main activity seems to be the purchase of real estate in Massachusetts, Illinois, Montana, Washington, and elsewhere. But we

should be very careful that we do not get started on a project if it is not absolutely feasible and necessary, because this $5.8 billion figure which the Senator from Massachusetts (Mr. BROOKE) has mentioned, and the $9.4 billion figure which the Senator from Missouri (Mr. SYMINGTON) has mentioned, are sizable increases from the $5 billion figure. However, it is my understanding that at a minimum it will take at least $50 billion to complete an ABM system, and it could well cost $100 billion, or more—and very likely more.

Let me say that the Soviet Union is spending a similar amount of money to build a similar number of ABM's.

Where would both countries be at the end?

Right where they are today.

What would happen to the problems in our own country in the urban areas, in the poverty-stricken parts of this Nation, where money is needed and help is desired, and where we have a potential explosion which must be attended to?

Thus, I hope that, in the name of the American people, and in the name of mankind, we will not start on a mad race which will accomplish nothing for either country, but will merely increase danger for the world.

The Russians have problems at home. We have got enough in the way of problems at home, too.

Is there not some way that we can get together to try to work out these differences over ABM's and missiles, and try to work together to bring the Mideast into some sort of economic stability, and work together to build peace where possible throughout the world.

Instead of giving despair to mankind, let us give mankind hope.

I thank the Senator from Kentucky for yielding to me. [Applause].

Mr. COOPER. Mr. President, I deeply appreciate the statement of the majority leader.

He always speaks with wisdom. He speaks with good sense. He speaks with justice. He speaks with compassion.

He has made a speech today which the whole country should hear.

Mr. MANSFIELD. It is a pleasure and a privilege to work under the leadership of the distinguished Senator from Kentucky, as I have in the past 4 years in this particular field—only one among many.

I thank the Senator.

Mr. COOPER. Mr. President, I now yield to the Senator from Massachusetts (Mr. KENNEDY), who has waited so long and so patiently to speak.

Mr. KENNEDY. Mr. President, I think that the country, and certainly the Senate, has benefited greatly from the discussion here this afternoon, most particularly by the comments of two of the most thoughtful spokesmen in this body; namely, the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Montana (Mr. MANSFIELD).

I know that each Member of this body will benefit in the course of his own considerations and deliberations by reviewing the comments and the questions raised about this Sentinel ABM program by these two very thoughtful, creative, and sensitive men.

There is a steadily rising tide of doubt in this country about the soundness, necessity and cost of some of our national defense programs. Many of those Americans who have expressed these doubts most articulately have done so here in the Senate Chamber. Their ranks are ever growing, and this reflects, I think, the growing feeling in the country at large.

The Senate, charged with advising the President on foreign policy matters, is an entirely appropriate forum for a thorough examination of the course our national defense planners have charted. And the Congress itself, charged with examining and appropriating funds for requests to carry out this course, must bear the burden of insisting that these national defense policies are rational and sound.

Let me be entirely candid in expressing my belief that we in the Congress—with the notable exception of a few of our colleagues—have been remiss in bearing our responsibilities. We have not insisted on full information, in many cases, where national defense is at stake. We have appropriated funds for programs which have not proved workable, and which, after the expenditure of tens of billions of dollars, have been canceled. National defense programs have somehow been above the battle—it has always been implicit in many of our debates that it is perhaps unpatriotic to question the recommendations of the Department of Defense.

We are fortunate, I think, that this is increasingly less so than in the immediate past. If we in the Congress—and particularly in the Senate—take an ever larger role in the deliberations and decisions regarding the course our national defense policies take, then it is my own conviction that our country will be better defended at less cost, that our common desire for world peace will be more rapidly advanced, and that our division of Federal budget expenditures will be considerably more rational.

The particular concern which brings me to make these remarks is the planned deployment of the Sentinel anti-ballistic missile system. Administration figures indicate a cost of $5.5 billion for deployment of a "thin" system. Yet most experts readily acknowledge that the pressures for deployment of a full Sentinel ABM system will be severe—and that this full system will cost upwards of $60 billion. When, we should ask, has there been a full and candid national debate over the wisdom and desirability of committing this vast sum to a system which may well not work? Let me say that I do not believe we have had such a debate, but that we should.

We all remember the national debate over medicare, a debate which raged for years. And we remember the long debate over the Elementary and Secondary Education Act. Each of these programs, programs which were, incidentally, long overdue, was enacted only after the most complete and microscopic examination of the pluses and the minuses. It is high time that programs for national defense no longer receive carte blanche treatment in the Congress. Instead, they should be subjected to the same scrutiny as other programs. I share this view with a large number of my colleagues, and it is highly appropriate that as the new Administration reviews the decisions made two, three, and more years ago relating to national defense and foreign policy, and examines the underlying assumptions and rationale, we in the Congress should, too, demand fuller and more candid discussion.

The Sentinel ABM system is a case in point.

It was put forward as a defense against an unsophisticated Chinese ICBM threat. Yet we have evidence that the Chin[redacted] are developing weapons systems which would make the Sentinel system obsolete.

It was put forward at a cost of $[redacted] billion. Yet present estimates have risen to $5.5 billion, and perhaps to $9.4 billion.

It was put forward when arms limitation discussions with the Soviets were in only preliminary stages. Yet we now have hard evidence that the Soviets wish to proceed immediately with disarma[redacted]ment talks.

It was put forward as a means of saving American lives in a nuclear exchange. Yet Defense Department figures indicate this assumption to be in error.

It was put forward on the argument that Sentinel deployment would strengthen our bargaining position vis-a-vis the Soviets. Yet analysis of this argument reveals its basic unsoundness.

These are only a few of the questions which raise grave doubts about the wisdom of carrying the decision to deploy Sentinel forward, and whether it creates not true security, but instead a false security.

I, for one, am against that decision. I was when it was made. And I will work with my colleagues here in the Senate to see it reversed.

As background for that work, it may be helpful to offer a review in some detail of the major issues, as I see them, which will be at stake in the Senate debates this year.

In September of 1967, our Government announced plans to deploy a limited antiballistic missile system at various sites across the United States. The Sentinel system relies upon coordinated use of a battery of different components for its effectiveness. It uses central computers, two types of radars, and two types of missiles to seek out and destroy incoming enemy intercontinental ballistic missiles before they reach the United States.

The first type of radar is the perimeter acqusition radar—PAR—used for long-range tracking of incoming missiles. The second is the missile site radar—MSR—used both for shorter range tracking of incoming missiles and for guiding our own defending U.S. missiles to their targets. The first missile type is the Spartan, a three-stage solid propellant missile launched from an underground silo. It has a range of several hundred miles, carries a thermonuclear warhead, and is designed for long-range interception of incoming missiles. The second missile

type is the Sprint, a two-stage, solid propellant missile, also nuclear tipped and launched from an underground silo. It is designed for short-range interception of the incoming missiles which have penetrated the long-range Spartan defense.

As presently planned, the "thin" Sentinel system would include six PAR radars, ranged along the northern border of the United States and in Hawaii and Alaska, facing the polar routes of incoming missiles. Each PAR site would be about 300 acres in size, and the PAR itself would be housed in a concrete building 140 feet long and 330 feet wide. Each PAR site would also be connected to a number of "farms" of Spartan missiles, and next to each Spartan farm would be a farm of Sprint missiles together with an MSR site. The MSR sites would be about 280 acres in size.

Site for Sentinel missile farms have been announced near Boston; Cheyenne, Wyo.; Chicago; Grand Forks, N. Dak.; Great Falls, Mont.; Los Angeles; New York City; Salt Lake City; Seattle; Albany, Ga.; San Francisco; Sedalia, Mo.; and Honolulu.

The scientists and engineers who developed the Sentinel system have quite literally accomplished technological miracles, devising equipment of immense sophistication. Construction of the Sentinel ABM system would be the single most complicated engineering feat ever undertaken in the world. There is, however, considerable and convincing evidence that despite these technological miracles, and despite our undoubted ability to complete this engineering feat, construction of the Sentinel ABM system would be a waste of money. Even worse, construction of the system may set the cause of world peace back immeasurably.

Last week, I wrote to Secretary of Defense Laird and asked him to place an immediate freeze on all Defense Department activity relating to the construction of the Sentinel ABM system sites. I did so because of increasing evidence that pushing forward with the Sentinel system would be a serious mistake. Many of our Nation's most eminent scientists some with experience at the highest policy levels of our Government, make what appears to be an irrefutable case against continuing deployment of the Sentinel system. This case is not grounded merely on technical, or on budgetary, or on larger foreign policy considerations. Rather, it encompasses all these considerations, and more, and for this reason is so compelling. It also raises serious questions about the influence of the military-industrial complex upon the Nation's policymaking procedures.

The first of the Sentinel system sites is planned for just outside Boston. A PAR site is presently under construction in North Andover, Mass.; and the notices of invitation to bid on the initial phases of an MSR site in the Lynnfield-Reading area of Massachusetts, are scheduled to go out on February 20, 1969. The Department of the Army has conducted a series of meetings in Massachusetts, in an effort to explain to the residents of the Boston area what the Sentinel system facilities involve.

The most recent of these meetings was held at the Reading High School last Wednesday evening, and attended by some 1,500 persons. Among those present were a number of eminent scientists, and the information they presented and the arguments they made merit review, I think, in the Congress. In sum, the case they made questions the very soundness of the decision to deploy the Sentinel SBM system. Let me summarize the points made at the meeting:

First, technical questions. We simply do not have convincing evidence that the Sentinel system will function under combat conditions, against either a Chinese threat or, particularly, against a Soviet threat. The component missiles of the Sentinel system—the Spartan and the Sprint—have proven under test conditions that they can intercept an incoming ICBM, and that their warheads can neutralize an enemy missile. But we have learned that our radars are blacked out for some minutes after an atmospheric nuclear explosion, because of the cloud of ionized gas such an explosion creates. While this cloud is dissipating, which takes some minutes, the heart of the Sentinel system—the sophisticated radars—are useless. This gives rise to the prospect of an enemy deliberately holding back the bulk of a hypothetical salvo, until our radars are blacked out, perhaps from the explosion of our own defending missiles. Then this enemy would loose the bulk of his attacking missiles, which would be undetected by our Sentinel and hit their U.S. targets.

Then, too, there are other questions. In response to reports of limited Soviet deployment of an ABM system, the U.S. is developing counter-measures—including multiple independent re-entry vehicles (MIRVs), which will permit a single missile to carry up to ten warheads. All evidence indicates that the Soviets are developing similar offensive countermeasures to our Sentinel and other weapons systems, such as orbital delivery systems and low-flying missiles in fractional orbits (FOBS), which would not be detected by our radar defenses. There is another, somewhat different, technical question well worth repeating. By the very fact of including the short-range Sprint in the Sentinel system, our planners have indicated their belief that some number of enemy missiles will penetrate the long-range Spartan shield, and thus must be intercepted at lower altitudes by the Sprint. A determined enemy might set his incoming missiles to detonate at an altitude of 50,000 feet, or about where a Sprint intercept might take place. Yet the detonation of a large nuclear warhead at 50,000 feet would cause great devastation in a large area beneath it—fire and radiation devastation. An enemy might also direct a warhead with a high fallout yield into an unpopulated area, not protected by a point defense Sprint missile. The fallout from this weapon could destroy the United States just as well as could a direct hit.

In sum, there are two threads to the unresolved technical questions. In the first place, as Dr. Jerome Wiesner, Science Advisor to Presidents Kennedy and Johnson, pointed out recently:

> A few competent people expect the extremely complex ABM system to work the first time; yet it must to have any effect.

And in the second place, as former Defense Secretary McNamara pointed out recently in commenting on the reported Soviet ABM deployment:

> I do not think there is a senior civilian or military official in the Defense Department that does not believe that . . . we have the technical capability to react in such a way as to assure our continued capability to penetrate that Soviet ABM defence.

Since the Soviets have shown that they have a technological capability whi[redacted] match ours, I am sure that the senior Soviet officials believe they can penetrate the Sentinel ABM defense we a[redacted] veloping, just as we believe we can penetrate any system they develop.

Second, our relations with the Soviet Union. In his January 18, 1969, statement on national defense posture, former Defense Secretary Clifford said that we stand "on the eve of a new round in the armaments race with the Soviet Union, a race which will contribute nothing to the real security of either side, while increasing substantially the already great defense burdens of both." Secretary Clifford then urged pursuit of an agreement with the Soviets on a limitation of armaments. For at least three years, our Government has sought to persuade the Soviets to agree on such a limitation. A number of our colleagues in the Senate have recently visited with the Soviet leadership, and reported to the Senate that the Soviet are ready to begin discussions with the United States. One indication of this readiness may be the report of Secretary Clifford, also in his defense posture statement, that the Soviets have curtailed construction of a Moscow-area ABM system.

So much, of such large importance to the future of mankind, hangs in the balance of agreeing to limit armaments, that we must not follow any course—no matter when or by whom set—which leads to an intensification of the arms race. As Secretary Clifford pointed out, our best intelligence tells us that the Soviets are slowing construction of their limited ABM system. Should we provoke them into speeding up construction, by building our own, and thus exacerbate the tensions which lie between us? I think not. We should raise the prospects for world peace by seeking to phase the armaments race down, not by escalating it.

Third, site location. In Massachusetts, the two Sentinel system site locations are in the greater Boston metropolitan area. The sites near Seattle and Chicago are likewise situated in populated areas. This site placement raises three immediate and important questions, one relating to safety from accidental explosions, one to enemy targeting considerations, and the last to the rationale for constructing a "thin" Sentinel system. While the exact figures are classified, the best estimates are that an accidental explosion in the silo of a Spartan warhead would cause total devastation in an area 5 miles in

diameter, and serious destruction over a far greater area. Although the risk of accidental explosion is very low, it is not zero—and for this reason, it would seem reasonable to ask why at least the Spartan missiles are not placed in unpopulated areas, just as our ICBM's are. This is particularly so in the light of expert testimony that should the missiles be 50, or a 100 miles distant from the Boston area, the quality of protection accorded Boston would not differ. Since, with incoming ICBM's we are dealing in distances of many thousands of miles, it would hardly be different were the Sentinel missiles located more remotely from Boston and other populated areas, where safety would be much higher.

Another factor related to site location is enemy targeting. We must assume that our Sentinel ABM sites—certainly the PAR radars—would be prime enemy targets in the event of attack. On this basis also, they should be placed in remote areas, as the most rudimentary safeguard. And this is so whether or not we assume that a hypothetical enemy would consider population centers as the prime target.

Finally, one must draw the reluctant conclusion that the Sentinel sites are close to population centers because our planners envisage not a "thin" ABM system, but instead a full one. For if we planned only a "thin" system, there would be no need to place the sites close to the cities. Instead, they could be put in remote countryside areas.

Fourth, cost. When first discussed in early 1967, the costs of this "thin" Sentinel ABM system were estimated to be $3.5 billion. By September, 1967, when the deployment decision was announced by the Government, the cost had risen to $5 billion. The most recent estimates are $5.5 billion. Previous experience with weapons systems of this type make it a near certainty that these estimates will be far too low—that we may eventually spend $10 or $15 billion on just this "thin" system before it is completed. We must not, either, ignore what will be strong pressures to expand the "thin" Sentinel system into a full-blown, extensive ABM system, at cost estimates which run upwards of $60 billion.

Before we get too far along in commiting ourselves to a project with this price tag, we should be certain we are buying a system which will work, and which will not be obsolete in 5 or 10 years. Obsolescence is an unfortunate hallmark of many of our military defense programs, largely because of long leadtimes and unexpected technological advances. Former Deputy Secretary of Defense Cyrus Vance testified 2 years ago that—

> Because of the very rapid rate at which the technology changes, to maintain an effective (ABM) system one would essentially have to turn over the whole system every few years.

If, by 1975, the Sentinel system is obsolete, can we say that the funds spent to construct it were wisely spent? Our second-strike missile capability is now universally acknowledged to be sufficient to destroy Russia and China; would they be less willing to attack us because we have a "thin" ABM system which we cannot even be sure will work under combat conditions? I do not think so, and consequently think whatever funds we do spend on Sentinel deployment will be spent unwisely.

Fifth, bargaining posture. Supporters of the Sentinel ABM system often make the argument that construction of the system will strengthen the bargaining position of the United States vis-a-vis the Soviets, in any disarmament talks.

This argument seems particularly fallacious to me, on a number of counts. In the first place, since even Sentinel proponents concede that the "thin" Sentinel system would be ineffective against a Soviet attack, and ineffective against whatever sophisticated missiles the Chinese possess, I can see no advantage at all, in talks with the Soviets, in having an ABM system which has virtually no impact on their offensive missile capability.

In the second place, by the middle of this year the Soviets will be on a parity with the United States in the number of deployed ICBMs. In any disarmament talks, it is inconceivable that they would agree to an arms moratorium requiring them to come out at a disadvantage vis-a-vis the United States, a disadvantage from which they did not suffer when the talks began. The same argument applies to an ABM system. It is inconceivable that the Soviets would agree to a moratorium permitting the United States to maintain an ABM system, while they—the Soviets—did not have an effective one. Consequently, construction of the Sentinel system will have no relevance whatever upon our bargaining posture.

And in the third place, assuming that we did complete the "thin" Sentinel system, and that the Soviets did correspondingly, and then we reached a disarmament agreement—we would then, presumably, dismantle the Sentinel system which would have gained us nothing in the negotiations and cost us billions of dollars. Only if we viewed the ABM system as important vis-a-vis a Chinese threat, would it make sense to maintain an ABM system. In this regard, it is interesting to note that the Soviets—who may have reason to fear Chinese intermediate range missiles—have curtailed their own ABM construction activity.

In sum, I see no validity to the argument that we need a Sentinel system to strengthen our hand with the Soviets—the "thin" Sentinel cannot make us any stronger than we now are.

Sixth, distortion of Federal funding priorities. The costs of the Vietnam war have seriously threatened the stability of our economy, and have forced a severe cutback in Federal expenditures for the nonmilitary programs in education, housing, health, employment, and conservation. This cutback is generally conceded to be at least partly responsible for the divisions and unrest with which we have had to deal here at home in the last 30 months.

One measure of how drastic the cutback has been is the difference between the authorization and the appropriation for any given program. Writing in Agenda for the Nation, former Budget Bureau Director Charles Schultze said that—

> A sample count of fifteen programs, all dealing with relatively important social problems, indicated that actual program levels in fiscal 1969 were about $5 billion below the authorized amount.

This underfunding of our domestic programs simply cannot be allowed to continue. Many of us in the Congress have long hoped that the "peace dividend," the funds which would be freed up for *purposes other* than Vietnam when the war there is phased down, could be applied to these underfunded domestic programs. This would be a major step forward, in my opinion, in redressing the present distortion in our budget priorities. If, on the other hand, we are to see the "peace dividend"—whatever may be its size—diverted to the Sentinel and similar projects, then we stand little chance of reuniting the Nation. XXXXXX

Seventh, limitation of U.S. casualties. The argument is generally made that deployment of even a "thin" Sentinel system will save American lives in the event of a nuclear exchange. But based on official, published Defense Department figures, this is simply not so. These figures appear in former Secretary McNamara's testimony last year before the Appropriations Committees. In sum, they indicate that a Soviet preemptive first strike against U.S. military and city targets would cause 120 million casualties. The figures then indicate that deployment of the "thin" Sentinel system would reduce this casualty figure by 20 million, to 100 million—so long as the Soviets did not respond to our ABM deployment by installing penetration aids on their offensive missile systems. If, on the other hand, the Soviets did respond by installing penetration aids, then the casualty figure would again be 120 million—precisely where we would be without the Sentinel ABM system. Can there be anyone who doubts the intention and capability to respond to our initiatives. I, for one, feel sure that Soviet scientists and engineers are working to develop and install penetration devices, just as we are. XXXXXX XXXXXX

There are many more arguments to be put forward against deploying the Sentinel ABM system, many of which were aired in Senate debates last year. In the main, they question using a missile threat from China as the justification for constructing a "thin" Sentinel ABM system, pointing out that we will force the Chinese to develop sophisticated ICBM and submarine-launched missiles by deploying an ABM system. This will in turn force us to take other steps to counter the Chinese steps, and so on, ad infinitum.

When the budget request for fiscal year 1970, for funds to continue deployment of the Sentinel, comes before the Senate, both on authorization and appropriation requests, I am sure that the debates of last year will be reopened. And there is much new evidence and information available now, which was not available then, throwing open to even more serious question the efficacy of the Sentinel ABM system. It is my intention, working in concert with other Senators, to ask the Senate to deny any request for additional funds to deploy the Sentinel system. I shall also ask that no further construction work on deployment using funds already appropriated be carried out, and that instead those funds be used for continued research and development of an

ABM system. For the sake of our national preparedness, we must continue our research and development effort; but for the sake of domestic tranquillity and of world peace, I think we must stop work on deployment.

Pending resolution by the Congress of this question, I would like to restate my suggestion of last week to Secretary Laird: that he put a freeze on any Department of Defense activity actually related to deployment of the Sentinel ABM system, while not changing the status of research and development on ABM systems. Such a freeze would be strong evidence of good faith in our pledge to limit the arms race. It would permit time for a review of Sentinel site placement near populated areas. It would change the assumption regarding the Sentinel system, by forcing its proponents to convince the policymakers that it is a wise expenditure instead of forcing its opponents to convince them that it is unwise. It would be dramatic evidence to a troubled world that the first concern of the United States is world peace. And finally, it would be a dramatic initiative on the part of the United States toward arms limitation discussions with the Soviets.

It is my understanding that Secretary Laird and Undersecretary Packard are presently reviewing the decision to deploy the Sentinel ABM system—a decision made 2 years ago. It is my hope that they will present their review to the National Security Council, for this decision should not be made on military grounds alone. It is, instead, inextricably wound up with the most basic of our foreign policy considerations, our budgetary concerns, and our intelligence estimates.

President Nixon has asked that the National Security Council recommend a policy course to him on the nuclear nonproliferation treaty. It is entirely appropriate that the Sentinel ABM system, and its future, be treated similarly, and I would hope that the National Security Council be asked its view of the Defense Department's recommendations.

We have too much at stake, in the debate over the Sentinel ABM system, to let past decisions control our present and future course. Instead, we have the opportunity to think through the rationale for deploying Sentinel. It is a rare opportunity, and we must grasp it for the sake of our own children, and of theirs.

I must say, Mr. President, that I share the pleasure of the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from Montana (Mr. MANSFIELD), and the distinguished Senator from Kentucky (Mr. COOPER), in the fact that there will be open hearings on the Sentinel this year, and that in them we will have the benefit of the testimony of non-Government experts who have experience and background in this area. I know they can add to the knowledge and understanding of all of us in this body.

So I think the distinguished Senator from Kentucky has performed a very important service, as have my other colleagues as well, in addressing themselves to this matter in the early part of this session. We know the President is giving the matter serious thought. When he is aware of the very deep feeling of the Members of this body, who cover a very wide spectrum of political experience and understanding, coming from different parts of the country, and when he understands the very serious reservations that have been expressed in this body for a whole host of reasons, I think it is entirely appropriate that a hold or freeze be put on this program and that further expenditures be halted until the Senate and the House and the President have a chance to review this program.

So I, too, want to congratulate the Senator from Kentucky. The hour is late. I think the fact that there were as many Senators here to speak on this, and the fact that other Senators have filed statements in the RECORD and have indicated that they will continue to speak about it, really demonstrates, as clearly as it is possible to demonstrate, the extraordinary importance that many of us place upon this problem. It demonstrates as well our very deep-seated belief that there needs to be a total review, and that we should take no further steps in this program without that total review.

Mr. COOPER. Mr. President, I think the questions which the Senator from Massachusetts addressed to the Secretary of Defense are of vast importance. I appreciate also the cooperative and rational approach that he takes toward the efforts of the administration and its necessary review of the ABM problem. I appreciate the wisdom of his views.

We have been in session a long time. I am going to close. I will simply say again that it is our purpose to continue to seek information, to debate this question, to do our best to influence the administration, and if necessary to defeat the proposed appropriation of funds for further deployment of the ABM system.

Mr. HATFIELD. Mr. President, the issue of the "thin" anti-ballistic-missile system has been brought to the floor on two prior occasions and, as then, I now oppose the construction of an ABM system. Consistent with my desire to see the Vietnam war brought to an end and the need for the world's major powers to seek peace and tranquillity throughout the world, it is my contention that an end to the construction of the ABM systems is an essential step.

My position should not be construed to be an oversight of the fact that continued research and development work on an antimissile system must not cease because of its necessity for our national preparedness. In retrospect, it seems quite clear that we undertook the construction program without thoroughly evaluating the worth or merit of the system, therefore we find ourselves seeking to freeze another project that we were ill advised to undertake initially.

Furthermore, there have been certain technical problems raised which leave serious doubts as to whether the ABM's could, in fact, do the job under emergency conditions. Several other arguments have been presented in opposition to the ABM system, many of which are tenable; however, my strongest misgivings of the system lie in the fact that we should not continue to finance a system that offers such a small degree of certainty that it can do the job. Also, a U.S. commitment to freeze the construction of the ABM system will be a major effort to reduce world tensions. Therefore, I join my colleagues in urging the administration to freeze all activities related to the construction of Sentinel sites.

Mr. NELSON. Mr. President, a fresh attack is being levied against the Sentinel anti-ballistic-missile system. Residents near the areas in which these missile sites are going to be built are greatly disturbed, and are expressing their dissatisfaction in increasing numbers.

As a case in point, in the Chicago area, public hostility and resistance to the army's site selection has been considerable. Recently, three North Chicago municipalities adopted resolutions [redacted] ing their opposition to the construction of ABM's near their communities.

Apparently, these people are apprehensive over the prospect of having anti-ballistic missiles right in their own backyard. Certainly, the fears of these residents that an accidental explosion could wipe out their whole community may be legitimate.

But while these concerns may be justified, there are other equally as persuasive reasons for halting construction of the Sentinel ABM.

First, based upon the present state of missile technology, the Sentinel system would not be effective against an all-out enemy missile attack. In addition, initiating construction of the ABM could hamper prospects for a United States-Soviet arms control agreement. Also, at this critical stage of our economy, when Federal funds are desperately needed to meet the crisis of our environment and of our cities, allocating billions of dollars to a project that has never been proven to be effective seems unwise to me.

The battle over the ABM is intensifying and I am hopeful that when the Congress reconsiders this project, it will decide to delay it until adequate research and development proves it effective.

So that my colleagues may become more familiar with the sentiments of the concerned citizens of the Chicago area, I ask unanimous consent that an article appearing in the January 23, 1969, edition of the Chicago Tribune be reprinted in the RECORD.

In addition, I ask unanimous consent that the excellent article entitled "H-Bombs in the Back Yard," also be reprinted in the RECORD.

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

[From the Chicago (Ill.) Tribune, Jan. 23, 1969]

THREE SUBURBS' RESOLUTIONS DISAPPROVE OF NIKE MISSILE SITE

(By Patricia Stemper)

Three north Chicago municipalities last week adopted resolutions stating their disapproval of the site for the planned Sentinel anti-ballistic missile base south of Libertyville.

They are the Highland Park city council, and the Lincolnshire and Northbrook village boards.

More than 100 Highland Park residents, some of whom are members of the Northern Illinois Citizens Against Anti-Ballistic Missile [NICAABM], attended last week's city council meeting to urge the council to adopt a resolution opposing the missile site.

NO ONE IS INFALLIBLE

"No man in the world is infallible," said Dr. Benjamin Ziedman, a nuclear physicist at Argonne National Laboratory who addressed the council. "We know an accident is possible. In the event of an accident, Highland Park ceases to exist," he said.

"Based on the information we have, all we can do is to ask that the site be reconsidered rather than opposed," said Raymond Geraci, councilman. "Otherwise we are preempting the government," he said.

At first, the council unanimously adopted an unwritten resolution recommending to the defense department that it reconsider installing the missile site in Libertyville.

RESIDENTS OBJECT

However, after receiving objections from residents who said they wanted a stronger resolution—one that stated that "the city of Highland Park is opposed to the Libertyville site as a missile base or any site near a densely populated area"—the council later in the week drafted a written resolution.

Altho the final draft does not state its opposition to the missile site, it "strongly urges" the defense department to reconsider its designation of Libertyville as a Sentinel antiballistic missile site "in the interest of safety to adjacent communities," and to relocate the site to an "area of less dense population."

When the final draft was written, the residents were represented by Jerome Man, a Highland Park resident who is running for councilman in the forthcoming election. The council asked that the residents choose a representative to meet with the council when the resolution was drafted. Man also was the [NICAABM] spokesman at the council meeting.

ARMY GAVE FACTS

In the events at the council meeting which led to the drafting of the written resolution, the residents said they could take action based on the information they have been given by the army. "We have that right," said a resident. "The burden should be on the government to supply the last bit of information."

The council said that having a resolution which recommends that the defense department change the planned missile site "is opposing the site in a different form."

The Lincolnshire village board last week adopted a resolution which opposes the Libertyville site for an antiballistic missile system because of the dense population in the area, said Dave Soulak, village administrator.

VILLAGE IS NEAR SITE

He said the board adopted the resolution because Lincolnshire's northwest boundary is 1½ miles from the planned missile site.

The resolution also asks the defense department to change the site to a less populated area 25 to 50 miles northwest of the planned site.

At the board meeting, the board received a petition signed by 125 to 135 residents asking that the site not be located at the abandoned 180-acre Nike missile base north of United States highway 45, 1½ miles northwest of Half Day, Soulak said.

STRONG RESOLUTION

"The resolution is the strongest one we could possibly make," he said.

The Northbrook village board's resolution also "strongly opposes" the installation of the missile system near Libertyville or in any part of the Chicago metropolitan area.

The vote on the resolution was 4 yes and 2 pass.

GLENVIEW ACTED

In December, the Glenview village board adopted a similar resolution by a unanimous vote.

Construction of the 70-million-dollar site is expected to begin in July. It is being developed as a possible deterrent of enemy atomic capability which experts believe will be developed by the mid-1970's.

H-BOMBS IN THE BACK YARD

(By David R. Inglis)

A reporter for a small suburban newspaper recently visited a drilling rig on the edge of Clarendon Hills, a western suburb of Chicago, and inquired what was up. He learned that the Army was exploring for a suitable site for anti-ballistic missiles. A scientist from the suburban Argonne National Laboratory noticed the story; subsequent luncheon-table discussions aroused concern among scientists which soon spread to the Chicago news media. Insidious are the ways of military public relations, and this is how Chicago happened to learn that, if all goes as planned, it is to have H-bomb-tipped missiles installed in its own back yard, on the edge of Cook County upward from the Loop.

When one of the scientists went to talk to the colonel in charge of the drilling operation, he was astounded to learn that the Sentinel installation was to include long-range Spartan missiles, in addition to the short-range Sprints. Only the Sprints might conceivably have some reason to be near a city if Congress should in the future opt for an attempt at city defense and authorize something much larger than the $5-billion Sentinel system. Later word from Lieut. Gen. A. D. Starbird, after a secret briefing in Chicago on November 29, is still more surprising: The site will have only long-range Spartans, no Sprints. Some other sites may get Sprints.

The capability claimed for the Sentinel system is that its Spartan missiles can stop a small attack by a few missiles—such as the Chinese might have in the mid-Seventies—if they are as primitive as our first ICBMs in lacking penetration aids. The Sprints of the system are mainly to protect its Spartans and the accompanying radar. An optional "kicker" in the system, as was explained by its promoters, is that its short-range Sprints might be used to provide some protection for our ICBMs in their underground silos, and thus slightly blunt a Soviet counterforce attack.

There are, of course, far-reaching implications of the decisions to deploy an ABM system, implications for the stability of the nuclear deterrent, for the future of the entire arms race, and for the possibility of diplomatic initiatives that might reduce the likelihood of nuclear war. But there are, in addition, two purely local objections. First is the possibility that, in a limited nuclear war with the Soviet Union, local Spartans might draw enemy fire to the city. The Army's reply is that the population centers are prime targets in any event. But who knows? There has been long and vacillating argument about the "counterforce" and "counter-population" options of nuclear attack. Should an attacker spend his first salvos on the missiles of the enemy in an attempt to minimize retribution, or should he concentrate on doing "unacceptable damage" to the population and expect to take the brunt of a counterattack on his own population?

The think-tank pendulum has swung between one and the other. Counter-population is the current style on our side and that is what the Army means by saying the cities are prime targets in any event. But, who knows, the Soviet high command might believe in counterforce ten years from now. If they should follow this course, and on some tense occasion attack, they might decide to strike at the Spartans on the edge of Cook County that could conceivably defend some of our ICBM's. In the process they would devastate Chicago and pulverize some western suburbs. If, on the other hand, they decide to attack both types of targets, we will have helped them kill two birds with one stone.

An objection based on the distinction between limited and all-out nuclear war may seem not very serious because any nuclear war would represent a disastrous failure of policy, and it is hard to believe that it could remain limited. However, there is also no serious reason for the Spartans to be close to cities, since their effectiveness must be nearly uniform over the central part of the 600 to 1,000 mile-wide region they attempt to defend. This is implied in various official statements and in information given to Congress during debates leading up to the initial appropriations for the system. There was very little discussion of where the sites would be, but Congressman Sikes, floor leader for the Sentinel appropriation, stated in the House on July 29, 1968, that "these sites will be some distance away from the centers of population."

In reply to the sudden publicity, the Chicago *Sun-Times* of November 16 quoted [XXXXXX] R. J. Bennett, information officer of the Huntsville, Alabama, missile center, as saying: "The Sentinel site near Chicago is [XXXXX] essary to complete the Sentinel defense of the entire United States. To make such a defense most effective, considering the projection of future defense needs, this site should be near the center of the greatest population."

Here is the tip-off of the Army's intentions. Congress has authorized the deployment of the Sentinel system and has funded its initial stages, particularly site acquisi[XXXXX] In the Senate debates, the main motivations for deployment given by the promoters of the system were defense against a Chinese attack and the protection it might afford against an accidental launching of a Soviet ICBM. There were a few Senators who frankly argued for it as a step toward a much larger anti-Soviet system, which is probably the real reason the inherently expansive Department of Defense supports it. The initial Sentinel, it was said, might serve as a "building block" for the much larger system. Still, it seems clear that most of the Senators who voted for the deployment—and the votes were fairly close—did so out of a feeling that, being in doubt, they should now support only the limited Sentinel system and either oppose the larger system or put off the larger decision. Thus in using a "projection of future defense needs" to justify putting Spartans near large populations, the Army seems to be jumping the gun on a Congressional decision and acquiring sites for the larger anti-Soviet system, under the guise of limited Sentinel deployment.

A second local objection to these sites is that there is some chance, probably very small, that one of the cluster of H-bomb warheads installed on the edge of the city might accidentally explode, and if it should, the consequent loss of life could be catastrophic. A surface burst or a shallow subsurface burst in a silo produces much more fallout—from vaporized and activated earth—than a normal explosion high in the air. The Spartan warhead is said to be "in the megaton range." This would indicate a weapon approximately a hundred times as powerful as the bomb that destroyed Hiroshima from half a mile in the air. Its local fallout from an accidental subsurface burst would be highly lethal throughout a large metropolitan area and for many miles down-wind. There would be less blast damage than from an air burst, but it would still be widespread enough to flatten several suburbs.

An accidental explosion of a Sprint would, of course, be much less lethal. How much less is hard to say because we are told only that its warhead is much less powerful than a Spartan—"in the kiloton range." Taken literally, this could mean anywhere from one kiloton, or perhaps even less, to a hundred kilotons or more. Indications are, however, that it is considerably less powerful than the 20 kilotons of the Hiroshima bomb or the first A-bomb tested 100 feet above the New Mexico desert. Even so, it could pose a serious hazard in the vicinity because of the

high amount of fallout produced by a shallow subsurface detonation. Whatever the uncertain magnitude of this Sprint hazard may be, an accidental burst of the monstrously powerful Spartan warhead would be calamitous indeed.

To this objection, Colonel Bennett was quoted, by the Chicago *Daily News* of November 15, as saying: "There has never been an accidental nuclear explosion. The control devices are so good and so involved that an accidental explosion is not a danger." This sounds like a good, commonsense attitude, the voice of experience. Many military personnel get accustomed to living with dangers. A soldier knows that the grenade he carries could blow him to bits if the pin were accidentally pulled, but after living with it on his belt for a year he forgets about the slight danger. Even so, most civilians would prefer not to live on a power keg without some very good reason for doing so.

Designers have worked hard to make the control devices as effective as humanly possible, and they must be good, for the record is very good. It even happens to be perfect. We don't hear much about the near-accidents, but in the case of one H-bomb dropped accidentally in North Carolina in 1961, it was reported that five of the six safety devices had failed. There were six, and the bomb was "unarmed" so there was no detonation. An H-bomb in the bay of an airplane can be carried "unarmed," with one vital part to be inserted before dropping, because there is plenty of time to "arm" it on the way to the target. Thus it may be intrinsically easier to make it safe than it is for a missile such as the Sprint, which must be ready to fire within a few minutes of the first warning and within a fraction of a second of identification of its target. We haven't had experience with those yet. But even ignoring this distinction, the good record is not completely convincing.

Experience with bomb accidents is the sort of stuff that the study of statistical probabilities is made of. Let us think about a variant of the ghoulish game of "Russian Roulette." A six-shooter has a cylinder with six bullet slots. Suppose you are given one not knowing whether it is loaded. You are permitted to spin the cylinder ten times—or even a hundred times—and pull the trigger. You do so and it does not fire. You are then to point it at your head and pull the trigger. Would you feel sure that you would not kill yourself? Fairly sure? Yes. But certain? No.

The armed forces have been storing or handling, let us say, 10,000 nuclear bombs for perhaps ten years. They point to the fact that none has exploded as proof that none will explode accidentally. They propose to store, at a guess, a thousand nuclear warheads near American cities for the next ten years. According to past experience the probability that one of them will explode accidentally is not more than 10 per cent. Citizens of Chicago may take comfort that that is divided among ten cities or so, so locally there may be only about one chance in a hundred of serious trouble in the next ten years. That is about all that can be proved by Colonel Bennett's reference to the good record. It may be good common sense to ignore a small risk like one chance in a hundred, even if the event would be catastrophic, for one feels that life is full of dangers. But let us look at the small chances on the other side of the coin.

Why are we installing this Sentinel system? The reasons are confused; they involve China and Russia, they involve military and industrial pressures on Congress, and citizen anxiety or apathy and many other factors. So let us simplify again by considering only the official reasons given for the Sentinel deployment. Colonel Bennett said: "The Sentinel system is designed to defend the nation against a possible delivered missile attack by the Chinese Republic or an accidental launch of a nuclear-armed intercontinental missile by any foreign power."

The same Army spokesman who wants us to ignore the small chance of an accidental explosion at home by claiming that it does not exist is inviting us to worry about the chance that China, with a few missiles, will attack a country with thousands of missiles and to worry that an accidental launch of a Russian missile will hit one of our cities! There are few things of which one can be absolutely sure, but common sense should make us very nearly certain that the Chinese, at a time when they will have only a few intercontinental missiles, would not make a completely suicidal attack against the tremendous nuclear might of the United States. Such an attack seems much less certain than an accidental Sprint or Spartan detonation.

More serious than the Chinese "threat" is the technical possibility that an accidentally launched Russian missile might come our way. We have more than a thousand missiles in underground silos, with their computers and radars all adjusted to guide them toward various Russian cities and missile sites, and the Soviets likewise have several hundred missiles aimed at us. The chance that a Soviet missile would be launched accidentally may seem fairly remote. But what we are considering is more unlikely than that. We are considering the chance not only that a Soviet missile will malfunction and be launched, but that it will malfunction in such a way that it functions perfectly and aims directly at an American city 8,000 miles away. Although the likelihood of this double feat seems very small indeed, it is perhaps more probable than a Chinese attack.

Which, then, seems the more likely: a few hundred Soviet missiles being so perfectly launched accidentally as to hit an American city, or one of several hundred American missiles simply exploding accidentally where it sits on the edge of a city? The first seems to require two accidents in succession, the latter a single accident. Even if it is a fairly remote chance, it seems considerably more likely that an American city would suffer nuclear calamity from an accident at home than from a Soviet accident.

Thus, if the Army persists in its plan to put the Sentinel missile sites on the edge of population centers, even from the limited local point of view the cure is worse than the disease. This situation could be remedied by moving the missile sites out into open country, where the Spartans would be just as ready to intercept an accidentally launched missile.

Civilians can make such a change when the Army submits its missile-site plans for Congressional approval, starting with a hearing before the normally cooperative Joint Armed Services Committee, scheduled for this month.

Introducing more danger than one is trying to prevent is typical of the whole effort to attain national safety through ABM defense. This larger folly can be remedied only by having the people and their Congress learn, perhaps through these local mistakes, that national safety is not to be sought by pursuing the will-o'-the-wisp of ABM defense. This defense would not be effective against a massive Soviet attack, according to those highly placed experts who have had a thorough look at the military and technical factors involved, but who have no vested interest in military empire-building—former Defense Secretary Robert S. McNamara and all of the science advisers of the last three Presidents. People must learn that national safety in the precarious nuclear age should be sought instead by more vigorous pursuit of international agreements—which the Soviet Union appears to be ready to pursue to our mutual benefit—by cutting off the deployment of offensive and defensive missiles of the nuclear giants, by avoiding the spread of nuclear weapons to many nations, and by otherwise "taming the atom" so that we may turn our energies more fully to improving the lot of mankind and removing the causes of war.

Mr. NELSON. Mr. President, as the Senate seeks ways to limit defense spending—particularly to forestall the tragic new cycle in the arms race which the ABM portends—we must take candid account of the nearly automatic forces in our own economy which foster the production of ever more sophisticated and costly weapons.

I invite the attention of the Senate to a frank and thoughtful speech on this subject by our new colleague from Missouri (Mr. EAGLETON).

The Senator reminds us that when we speak of the "military-industrial complex," we are talking "not about a [redacted] of skulking warmongers, but a [redacted] portion of the American population" whose bread and butter depend, [redacted] way or another, on defense production.

The Senator from Missouri does not conclude that we are condemned forever to build defense system on defense system while we skimp on our domestic needs, but he offers a timely warning that this will happen unless we act now to redress the balance between the forces in our society which favor more m[redacted] production and those which favor domestic development.

I ask unanimous consent that Senator EAGLETON'S speech, delivered in Washington, Mo., on February 1, be printed in the RECORD.

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

SPEECH BY SENATOR THOMAS F. EAGLETON, JUNIOR CHAMBER OF COMMERCE DINNER, WASHINGTON, MO., FEBRUARY 1, 1969

Karl Marx and George Orwell, between them, managed to convince a lot of people—followers and critics alike—that war and prosperity go together in a capitalist society.

Not so. The Vietnam war, far from contributing to the economic health of America, has brought rapid inflation and stilted priorities. Just read this week's headlines about the biggest consumer price increase in 17 years . . . which has priced many American goods out of the international market and caused the smallest trade surplus in three decades.

As the President's Cabinet Coordinating Committee on Economic Planning for the End of Vietnam Hostilities stated:

"Although the American economic system demonstrated the strength and adaptability necessary to carry the extra load without major disruption and without jeopardizing its fundamental health, the cost of war has been a load for the economy to carry—not a supporting 'prop.' Prosperity has not depended on the defense buildup and will not need high military spending to support it in peacetime. On the contrary, peace will provide the Nation with welcome opportunities to channel into civilian use manpower and material resources now being devoted to war."

With a flicker of hope for peace now evident in Paris, I want to talk a little tonight about those welcome opportunities . . . and to raise a serious question as to whether we are indeed prepared to seize them.

The great challenge after past wars has been to keep our economy moving when defense spending and defense production suddenly let up. And we have usually failed to meet that challenge.

The end of the Korean War in 1953 saw the beginning of a major recession. By mid-1954, the gross national product had fallen by 3.7 per cent and industrial production

had dropped off sharply by 9 per cent. Unemployment, after remaining at an exceptionally low level for two years, nearly trebled—from 2.4 per cent in August of 1953 to 6.4 per cent in March of 1954.

The economic outlook for the post-Vietnam period is much more hopeful.

For one thing, we have learned some lessons about the need to plan in advance for reconversion. The Arms Control and Disarmament Agency has prepared 26 major planning documents on aspects of economic reconversion. Moreover, while the impact of the war has been substantial, the economic drain of Vietnam still represents only three per cent of our GNP. And this impact has been widely diffused among all states and most industries. As the President's Coordinating Committee states: "Only a relatively small number of areas and industries are likely to be specially affected by the demobilization or to encounter significant transitional problems."

So I believe that our dynamic free enterprise economy can and will make a prompt and healthy adjustment to peace. As a nation, we will be richer.

But this brings me to a much more profound question: Do we have the ability and foresight not only to keep our great economic engine running, but to redirect it to serve the urgent needs of peace?

Believe me, there will be nothing automatic about transferring military expenditures to peaceful uses, at home or abroad, when the war in Vietnam is over.

The pressure will be enormous to keep those defense plants humming . . . to keep those workers on the job and doing pretty much what they are doing today . . . to prevent a reduction in our 89 billion dollar defense budget.

Plans for super new defense systems will be ripped off the Pentagon drawing boards and taken to the Congressional Defense and Appropriations Committees before the first troop ship reaches San Francisco.

And there will be plenty of contractors and workers, legitimately concerned about their economic future, who will be ready to testify for them.

When the industries and businesses that fill military orders are the largest producers of goods and services in the United States today . . . when their activities pour about 45 billion dollars into over 5,000 cities and towns . . . when they employ more than one American worker out of ten—the economic momentum of war production will not easily be deflected.

In addition, there is the raw political fact that there are 991 separate defense industry installations in 363 of the country's 435 congressional districts—and these plants are full of worried constituents.

Call this the "military-industrial complex" if you will. But remember that you are talking not about a coterie of skulking warmongers, but a sizeable portion of the American population whose legitimate personal interests will make them want to keep on doing what comes naturally in defense production when the war ends. It will take nothing short of a national act of will to shift a meaningful share of our resources from war-making to peace-building—at home and in the world.

"It is an unfortunate fact," said John F. Kennedy, "that we can secure peace only by preparing for war." And it is quite obvious that major cuts in defense spending will be impossible for the foreseeable future.

But the fact remains that since 1945 the United States of America has spent 936 billion federal dollars on the military—and only 115 billion dollars on education, health, welfare, housing and community development combined.

These domestic challenges are no less grave than threats from foreign enemies.

Nor is meeting them less critical for America's future.

But even though there is profit in peace . . . even though a civilian worker produces more, earns more and buys more than a man in uniform . . . there is no "education-industrial complex" . . . or "housing-industrial complex" . . . or "urban-development-industrial complex" presenting a meaningful counter-claim for public funds.

There are a variety of things we can do to avoid losing our post-war peace dividend by default.

Congress can and must begin to scrutinize the military budget. Senator Richard Russell, Chairman of the Senate Appropriations Committee, characterized our present tendency last year in these rich words:

"There is something about preparing for destruction that causes men to be more careless in spending money than they would be if they were building for constructive purposes. Why that is, I do not know; but I have observed, over a period of almost thirty years in the Senate, that there is something about buying arms with which to kill, to destroy, to wipe out cities, and to obliterate great transportation systems which causes men not to reckon the dollar cost as closely as they do when they think about proper housing and the care of the health of human beings."

The Administration can move forward *now* to seek Congressional approval of the nuclear non-proliferation treaty and speed up its timetable for meeting with the Soviet Union on general arms reductions.

But most important of all, the American public has to get angry about poor schools . . . about congested cities . . . about filthy air . . . about not enjoying the quality of life their prosperity should assure them. Somebody has to make an effective case for peace-building; and nobody but an aroused American public—you—can do it.

OUR 20TH-CENTURY FOLLY

Mr. WILLIAMS of New Jersey. Mr. President, on September 18, 1967, over my objection, we capitulated to the interest of a few self-imposed guardians of our destiny by accepting the decision to deploy the limited ballistic missile defense system against the possibility of an attack by Chinese ballistic missiles. During the previous 8 years, two administrations considered and rejected suggestions that ongoing development programs for missile defense be followed by procurement of one system or another. At first it was a primitive Nike-Zeus missile. Such a system could have been built by 1963, but would have been obsolete by the time it became operational, according to the evaluation by no less than the Defense Department itself. A more advanced system, Nike X, could have been ordered in 1963 and built by this time, but even that system would have been obsolete by 1966.

These wise decisions have saved us at least $20 to $30 billion, the estimated cost for the implementation of these ABM proposals. And I do not see any reason to believe that the Sentinel system will not be obsolete 5 years from now—with a comparable waste of at least $5 billion.

Mr. President, this is the beginning of our 20th-century folly. I greatly fear that the decision to build this "light" ABM system is only paving the way for those who advocate a greatly expanded anti-missile defense at an estimated cost exceeding $40 billion.

This course of action is as irresponsible on fiscal grounds as it is pointless on military grounds. When the decision was made, the Defense Department admitted that it would be ineffective against the Soviet Union, but said the decision was motivated instead by a fear of Chinese attack. What folly. We all know the basic technical fact is that this system can be easily neutralized by the Chinese by using relatively simple and cheap penetration aids or by developing different means of weapons delivery.

The logical conclusion of this development will be an accelerated arms race between the East and the West. Both sides place their defensive hopes on an offensive deterrent. If either side becomes convinced its offensive deterrent is no longer an adequate defense, that nation or nations will immediately accelerate its development of offensive weapons. The uncertainty involved in the nat [redacted] of this reaction, and the likelihood of overreaction on both sides, pose gr [redacted] dangers to the stability of the nuclear balance—a danger too great to risk.

One of the biggest disappointments to me in the 90th Congress was our failure to ratify the Nuclear Nonproliferation Treaty. The indication is quite clear that the decision to build this Sentinel system was, in part, calculated to stimulate further discussion with the Soviet Union [redacted] the arms race. To this end, President Johnson persuaded the Soviet Union to agree to negotiate a treaty to ban such systems. The tool is available—now let us use it.

Mr. President, the implications and repercussions from this major policy decision are incalculable. Yet the average citizen is hardly aware of the problems involved, and the public debate, at least prior to the decision, was limited to a relatively small number of decision-makers. With few exceptions, even that debate rarely progressed beyond the technical and strategic realms. Our concern today is to assure this debate.

If this were a social program where one-hundredth of the cost were involved, there are those who would guarantee an endless debate. But, it is not—it is only a decision which perpetuates the tendency of our Government to be unrestrained and unreflective in expenditures of human and economic resources on defense. Why are we so unwilling to gamble with this kind of money where people are involved? Where is our equal enthusiasm for model cities, education, health, and other social and domestic problems? What has happened to our priorities?

Mr. President, the people of New Jersey are distressed and concerned about the possibility of locating part of this monster in two of their communities—Caven Point in Jersey City and Tenafly. We do not want them there; we do not have room for them there; and we want to be heard. If we can't stop this folly, at least we should be heard, for history should not judge us all by the decision of a select few.

Mr. PELL. Mr. President, I wholeheartedly associate myself with the views of the Senator from Kentucky as he has expressed them, as well as with those of the majority leader and the assistant majority leader.

I wish also to revert to the point raised by the Senator from Massachusetts (Mr. BROOKE) when he mentioned that

he had read the published report the Senator from Tennessee (Mr. GORE) and I made after our fairly long trip to The Prague and Moscow, when we had a fairly long conversation with Premier Kosygin, and the conclusions he drew from that report.

There is no question but that the Soviet leadership indicated, in every way they could, that they did want to get on with the discussion of disarmament. It would appear that they are a bit ahead of us when it comes to defensive weapons, and we are ahead of them with offensive weapons for that reason, they would like to get on to a discussion of the whole of both offensive and defensive missiles.

The point was also made in our discussion, which has not been particularly brought out publicly since, that Premier Kosygin emphasized he hoped that any negotiations would take place from positions of reasonable parity.

I think this was quite significant, in view of the context of the times. Perhaps just by remembering, that through modification in the use of the English language, we have seen "superiority" become "sufficiency," so, perhaps, "sufficiency" can, in turn, come to be considered a synonym for "reasonable parity."

In that case, there would be no reason why discussions could not move ahead more quickly than we have hoped thus far.

I think it is also striking, in that discussion, on which Senator BROOKE touched, that the Premier referred, in positive, direct, and friendly terms, to our then President-elect Mr. Nixon. The ground could certainly be paved for disarmament discussions, from the viewpoint of us who spent almost 2 hours talking with Mr. Kosygin in his office.

Included in the general subject of the ABM is its development in the future. We are now dealing with a thin ABM, but the next stage beyond that would be a full scale ABM, and then the next stage beyond that, which we have not even thought about, would be the development of anti-ballistic-missile systems on the ocean floor, in the seabed, perhaps on the mid-Atlantic ridge. Thus we see the possibility of a whole new generation of weapons systems being developed; and it is to that point that I should like to address myself now, on a similar or parallel subject.

TREATY TO GOVERN THE ACTIVITIES OF NATIONS IN OCEAN SPACE

Mr. President, on January 21 of this year, I introduced Senate Resolution 33, containing a detailed set of legal principles for the governing of activities in the international marine environment, and urging the President of the United States to have these principles placed before the newly established United Nations Committee on the Peaceful Uses of the Seabed. Wishing to press this issue further, and hoping that the process between the adoption of a U.N. resolution on this matter and the formulation of an acceptable international agreement on ocean space can be accelerated, I have fomulated my own set of legal principles into an actual draft treaty. I have incorporated this treaty proposal in a resolution, and I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 92) was referred to the Committee on Foreign Relations, as follows:

S. RES. 92

Whereas the threat of anarchy is imminent in the field of scientific exploration and commercial exploitation of the deep sea and its resources; and

Whereas international agreement on a rule of law governing the activities of nations in the exploration and exploitation of the deep sea and its resources is in the common interest of all mankind: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should take all necessary steps, through the Secretary of State, the United States delegation to the United Nations, or any other appropriate agency or officer of the United States, to enter into negotiations with representatives of the governments of the major coastal and maritime nations and all other interested nations of the world to the end that there shall be concluded, with as widespread acceptance as is possible, a treaty on the peaceful exploration and exploitation of ocean space as follows:

"TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND EXPLOITATION OF OCEAN SPACE

"PREAMBLE

"The States Parties to this Treaty,

"*Inspired* by the great prospects opening up before mankind as a result of man's everdeepening probe of ocean space—the waters of the high seas, including the superjacent waters above the continental shelf and outside the territorial sea of each nation, and the seabed and subsoil of the submarine areas of the high seas outside the area of the territorial sea and continental shelf of each nation,

"*Recognizing* the common heritage of mankind in ocean space and the common interest of all mankind in the exploration of ocean space and the exploitation of its resources for peaceful purposes,

"*Believing* that the threat of anarchy exists in the exploration and exploitation of ocean space and its resources,

"*Desiring* to contribute to broad international cooperation in the scientific as well as the legal aspects of the exploration and exploitation of ocean space and its resources for peaceful purposes,

"*Recalling* the four conventions on the Law of the Sea and an optional protocol of signature concerning the compulsory settlement of disputes, which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, and were adopted by the Conference at Geneva on 29 April 1958,

"*Recalling* the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which was unanimously endorsed by United Nations General Assembly resolution 2222 (XXI) of 19 December 1966 and signed by sixty nations at Washington, London, and Moscow on 27 January 1967, and considering that progress towards international cooperation in the exploration and exploitation of ocean space and its resources and the development of the rule of law in this area of human endeavor is of comparable importance to that achieved in the field of outer space,

"*Recalling* United Nations General Assembly resolution 2467A of 21 December 1968, which provided for the establishment of a Committee on the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction, and the uses of their resources in the interests of mankind.

"*Recognizing* that the problems resulting from the commercial exploitation of ocean space are imminent,

"*Believing* that the living and mineral resources in suspension in the high seas, and in the seabed and subsoil of ocean space, are free for the use of all nations, subject to international treaty obligations and the conservation provisions of the four conventions on the Law of the Sea,

"*Convinced* that a Treaty on Principles Governing the Activities of States in the Exploration and Exploitation of Ocean Space will further the welfare and prosperity of mankind and benefit their national States,

"*Have agreed* as follows:

"PART I

"GENERAL PRINCIPLES APPLICABLE TO OCEAN SPACE

"*Article 1*

"The exploration and use of ocean space and the resources in ocean space shall be carried out for the benefit and in the interests of all mankind, and shall be the province of all mankind.

"*Article 2*

"Ocean space and the resources in ocean space shall be free for exploration and exploitation by all nations without discrimination of any kind, on a basis of equality of opportunity, and in accordance with international law, and there shall be free access to all areas of ocean space.

"*Article 3*

"Ocean space is not subject to national appropriation by claim of sovereignty, by means of use of occupation, or by any other means.

"*Article 4*

"There shall be freedom of scientific investigation in ocean space and States Parties to the Treaty shall facilitate and encourage international cooperation in such investigation, but no acts or activities taking place pursuant to such investigation shall constitute a basis for asserting or creating any right to exploration or exploitation of ocean space and its resources.

"*Article 5*

"States Parties to the Treaty shall carry on activities in the exploration and exploitation of ocean space and its resources in accordance with international law, including the Charter of the United Nations, and the provisions contained in these articles, in the interest of maintaining international peace and security and promoting international cooperation and understanding.

"*Article 6*

"States Parties to the Treaty shall bear international responsibility for national activities in ocean space, whether carried on by governmental agencies or non-governmental entities or nationals of such States, and for assuring that national activities are carried on in conformity with the provisions set forth in this Treaty. The activities of non-governmental entities and nationals of States in ocean space shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in ocean space by an international organization, responsibility for compliance with this Treaty shall be borne by the International organization itself.

"*Article 7*

"In the exploration of ocean space and the exploitation of its resources, States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in ocean space with due regard for the corresponding interests of all other States Parties.

"*Article 8*

"States Parties to the Treaty shall render all possible assistance to any person, vessel,

vehicle, or facility found in ocean space in danger of being lost or otherwise in distress.

"Article 9

"States Parties to the Treaty engaged in activities of exploration or exploitation in ocean space shall immediately inform the other States Parties or the Secretary General of the United Nations of any phenomena they discover in ocean space which could constitute a danger to the life or health of persons exploring or working in ocean space.

"PART II

"USE OF OCEAN SPACE EXCEPT SEABED AND SUBSOIL

"Article 10

"All States Parties to the Treaty shall have the right for their nationals to engage in fishing, aquaculture, insolution mining, transportation, and telecommunication in the waters of ocean space beyond the territorial seas of any State.

"Article 11

"The right declared in Article 10 shall be subject to the treaty obligations of each State Party to the Treaty and to the interests and rights of coastal States and shall be conditioned upon fulfillment of the conservation measures required in the agreement entitled "Convention on Fishing and Conservation of the Living Resources of the High Seas', adopted by the United Nations Conference on the Law of the Sea at Geneva on 29 April 1958.

"Article 12

"Any disputes which may arise between States Parties to the Treaty with respect to fishing, aquaculture, in-solution mining, conservation, and transportation activities in the high seas shall be settled in accordance with all the provisions of the convention referred to in Article 11 setting forth a compulsory method for the settlement of such questions. The provisions of Article 27 and Annex 4 of the International Telecommunication Convention, signed at Geneva on December 21, 1959, shall be applicable to any disputes which may arise between States Parties with respect to telecommunication activities in the high seas.

"PART III

"USE OF SEABED AND SUBSOIL OF OCEAN SPACE

"Article 13

"In order to promote and maintain international cooperation in the peaceful and orderly exploration, and exploitation of the natural resources, of the seabed and subsoil of submarine areas of ocean space, each State Party to the Treaty undertakes to engage in such exploration or exploitation only under licenses issued by a technically competent licensing authority to be designated by the United Nations and to be independent of any State.

"Article 14

"The natural resources referred to in this Part consist of the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

"Article 15

"The activities of nationals and non-governmental entities in the exploration of submarine areas of ocean space and the exploitation of the natural resources of such areas shall require authorization and continuing supervision by the appropriate State Party to the Treaty, and shall be conducted under licenses issued to States Parties to the Treaty making application on behalf of their nationals and non-governmental entities. When such activities are to be carried on by an international organization, a license may be issued to such organization as if it were a State.

"Article 16

"It shall be the duty of the licensing authority referred to in Article 13 to act as promptly as possible on each application for a license made to it. In issuing licenses and prescribing regulations, the licensing authority shall apply all relevant provisions set forth in this Treaty, shall give due consideration to the potential impact on the world market for each resource to be extracted or produced under such license, and shall apply the following criteria:

"(a) The license issued by the licensing authority shall (i) cover an area of such size and dimensions as the licensing authority may determine, with due regard given to providing for a satisfactory return of investment, (ii) be for a period of not more than fifty years, with the option of renewal, provided that operations are conducted with the approval of the licensing authority, (iii) require the payment to the licensing authority of such fee or royalty as may be specified in the lease, (iv) require that such lease will terminate within a period of not more than ten years in the absence of operations thereunder unless the licensing authority approves an extension of the period of such license, and (v) contains such other reasonable requirements as the licensing authority may deem necessary to implement the provisions of this Treaty and to provide for the most efficient exploitation of resources possible, consistent with the conservation of and prevention of the waste of the natural resources of the seabed and subsoil of ocean space.

"(b) If two or more States Parties to the Treaty apply for licenses to engage in the exploration of the seabed and subsoil of ocean space or the exploitation of its natural resources in the same area or areas of ocean space, the licensing authority shall, to the greatest extent feasible and practicable, encourage cooperative or joint working relations between such States and be guided by the principle that ocean space shall be free for use by all States, without discrimination of any kind, on a basis of equality of opportunity. But, if it proves impractical for the license to be shared, the licensing authority shall determine which State Party to the Treaty shall receive the license with due regard given to the encouragement of the development of the technologically developing States.

"(c) A coastal State has a special interest in the conservation of the natural resources of the seabed and subsoil of ocean space adjacent to its territorial sea and continental shelf and this interest shall be taken into account by the licensing authority.

"(d) A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the natural resources of the seabed and subsoil of ocean space in that area, even though its agencies or nationals do not engage in exploration there or exploitation of its natural resources.

"(e) The exploration of the seabed and subsoil of ocean space and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

"(f) A State or international organization holding a license is obliged to undertake, in the area covered by such license, all appropriate measures for the protection of the living resources of the sea from harmful agents and shall pursue its actiivties so as to avoid the harmful contamination of the environment of such area.

"Article 17

"1. Subject to appropriate regulations prescribed by the licensing authority referred to in Article 13 and to the following provisions, a State or international organization holding a license shall be entitled to construct and maintain or operate on the seabed and subsoil of ocean space installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

"2. The safety zones referred to in this Article may extend to a distance of 500 metres radius around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

"3. Such installations and devices do not possess the status of islands and have no territorial sea of their own.

"4. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed by the State or international organization responsible for its construction.

"5. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international commerce and navigation.

"Article 18

"To the greatest extent feasible and practicable, the licensing authority referred to in Article 13 shall disseminate immediately and effectively information and data received by it from license owners regarding their activities in ocean space.

"Article 19

"If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals or non-governmental entities under a license issued pursuant to this Part would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and exploitation of ocean space, it shall undertake appropriate international consultations and obtain the consent of the licensing authority referred to in Article 13 before proceeding with such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party would cause potentially harmful interference with activities in the peaceful exploration and exploitation of submarine areas of ocean space may request consultation concerning the activity or experiment and submit a request for consideration of its complaint to the licensing authority, which may order that the activity or experiment shall be suspended, modified, or prohibited. Review of any such order shall be allowed in accordance with the provisions of Article 24.

"Article 20

"All stations, installations, equipment, and sea vehicles, machines, and capsules used on the seabed or in the subsoil of ocean space, whether manned or unmanned, shall be open to representatives of the licensing authority referred to in Article 13, except that if there is objection to this procedure by the licensee, such facilities shall be open only to the Sea Guard of the United Nations as set forth in Article 27 of this Treaty.

"Article 21

"Whenever a State Party to the Treaty or an international organization fails to comply with any of the provisions of a license issued to it under this Part, such license may be canceled by the licensing authority referred to in Article 13, upon thirty days notice to the State or international organization concerned, but subject to the right of the license owner to correct any failure of compliance within a reasonable period of time to be specified by the licensing authority, and, in any event, to request review of

the decision of the licensing authority as set forth in Article 24.

"Article 22

"Any dispute which may arise under this Part between States or international organizations holding licenses, or between license owners and the licensing authority referred to in Article 13, shall first be submitted for settlement by the licensing authority which shall determine its own procedure, assuring each party a full opportunity to be heard and to present its case.

"Article 23

"In all cases of disputes under this Part, whether among license owners or between license owners and the licensing authority referred to in Article 13, the licensing authority shall be empowered to make awards.

"Article 24

"1. In the case of any dispute under this Part, if the licensing authority shall not have rendered its decision within a reasonable period of time or if any party to a dispute under this Part desires review of the decision of the licensing authority, such dispute shall, at the request of any of the parties, be submitted to a standing review panel which shall consist of not more than three members to be appointed by the International Court of Justice. The decision of the licensing authority shall be final and binding upon all parties to a proceeding before it unless a request for a review of such decision is made under this Article within a period of thirty days from receipt by such parties of notice of such decision.

"2. No two members of the panel may be nationals of the same State. No member may participate in the decision of any case if he has previously taken part in such case in any capacity or if he is a national of any party involved in the case.

"3. Members of the panel shall serve at the pleasure of the International Court of Justice. The Court shall fix the salaries, allowances, and compensation of members of the panel. The expenses of the panel shall be borne by each party to proceedings before the panel in such a manner as shall be decided by the Court.

"4. The panel shall determine its own procedure, assuring each party to the proceeding a full opportunity to be heard ar d to present its case.

"5. The panel shall hear and determine each case within a period of ninety days from receipt of a request for review of such case, unless it decides, in case of necessity, to extend the time limit for a period not exceeding thirty additional days. The decision of the panel shall be by majority vote and shall be final and binding upon the parties to the proceeding; except that if any party to the proceeding desires review of the decision, or if the panel has failed to render its decision within the period prescribed in the preceding sentence, the case shall be within the compulsory jurisdiction of the International Court of Justice as contemplated by paragraph 1 of Article 36 of the Statute of the International Court of Justice, and may accordingly be brought before the Court by an application made by such party.

"PART IV

"USE OF SEABED AND SUBSOIL OF OCEAN SPACE FOR PEACEFUL PURPOSES ONLY

"Article 25

"1. The seabed and subsoil of submarine areas of ocean space shall be used for peaceful purposes only.

"2. The prohibitions of this Part shall not be construed to prevent—

"(A) the use of military personnel or equipment for scientific research or for any other peaceful purpose;

"(B) the temporary use or stationing of any military submarines on the seabed or subsoil of ocean space if such submarines are not primarily designed or intended for use or stationing on the seabed or subsoil of ocean space; or

"(C) the use or stationing of any device on or in the seabed or subsoil of ocean space which is designed and intended for purposes of submarine or weapons detection, identification, or tracking.

"Article 26

"1. Each of the States Parties to this Treaty undertakes to refrain from the implacement or installation on or in the seabed or subsoil of ocean space of any objects containing nuclear weapons or any kinds of weapons of mass destruction, or the stationing of such weapons on or in the seabed or subsoil of ocean space in any other manner.

"2. Each of the States Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in the conduct of the activities described in paragraph 1 of this Article.

"Article 27

"All stations, installations, equipment, and sea vehicles, machines, and capsules, whether manned or unmanned on the seabed or in the subsoil of ocean space shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity, but only with the consent of the State concerned. Such representatives shall give reasonable advance notice of a projected visit in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. All such facilities shall be open at any time to the Sea Guard of the United Nations referred to in Part VII of this Treaty, subject to the control of the Security Council as set forth in such Part.

"PART V

"REGULATIONS ON THE DISPOSAL OF RADIOACTIVE WASTE MATERIAL IN OCEAN SPACE

"Article 28

"The disposal of radioactive waste material in ocean space shall be subject to safety regulations to be prescribed by the International Atomic Energy Agency, in consultation with the licensing authority referred to in Article 13 of this Treaty.

"Article 29

"In the event of the conclusion of any other international agreements concerning the use of nuclear energy, including the disposal of radioactive waste material, to which all of the States Parties to the Treaty are parties, the rules established under such agreements shall apply in ocean space.

"PART VI

"LIMITS OF CONTINENTAL SHELF

"Article 30

"In order to assure freedom of the exploration and exploitation of ocean space and its resources as provided in this Treaty, there is a clear necessity that fixed limits must be set for defining the outer boundaries of the continental shelf of coastal States. For the purpose of the provisions of this Treaty, the term 'continental shelf' is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea to a depth of 550 metres, or to a distance of 50 miles from the baselines from which the breadth of the territorial sea is measured, whichever results in the greatest area of continental shelf, and (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands. In no case, however, shall the continental shelf be considered for such purpose to encompass an area greater than the area (exclusive of territorial sea) of the State or island to which it is adjacent. Recognizing the desirability of achieving agreement on unsettled questions relating to defining the boundaries of the continental shelf, States Parties to the Treaty undertake to accept any agreements which may be reached in the event a conference is convened to consider such questions as provided for in Article 13 of the Convention on the Continental Shelf, adopted at Geneva on 29 April 1958; and any agreement so reached shall become effective for purposes of this Treaty when approved by the conference.

"PART VII

"SEA GUARD

"Article 31

"In order to promote the objectives and ensure the observance of the provisions set forth in this Treaty, States Parties to the Treaty agree that there shall be established as a permanent force a Sea Guard of the United Nations which may take such action as may be necessary to maintain and enforce international compliance with these principles.

"Article 32

"The Sea Guard shall be under the control of the Security Council of the United Nations, in consultation with the licensing authority referred to in Article 13 of this Treaty. Paragraph 3 of Article 27 of the Charter of the United Nations shall be applicable to decisions of the Security Council made with respect to the Sea Guard. The licensing authority shall be responsible under the Security Council for the supervision of the Sea Guard in connection with the performance by the Sea Guard of such duties as the licensing authority may deem appropriate to assign or delegate to the Sea Guard for purposes of the implementation of Part III of this Treaty.

"Article 33

"States Parties to the Treaty are encouraged to provide to the Sea Guard such personnel and suitable scientific and sea patrol vessels as are necessary for the establishment and maintenance of the Sea Guard.

"PART VIII

"NATIONAL LAWS TO APPLY TO CRIMES IN OCEAN SPACE PENDING INTERNATIONAL AGREEMENT ON CODE OF CRIMINAL LAW

"Article 34

"Pending agreement upon an international code of law governing criminal activities in ocean space and the institution of an appropriate tribunal with jurisdiction over violations of such code of law, personnel of States Parties to the Treaty and nongovernmental entities of State Parties and international organizations engaged in activities of exploration or exploitation in ocean space shall be subject only to the jurisdiction of the State of which they are nationals or the State which bears responsibility for their activities in respect of all acts or omissions occurring while they are in ocean space, unless otherwise provided for by international law or in this Treaty.

"PART IX

"FINAL ARTICLES

"Article 35

"1. The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and exploitation of ocean space, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international intergovernmental organizations.

"2. Any practical questions arising in connection with activities carried on by international intergovernmental organizations in the exploration and exploitation of ocean space, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

"Article 36

"1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in

accordance with paragraph 3 of this Article may accede to it at any time.

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

"3. This Treaty shall enter into force upon the deposit of instruments of ratification by ten Governments including the Governments designated as Depositary Governments under this Treaty.

"4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

"5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

"6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

"Article 37

"Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

"Article 38

"Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

"Article 39

"This Treaty, of which the English, Russian, French, Spanish, Chinese, and Arabic texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

"In witness whereof the undersigned, duly authorized, have signed this Treaty.

"Done in triplicate, at the capital cities of the Depositary Governments at Washington, Moscow, and London, this ——— day of ——— one thousand nine hundred and ———.

"For the United States of America:

"For the Union of Soviet Socialist Republics:

"For the United Kingdom of Great Britain and Northern Ireland:"

Mr. PELL. In taking this course of action with a view to expediting international agreement on the use of the world ocean, I have been criticized by those who maintain that our present knowledge of ocean space is inadequate in terms of formulating sound legal principles for the establishment of an effective international regime. In this regard, some maintain that consideration of a legal framework for the development of ocean space must await further investigation and study, if not the complete findings of the proposed International Decade of Ocean Exploration, scheduled to begin in 1970.

In response to this view, I would like to reiterate a point which I have tried to make on several previous occasions: Science and technology incorporate interrelated processes which cannot be legitimately divorced from the political and diplomatic considerations to which they give rise. With respect to ocean space, it is clearly evident that diplomacy is being outpaced and international relations are being dangerously strained by the speed at which scientific and technological achievements are occurring.

Looking to recent events, I would inquire, was it necessary to orbit the moon before declaring, "The exploration and use of outer space shall be carried out for the benefit and in the interest of all countries"? Or was it necessary to probe Antarctica's storehouse of secrets before agreeing that this area shall be used exclusively for peaceful purposes?

While recognizing that the problems of Antarctica and outer space differ considerably from those of the oceans, I would urge, nevertheless, that the analogy is compelling and the need is strikingly similar.

At the risk of oversimplifying the major political issues involved in the ocean space question, I would offer two as being of overriding concern: First, how many nations will benefit from the exploitation of ocean space? Recognizing the preponderant position of the United States and the Soviet Union in the field of applied marine technology, and, as a result, the present inclination of several coastal States to extend their national jurisdiction seaward; and second, will this new environment become a spawning ground for still another generation of weapons of mass destruction? Combining these two questions, and being more direct, if not blunt, I would ask, do the technologically advanced nations—particularly the nuclear powers—believe that a new colonial era cast in cold war terms can be avoided without the establishment of a meaningful international arrangement to guarantee the orderly and peaceful development of this last frontier?—a frontier encompassing 71 percent of the globe—a portion of the globe rich in resources, which will be mined, farmed, and developed for all mankind, and made the subject of numerous quarrels and battles if we do nothing about it.

At this point, Mr. President, I think it is important to make reference to former Secretary of Defense Clark Clifford's budget statement of January 15, 1969; in that statement Mr. Clifford pointed out:

> We are requesting $20 million—

And $20 million is nothing compared with the ABM we have been talking about, but it is still an awful lot of money in my State, or any other State—

> in the FY 1970 budget to prepare for possible engineering development in FY 1971 of a new Undersea Long-Range Missile System (ULMS).

This is another antonym we are going to have to get used to using—ULMS.

> (About $5 million was provided in FY 1969 to initiate a study of such a system.)

Along this same line, I do not think it staggers the imagination to suggest that the Soviet Union is at least contemplating similar developments.

In this regard, I might say that I am strongly convinced that, unless action is taken immediately to ensure against such developments, the nuclear arms race will be shifted to the marine environment. One particularly hopeful sign is the recent placing of this issue on the agenda of the 18-nation Disarmament Committee; this committee is scheduled to meet in early March, and I would hope that President Nixon would take advantage of this opportunity and would pursue it with all of the intensity and vigor which a new administration has at its command. Hence, I would hope that the real goal of halting the nuclear arms race is not lost in empty concepts reminiscent of Social Darwinism, such as "survival of the fittest" or its modern version, "survival of the superior."

Mr. President, in offering these inquiries and observations with a view toward the future development of ocean space, I am suggesting only that knowledge cannot be substituted for the will to develop this frontier region in a peaceful and orderly manner—one which will take account of the responsibilities, the needs, the aspirations, and the limitations of all the nations of the world. Thus, as we ponder the vast potential of this last frontier, we would do well to remind ourselves that, unless our will is commensurate with our knowledge, international cooperation and understanding shall continue to be burdened with suspicion and mistrust.

In offering a draft treaty on ocean space, I have been guided by the principle that the international marine environment must be recognized as the legacy of all mankind. The principle was first enunciated more than 2 years ago by former President Johnson when he declared:

> We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings.

Official U.S. statements on this issue at the United Nations have consistently endorsed this principle.

Accordingly, my treaty proposal seeks to guarantee that ocean space will be explored and exploited in the interests of all mankind, that it will be free from national appropriation, that it will be devoid of a new generation of weapons of mass destruction; that it will be immune from atomic wastes and other pollutants, and that it will be developed in accordance with and respect for existing international law and the Charter of the United Nations. To give added meaning to these principles, I have suggested in my draft treaty the establishment of an international authority to license all exploration and exploitation of the ocean space environment; in addition, I have recommended the creation of an international Sea Guard to insure compliance with these principles and to work in concert with licensing authority.

Mr. President, in proposing this treaty, I have attempted to give solid meaning to the conviction that, unless man is forever to be a slave to his own technology, his political and diplomatic successes must march at least abreast of his technological achievements.

Critics of this thought have stated that the national interest of the United States in terms of the development of ocean

space demands that our potential undersea technological capability not be fettered by international political considerations.

In reply to this contention, I should like to recall some rather memorable words of the late Dag Hammarskjold:

> The question is not *either* the nation *or* the world. It is, rather, how to serve the world by service to our nation, and how to serve the nation by service to the world.

Thus, we must strive to understand the national interest in terms of the larger, more comprehensive international interest; this is the democratic imperative cast in a worldwide setting, and it is in this context that the development of ocean space must be charted.

In some respects, Mr. President, a hopeful beginning has been made: The last session of the General Assembly witnessed the creation of the United Nations Committee on the Peaceful Uses of the Seabed; in our own country, the President's Commission on Marine Science, Engineering, and Resources has issued its report, urging that the United States take the initiative in trying to reach worldwide agreement on a new international regime for the marine environment. In this regard, the Commission specifically cautions:

> Unless a new international framework is devised which removes the legal uncertainty from mineral resources exploration and exploitation in every area of the seabed and its subsoil, some venturesome governments and private entrepreneurs will act to create *faits accomplis* that will be difficult to undo, even though they adversely affect the interests of the United States and the international community.

In closing, Mr. President, let me express the belief that, as the major power in undersea technology, the United States has a special responsibility, one which demands that its diplomatic posture be as achievement oriented as that of its military-industrial complex. Such a posture clearly requires an unrelenting desire to establish an international framework which will guarantee the peaceful and orderly development of the extranational marine environment.

I offer this resolution in the hope that it may help to spark such a desire.

ADJOURNMENT UNTIL FRIDAY, FEBRUARY 7, 1969

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate today, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 6 o'clock and 53 minutes p.m.) the Senate adjourned until Friday, February 7, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4, 1969:

DEPARTMENT OF STATE

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

FEDERAL MEDIATION AND CONCILIATION DIRECTOR

James C. Counts, of California, to be Federal Mediation and Conciliation Director.

FARMERS HOME ADMINISTRATION

James V. Smith, of Oklahoma, to be Administrator of the Farmers Home Administration.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. William Frederick Cassidy, [redacted] Army of the United States (major general, U.S. Army).

Maj. Gen. Frederick James Clarke, [redacted], U.S. Army, for appointment as Chief of Engineers, U.S. Army, under the provisions of title 10, United States Code, section 3036.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Frederick James Clarke, [redacted], U.S. Army, in the grade of lieutenant general.

DEPARTMENT OF STATE

Joseph John Sisco, of Maryland, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

EXTENSIONS OF REMARKS

FRENCH PERFIDY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. EILBERG. Mr. Speaker, it has been widely known for many years that the Israel Air Force has relied almost completely on French equipment, Mirages, Mysteres, Super Mysteres, and Super-Nords.

President de Gaulle's recent embargo on arms to Israel is not only a callous attempt to trade an old alliance for new adventure, but seriously threatens whatever delicate balance of power exists in the Middle East.

In this latter respect, De Gaulle's action borders on provocation. It invites the Arab States to believe, mistakenly I must add, that Israel may not have the air might to defend itself. The risk of open conflict mounts.

The fact of the matter is that Israel will defend itself, with or without French arms. In uneven conflict Israel will fight to the last man, woman, and child staining those oil-rich sands with blood into millennium.

Now, the Nixon administration proposes to discuss with De Gaulle his solution to the Middle East problem, or should it be called, the Jewish question. Israel has proven itself, before God and man, to be a tough, persevering nation. They will not sacrifice on the altar of four-power diplomacy the blood of national achievement.

And if now, Israelis have only scorn and contempt for De Gaulle, they are not alone. Their brethren in America stand by them.

On Wednesday, January 29, Ambassador Charles Lucet of France visited his nation's consulate in my hometown, Philadelphia. On that occasion, the Jewish Community Relations Council of Greater Philadelphia, comprised of 34 metropolitanwide Jewish organizations, presented him this statement, reflecting the views of thousands of Philadelphia Jews.

I would like to enter this statement for the RECORD:

> This breach of faith in which the President of France again has turned on his friends and comforted their enemies will lead to more warfare that can embroil all of mankind. It will embolden Arab terrorists; strengthen Arab intransigence, and stifle Arab moderates. If his policy were to succeed, Israel would stand helpless against massive Soviet armaments in the hands of irresponsible Arab governments bent on Israel's annihilation.
>
> We will not be passive spectators to this treacherous policy. As accusing fingers, we will stand vigil in the weeks ahead in the shadow of the French Consulate so that all Philadelphians will become aware of De Gaulle's perfidy.
>
> We will not try to dissuade—even if we could—those whose anger compels them to bypass France in their travel plans.
>
> Nor will we try to discourage—even if we could—potential customers from seeking alternatives to French government-owned businesses such as Air France and Renault.
>
> Whether we go beyond this depends upon future circumstances.
>
> The world knows this infamous policy is the work of one man. And so we do not seek to penalize the people of France. We know that the French people are our strongest allies in this struggle. We know they share our shock at this betrayal of France's traditional policy of friendship toward Israel and the Jewish people. We are confident that ultimately their will shall prevail.

USE OF DRAFTEES IN UNDECLARED WARS

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. GILBERT. Mr. Speaker, I am proud to cosponsor a bill to prohibit the sending of draftees to fight in undeclared wars without their consent.

It is bad enough, Mr. Speaker, that the power to declare war has, for all intents and purposes, been snatched away from the Congress by the executive branch, despite the specific provisions of the Constitution.

It is even worse that we tolerate the sending of boys into undeclared wars, though we in Congress ourselves assume none of the responsibility for it.

I am not here asking an end to the draft. But I do think that if the Executive decides to send the soldiers, on its own initiative, to risk being killed in